

NORTH HERTFORDSHIRE DISTRICT COUNCIL



18 November 2022

Our Ref Planning Control Committee/1 Dec 2022
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To: Members of the Committee: Val Bryant (Chair), Tom Tyson (Vice-Chair), Alistair Willoughby, Daniel Allen, David Levett, Ian Moody, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Terry Tyler, Tony Hunter and Phil Weeder

Substitutes: Councillors Adam Compton, Amy Allen, Carol Stanier, George Davies, Michael Muir, Nigel Mason and Steve Jarvis

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

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

On

THURSDAY, 1ST DECEMBER, 2022 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL
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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 - 20 SEPTEMBER 2022	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 20 September 2022.	(Pages 5 - 18)
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. 18/01502/OP LAND BETWEEN ROYSTON ROAD AND, CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop	(Pages 19 - 92)

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|-----|--|-------------------------|
| 7. | 22/00927/FP 20 HIGH STREET, BALDOCK, HERTFORDSHIRE, SG7 6AX
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
93 - 106) |
| | Temporary change of use for three years of ground floor hotel restaurant to residential sheltered housing accommodation to provide 10 en-suite rooms and ancillary facilities, with internal and external alterations | |
| 8. | 22/01498/FP 20 HIGH STREET, BALDOCK, HERTFORDSHIRE, SG7 6AX
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
107 -
120) |
| | Retention of change of use of first and second floors to residential sheltered housing accommodation to provide 19 en-suite rooms and one office for a temporary period of three years | |
| 9. | 21/02796/FP 59 - 61 WALSWORTH ROAD, HITCHIN, HERTFORDSHIRE, SG4 9SX
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
121 -
144) |
| | Erection of mixed use building comprising of 330sq.m commercial floor space at ground floor with 10 no. residential apartments at first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings. | |
| 10. | 22/01990/PNAA 34 ROYAL OAK LANE, PIRTON, HITCHIN, HERTFORDSHIRE, SG5 3QT
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
145 -
156) |
| | Enlargement of detached bungalow by the construction of an additional storey to result in an overall height of 8.48 metres (overall height reduced from 9.48 metres as amended by plan received 07/09/22) | |

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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, GERNOH
ROAD, LETCHWORTH, SG6 3JF

ON TUESDAY, 20TH SEPTEMBER, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Daniel Allen, David Levett, Morgan Derbyshire, Terry Tyler, Amy Allen, Michael Muir, Nigel Mason and Tony Hunter*

In Attendance: *Simon Ellis (Development and Conservation Manager), William Edwards (Committee, Member and Scrutiny Manager), James Lovegrove (Committee, Member and Scrutiny Officer), Mark Simmons (Conservation Officer) and Anne McDonald (Principal Planning Officer)*

Also Present: *At the commencement of the meeting approximately 50 members of the public, including registered speakers and approximately 6 members of the public in an side room.*

1 APOLOGIES FOR ABSENCE

Audio recording – 59 seconds

Apologies for absence were received from Councillors Alistair Willoughby, Simon Bloxham, Sean Nolan and Ian Moody.

Having given due notice Councillor Amy Allen substituted for Councillor Alistair Willoughby, Councillor Michael Muir substituted for Councillor Simon Bloxham and Councillor Nigel Mason substituted for Councillor Sean Nolan.

Councillor Phil Weeder was absent.

2 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minutes 37 seconds

There was no other business notified.

3 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 41 seconds

- (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 clarified matters concerning times to speak for Members and Registered Speakers.

4 PUBLIC PARTICIPATION

Audio recording – 3 minutes

The Chair confirmed that the 5 Member Advocates and 7 registered public speakers were in attendance.

5 18/01502/OP - LAND BETWEEN ROYSTON ROAD AND, CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE

Audio recording – 4 minutes 05 seconds

Councillor Tony Hunter declared he was predetermined on this item due to comments he had previously made in the consultation process. He advised that he would move to the public gallery where he would speak as Member Advocate against the item, before leaving the Chamber for the remainder of this item.

Following a request on behalf of Barkway Parish Council for a recorded vote, the Chair took advice and confirmed that this request could not be made by a Parish Council. However, a Member Advocate or member of the Committee could make this request.

Councillor Gerald Morris called for a recorded vote on this item.

The Senior Planning Officer advised of the following updates:

- Following notification of errors in the report, labelling on the plans and three of the Highways conditions had been updated.
- Confirmed that the meeting had been called legally and was in line with advice surrounding meetings during the official mourning period.
- The Local Plan Inspectors Report had been received and sections relevant to this application had been supplied as an addendum.
- Newsells Park Stud had provided a document which had been circulated to Members ahead of the meeting.

The Senior Planning Officer presented the report in respect of application 18/01502/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Michael Muir
- Councillor Tom Tyson
- Councillor Nigel Mason

In response to questions, the Senior Planning Officer advised:

- Herts County Council owned the reserved school site, but the rest of the site is owned by the applicant. The reserved school site was not part of this application.
- There had been no response from Herts Ecology so far, despite Officer communications.
- Herts Ecology had three options, they could respond with no objections, they could have concerns that need addressing and this would be done alongside the applicant and they could object in principle, in which case the application would return to the Planning Control Committee.

The Chair invited Mr Julian Dollar and Ms Jacqueline Veater to speak against the application and advised they had been allocated 10 minutes to share.

Mr Dollar thanked the Chair for the opportunity to speak and advised the Committee of the following:

- He had been involved in Stud breeding for 25 years, and manager at Newsells Park Stud for the last 16 years.
- The Newsells Park Stud is one of the most successful stud farms in the UK, with an international reputation.
- The stud employs 42 people, the majority of who live on the site and support local businesses.
- The stud purchases goods and materials from local suppliers and has taken a keen interest in the local community, especially through support provided to the local school.
- The land bordering the BK3 site is the most suitable for raising foals and was the reason for the stud being established 100 years ago. The newer land is not of as good quality for the raising of foals.
- The development of site BK3 would be detrimental to the rearing of horses, as these are animals which react to noise, and there were no measures possible to mitigate against this. This would further cause risk of accident, with horses reacting to additional noises and disturbances.
- There would be an increase in footfall on the bridleway and therefore further land owned by the stud would be unsuitable for use by horses.
- Riders would be put at additional risk due to the route of the bridleway through the proposed development site.
- They understand the need for houses in North Herts, but the small village of Barkway is not suitable.

Ms Veater thanked the Chair for the opportunity to speak and advised the Committee of the following:

- The development is unwanted by the District Councillors, County Councillor, Barkway Parish Council and Barkway residents.
- The British Horse Society, the Ramblers and the Friends of the River Quin are against the proposals due to the destruction of the environment.
- The site owner has not taken into account the issues raised in consultation.
- The Parish Council would continue to object to this application, and would support the District Council should they wish to refuse the application and are taken to appeal.
- The housing requirement on the Council has changed and been reduced by 2,500 homes, the 140 homes in Barkway could form part of this reduction.
- Thames Water had stated that the sewage treatment infrastructure could not support the development and there is insufficient information is available to ensure the River Quin is protected from raw sewage overflow.
- Newsells Stud is central to the village and a part of the local economy and this development threatens its existence.
- BK3 does not trigger the need for a school, as has been maintained by the County Council. Without a school the sustainability of the site had been further reduced.
- Proposals for a convenience store may not be sustainable in the long run, but it will have an impact on the store in neighbouring Barley.
- Suggested additional wording to be included within the conditions and made further suggestions of a conditions to be added to the application.
- The Parish Council requested that, if permission was granted, they were consulted on all reserved matters application so they can assist the District Council to minimise the negative impact on Barkway.

In response to a point of clarification from Councillor David Levett, Ms Veater advised that she was unsure whether there was a specific objection from Thames Water, but they have said that the current infrastructure is unable to deal with the additional housing. This is reflected in the experience of village residents.

The Chair thanked Mr Dollar and Ms Veater for their contribution.

The Chair invited Councillor Gerald Morris and Councillor Tony Hunter to speak against the application as Member Advocates and advised they had been allocated 10 minutes to share.

Councillor Morris thanked the Chair for the opportunity to speak and advised the Committee of the following:

- The agenda had been published on the day of The Queen's death and it would have been more suitable to delay the meeting to allow the Parish Council to fully discuss proposals.
- Last year there were 734 hours of raw sewage discharge into the Barkway source of the River Quin.
- Environmental Protection and the Environment Agency had not been consulted on these proposals.
- The supplementary document does not refer to the reduction of 2,500 houses in North Herts, and these 140 proposed houses could form part of this.
- Details of his consultation response had been limited to four lines in the report and were not reflective of the entire response.
- There was already an existing, ancient green corridor on the site, which supported wildlife that would be impacted by this development.
- The County Council requested the British Horse Society be consulted by the developer, but this would be too late. The Parish Council consulted them and they objected.
- The Officer suggests that the school does not need to be developed at the same time as the rest of the development. Previously this was a reason for rejection, as piecemeal development was not seen as suitable, and those concerns remain.
- There were no business plans for the shop on site and no impact assessment on the shop in neighbouring Barley.
- There has been no Section 106 agreement.
- No amount of signage would stop the impact of 140 families, some with dogs, would prevent the impact on the neighbouring street.
- Overall the development would harm jobs, destroy existing wildlife corridors and would damage the environment.

Councillor Hunter thanked the Chair for the opportunity to speak and advised the Committee of the following:

- He had always believed this site would be decided as unsuitable before reaching the Committee, and this view had been previously supported by Planning Officers.
- It is not sustainable to add 140 houses to the outskirts of a village and sets a dangerous precedent across North Herts.
- The local surgery is already full, meaning new residents would have to travel.
- Educational provision would be provided in Barley, Buntingford and Royston, further exacerbating issues.
- The bus service in the village is almost non-existent and the minibus used by the school is for school visits.
- There were several parts of the NPPF which could be used as reasons for rejecting this development.
- The Inspectors report on the Local Plan suggested the school would be triggered at some point, but the County Council have confirmed there are spaces in existing schools and this trigger point could be reached after this Local Plan had expired.
- This development is being considered due to North Herts lack of a five year land supply for housing, but the tilted balance does not support 140 homes in the middle of the countryside.
- This application should be refused so it does not become standard.

There were no points of clarification from Members for Councillors Morris and Hunter, and the Chair thanked them for their contribution.

The Chair invited Mr David Fletcher to speak in support of the application and advised he had been allocated 10 minutes.

Mr Fletcher thanked the Chair from the opportunity to speak and advised the Committee of the following:

- The application had been subject to long period of engagement with Planning Officers, Highways, HCC Education and Thames Water.
- This site is included within the Local Plan and the Planning Inspector's report says this is required to meet demands.
- The BK3 site is one of the few remaining undeveloped sites that is not within the Green Belt.
- Applicants have worked with Officers to meet master planning requirements, including a 15m landscape buffer to the northern boundary with Newsells Park Stud, provision for a village square open space with good pedestrian access to existing village, maintenance of setback dwellings on eastern side and a lower density of housing on this side as required.
- The development would also contribute towards the building of a new community sport hall in the village.
- There was no objection from Thames Water, however in discussions they have acknowledged that there would be a requirement to upgrade the water works in Barkway. There is a statutory duty on Thames Water to make those upgrades.
- Newsells Park Stud had been sold during the application period and, if there was an impact on the viability of the stud, this would have been identified in due diligence checks at this stage.
- The Planning Inspector's report had taken into account Newsells Park Stud.
- Internal ecologists had completed their own assessments and found no issues, so it was not expected that HCC Ecology would have any objections.
- Should consent be granted there was a desire to work with the Parish Council.

In response to a point of clarification from Councillor Tom Tyson, Mr Fletcher advised:

- The statutory duty is on Thames Water to complete necessary upgrades.
- Discussions with Thames Water had included a phasing of the development, only allowing certain dwellings to be completed until upgrades had taken place.
- There was no timeframe set, but it would be determined by the speed at which the site is developed.
- Both parties had a good idea of what was required, but this needed to be formalised.

N.B. Councillor Tony Hunter left the room following the conclusion of the public speakers.

The following Members took part in the debate:

- Councillor Michael Muir
- Councillor David Levett

Points raised in the debate included:

- HCC Education work on the rough basis that 500 houses would mean that a new form would be required at the local school, so this site would not meet that criteria.
- Ecology and sustainability were of particular concern.
- The bus service was in existence when the site was allocated, but the service has been significantly reduced.

- No response had been received from Herts Ecology and this is a key issue to consider. It would be inappropriate to move ahead with this without a response on this.
- There was too much still open ended with the application, which needed to be addressed before a decision.
- The condition on Thames Water could be strengthened.

In response to points raised in the debate, the Development and Conservation Manager advised that it was possible to defer until Herts Ecology had provided their response. This would not cause more expense to the applicant and it was unlikely in this case they would appeal against non-determination. If there was an additional burden put on applicant, as would be the case if it was deferred due to Thames Water concerns, this would be more likely to go to appeal. The most suitable deferral would be to wait for Herts Ecology response and it would be brought back to the Committee.

Councillor David Levett proposed and Councillor Amy Allen seconded and the result of the vote was as follows:

YES: 6
ABSTAIN: 1
NO: 1
TOTAL: 8

The individual votes were as follows:

Cllr Terry Tyler	YES
Cllr Val Bryant	YES
Cllr Amy Allen	YES
Cllr David Levett	YES
Cllr Morgan Derbyshire	YES
Cllr Nigel Mason	YES
Cllr Daniel Allen	NO
Cllr Tom Tyson	ABSTAIN
Cllr Michael Muir	
Cllr Tony Hunter	

Therefore, it was:

RESOLVED: That application 18/01502/OP be **DEFERRED** until a response had been received from Herts Ecology.

N.B. The Chair allowed a 5 minute break following the conclusion of Agenda Item 5.

6 22/00170/FP - THE LORD LISTER HOTEL, 1 PARK STREET, HITCHIN, HERTFORDSHIRE, SG4 9AH

Audio recording – 66 minutes 04 seconds

Councillor David Levett noted for the Committee that the Overview and Scrutiny Committee had made a call to account to explore how the Urgent Decision was taken. This call to account would take place at the Extraordinary Overview and Scrutiny meeting on Wednesday 28 September. While this would not take into account the planning decisions, in the interest of transparency, he would recuse himself from the Committee and sit in the public gallery.

The Development and Conservation Manager advised that there was one correction to the report, in which paragraph 4.1.1 referred to 24 bedrooms, this should be 21 bedrooms.

The Conservation and Development Manager presented the report in respect of application 22/00170/FP supported by a visual presentation consisting of photographs and plans.

In response to a question from Councillor Daniel Allen, the Development and Conservation Manager confirmed that secondary glazing had not yet been installed as it would require Listed Building Consent, as requested in Item 7 tonight.

The Chair invited Mr Scot Moir and Ms Emily Best-English to speak against the application.

Mr Moir thanked the Chair for the opportunity to address the Committee and advised the Committee of the following:

- He was a neighbouring resident to the Lord Lister hotel, joined by Ms Best-English who was the landlady at the Half Moon pub.
- At the previous meeting it was confirmed that this was accommodation with support and this was a relevant planning consideration, but the 24/7 support was only temporary.
- Keystage have plans to install kitchenettes in rooms which would turn them into self-sustained flats.
- There was a lack of amenity space in the building, with one shared kitchen between all residents and no specific place to eat.
- The proposals should be safe, accessible and inclusive, but there is no separate female accommodation, no wheelchair access throughout the site and the bathrooms were not accessible. This means these proposals fail to provide accommodation suitable for all.
- The Secure by Design measures means the waste bins would be 30m from the boundary of the property, contrary to North Herts Council policy, and collection of these would cause obstructions on the public highways.
- There is no access for emergency vehicles, who have frequent attendance on site.
- The Highways consultee had acknowledged that the sites vehicle access was narrow, with no details of how access via the gate would work.

Ms Best-English thanked the Chair for the opportunity to address the Committee and advised the Committee of the following:

- She had owned the pub for 5 years and the change of use of Lord Lister has had a negative impact on the business and the lives of local residents.
- Regular pub users were no longer attending, musicians no longer wanted to perform following abuse and there was a loss of revenue from hotel residents.
- Bradshaw and Johnson Accountants had prepared a financial statement comparing revenue from 3 months when the Lord Lister operated as a hotel, compared to 3 months when it was in its current use. This statement noted that over £32k revenue had been lost at the pub over these two periods.

In response to a point of clarification from Councillor Daniel Allen, Ms Best-English advised that emergency vehicles had no clear access to the Lord Lister hotel, which frequently meant they were required to park in front of the Half Moon pub. The installation of the gate will further exacerbate the situation.

The Chair thanked Mr Moir and Ms Best-English for their contribution.

The Chair invited Councillor Keith Hoskins, Councillor Claire Strong and Councillor Sam Collins to speak against the application as Member Advocates.

Councillor Hoskins thanked the Chair for the opportunity to speak and advised the Committee of the following:

- Nothing further had been added to this application to change views when previously brought to the Committee.
- The range of objections show that these are not speculative, but born of experience over the last 10 months.
- Police figures have demonstrated that anti-social behaviour incidents related to the Lord Lister had increased.
- The requirement to address homelessness should not be a reason to approve a scheme in the wrong place.

Councillor Strong thanked the Chair for the opportunity to speak and advised the Committee of the following:

- This was called in following the public interest in this item.
- According to the Development and Conservation Manager, the management of the site and the residents are not planning matters, with a view that the use of hotels and hostels are broadly similar. But this fails to address concerns that the Lord Lister is the right location for this facility.
- In planning training, Members are advised to examine what needs protecting and what mitigations can be put in place.
- The anti-social behaviour reports have increased, 25 this February compared to 0 last February.
- The example provided in the report is not relevant to the Lord Lister application.
- Contrary to point D3 of the Local Plan.
- Insufficient consultation has been done with the local community.

Councillor Collins thanked the Chair for the opportunity to speak and advised the Committee of the following:

- Evidence demonstrated that anti-social behaviour had increased in the area and this is a reason for rejecting the application, due to fear of crime.
- The appeal and planning example provided is not relevant to this application.
- Further details had been circulated to Members ahead of the meeting.
- Requested that EV charging points be installed in the car park.

The Chair confirmed that the pack sent to Members referred to by Cllr Collins was sent very late and may have been missed by Members.

The following Members asked points of clarification:

- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Morgan Derbyshire
- Councillor Tony Hunter

The points of clarification raised were regarding the anti-social behaviour figures provided for the report by the Police. It was clarified by the Chair that the figures quoted in the report would have to be taken as fact, as these had been provided directly from the Police consultee. The Chair read an email from the Police consultee who confirmed the date ranges of the figures provided.

The Chair thanked Councillors Hoskins, Strong and Collins for their contribution.

The Chair invited Ms Toni Nye and Mr James O'Grady to speak in support of the application.

Ms Nye thanked the Chair for the opportunity to speak and advised the Committee of the following:

- As detailed in 2021 North Herts supported 150 people experiencing homelessness into hotels, with 25 of these supported by Keystage.
- Placements so far have been in hotels which are usually isolated or lacking in support for residents.
- This location is suitable due to its town centre location, with good access to services and transport.
- Placing people into hotels outside of the area for long periods of time will lead to further isolation and is inappropriate.
- The lounge is a multi-use space for various activities, including learning and development programmes, as well as socialising.
- The site offers a holistic space to provide access for key support workers.
- Staff are provided with comprehensive training, with ongoing development, to meet the needs of the residents.
- There is 24/7 support on site, with further support from statutory bodies and authorities.

Mr O'Grady thanked the Chair for the opportunity to speak and advised the Committee of the following:

- There had been no objections from any consultees on this application and the police were in support.
- The Local Authority has verified 5 homeless people per month, with a need to continue to find support in suitable locations for these people.
- 3 homeless people had taken their own lives in the area since 2021, before they could be provided support, one of these since the meeting at which this application was deferred.

The following Members asked points of clarification:

- Councillor Daniel Allen
- Councillor Amy Allen

In response to points of clarification, the supporters advised:

- There was a plan to install kitchenettes in the rooms, but the main communal kitchen space would remain. It was expected that the kitchenettes would be in support of the main kitchen area, not instead of it, and residents would retain access to this.
- The intention is to continue to provide 24/7 support, but this is not a clinical or regulated service.

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

- The police figures were clarified in the letter included in the appendix to the report, where it was confirmed it covered an 18 month period. He acknowledged that it should be 20% of incidents during this time were related to Lord Lister, not 14% as written.
- Members have to assume that other statutory bodies will do their job effectively.
- If Members put an emphasis on the anti-social behaviour figures, they would need to give equal emphasis to the memo detailing homelessness requirements in the district.
- This is for temporary accommodation for people in need, so the accessibility and access requirements for housing or flats do not apply.

The following Members took part in the debate:

- Councillor Daniel Allen

- Councillor Tom Tyson
- Councillor Tony Hunter

Points raised in the debate included:

- This was an important service being provided to deal with a desperate situation regarding homelessness.
- There did not appear to be sufficient planning reason to reject lifesaving opportunities for vulnerable people.
- The service was vital to support vulnerable people, but there were reservations regarding how the site was identified.

Councillor Daniel Allen proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 22/00170/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager.

7 22/00171/LBC - THE LORD LISTER HOTEL, 1 PARK STREET, HITCHIN, HERTFORDSHIRE, SG4 9AH

Audio recording – 108 minutes 23 seconds

The Conservation Officer advised Members of the following updates:

- HCC Archaeological representatives have removed the requirement for a written scheme of investigation, on the basis there is little to no archaeological implication of this scheme.
- The Lavata Group had provided a report which clarified certain points.
- As confirmed, the report should refer to 21 bedrooms on site, not 24.

The Conservation Officer presented the report in respect of application 22/00171/LBC supported by a visual presentation consisting of photographs and plans.

N.B. Councillor David Levett left the meeting at 21.35.

In response to a question from Councillor Amy Allen, the Conservation Officer confirmed that the installation of the gates would be set back to the rear of the carriage entrance.

The Chair invited Mr Scot Moir to speak against the application.

Mr Moir thanked the Chair for the opportunity to address the Committee and advised of the following:

- It was not possible for Members to make this decision when no information had been provided on how the gate would look or be installed. It would have to be attached to the building itself with metal.
- If the gates cannot be affixed, then the Secure by Design measures cannot be adhered to.
- Secondary glazing is only to be installed on 22 windows, with 9 windows in the main building and 4 in the annexe remaining without secondary glazing, therefore noise from these rooms will not be limited.
- Ventilation should be considered and the only option for this it to open windows, which leads to noise for neighbouring properties. This will only be made worse with the installation of kitchenettes.
- Environmental Health consultee recommends refusal as no noise assessment has been carried out in accordance with guidance.

- The following conditions should be considered; if Keystage cease providing temporary accommodation the building should return to its last use as a hotel, Keystage to provide a definition of what constitutes 24/7 support, all Secure by Design measures to be installed and operational within 3 months, and Keystage to make good damage done to the exterior of the building.

In response to a point of clarification from Councillor Daniel Allen, Mr Moir advised that Environmental Health had recommended that the building not be occupied until a noise assessment could be carried out. The Conservation and Development Manager confirmed that they had originally made this recommendation, but that it had been withdrawn, with details of this provided in the appendix.

The Chair thanked Mr Moir for his contribution.

The Chair invited Councillor Sam Collins to speak against the application as Member Advocate.

Councillor Collins thanked the Chair for the opportunity to speak and advised the Committee of the following:

- He was surprised to see the objections from Herts Archaeology had been withdrawn, without detailed investigation.
- The installation of the gate would not be possible without disturbing what is underneath.
- If permission was granted, it would be for a building, the Manager's flat, that does not exist as detailed in the report.
- Questions remained about the retention of the name Lord Lister.
- The proposed installation of kitchenettes in the rooms is not detailed in this application. The installation of these would not be "light-touch".
- Due to the inclusion of the flat in the report means that the information in the report is inaccurate and therefore cannot be approved.

In response to points raised, the Conservation Officer advised that reference to the flat that does not exist had been previously addressed. This was made in the statement in January 2022, but was inaccurate at the time and had been clarified for Members since.

The Chair thanked Councillor Collins for his contribution.

The Chair invited Mr James O'Grady to speak in support of the application.

Mr O'Grady thanked the Chair for the opportunity to speak and advised the Committee of the following:

- The Conservation Officer had determined that the works would not damage the listed building.
- There was evidence that historically there was a gate on the Lord Lister archway, as demonstrated by hooks and awnings still in place.
- The gate will be set back 4.8m from the entrance and can be installed independently of buildings either side.
- The Half Moon pub has a gated entrance set back from the road, which was not original element of the building.
- The dwelling next door was granted Listed Building Consent in 2012 to facilitate works to convert from office to residential, which would have required far more disturbance than proposed at Lord Lister.
- The installation of shutters is acceptable.
- One CCTV camera was in place at the front of the building when it was a hotel and this will be added to.

- Windows on the ground floor will have blinds, with security film applied inside to the secondary glazing.
- No objection from Herts County Council, other than to request an internal photographic record prior to any changes.

The Chair clarified for Members the updates provided at the Planning Control Meeting on 23 June 2022 regarding the correction of the number of bedrooms and the removal of reference to the Manager's flat.

In response to points raised, the Conservation Officer advised:

- If the gate was installed with free-standing posts, then it would remove it from the Listed Building Consent application and would become a planning matter. If attached to the listed building, it would require Listed Building Consent.
- An additional condition could be added to require detail of the construction and installation of the gate.
- The kitchenettes are not referred to as they are not part of this application. If this was intended at a later stage then further Listed Building Consent would be required if the kitchenettes are deemed to affect the listed building's special character.
- The name itself is not part of the special character of the listed building and there were numerous examples of listed buildings changing their name, such as The Cock PH to Cinnabar, Hitchin.

Councillor Michael Muir thanked the Officer for the detailed report and updates provided at the meeting.

Councillor Michael Muir proposed to grant the planning permission. Councillor Daniel Allen advised he would second the proposal if Councillor Muir would include a condition regarding the installation of the gate. Councillor Muir agreed to this additional condition.

Councillor Michael Muir proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 22/00171/LBC be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager and the following additional condition:

"Condition 5

Document entitled 'Gate installations works' dated 1 December 2021 by Firelec Securelec states that the single leaf swing gate will have manual operation (including a manual key lock into the catchment post) whilst at 4.3 and 6.8 of the submitted Design, Access and Planning Statement January 2022 it states that the gate will be controlled 'electronically'. For the avoidance of doubt, full details of method of operating this gate together with a 1:20 scale elevation indicating the design of the gate and method of installation including whether the gate is to be mechanically fixed directly to the building or to posts that are themselves fixed to the building or to free-standing posts, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation and commissioning of the gate. If fixed directly to the listed building, further larger scale plans confirming the mechanical fixing detail shall also be submitted to and approved in writing by the Local Planning Authority prior to the installation and commissioning of the gate. Once approved the gate shall be implemented in accordance with the approved details and thereafter retained and maintained for the lifespan of the current use of the building to the satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990."

N.B. Following the conclusion of this item, the Chair allowed a short comfort break and the meeting restarted at 22.08.

8 CURRENT ENFORCEMENT NOTICES

Audio recording – 153 minutes 34 seconds

The Conservation and Development Manager presented the report entitled 'Current Enforcement Notices' and advised there were no further updates.

There were no questions from Members and the report was noted by the Committee.

9 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 154 minutes

Councillor Val Bryant, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves 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).

10 CURRENT ENFORCEMENT ACTIONS

Details of decisions taken on this item are restricted due to the disclosure of exempt information as defined in Paragraph 5 and 7 of Part 1 of Schedule 12A of Section 200A(4) of the Local Government Act 1972.

The meeting closed at 10.11 pm

Chair

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<u>Location:</u>	Land Between Royston Road And Cambridge Road Barkway Hertfordshire
<u>Applicant:</u>	Mr Robert Rand
<u>Proposal:</u>	Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop.
<u>Ref. No:</u>	18/01502/OP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 06.09.2018

Reason for Delay

The application was put on hold while the Local Plan 2011 – 2031 was progressed and then was deferred from the September 2022 PCC meeting on the basis of a lack of a response from HCC Ecology.

Reason for Referral to Committee

The site area at 7.3 ha is greater than 0.5 ha and as the proposal is for residential re-development, in accordance with the Council's constitution the application is being presented to Planning Control Committee for determination.

1.0 Policies

1.1 National Planning Policy Framework February 2019:

1.2 In general and with regard to:

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

1.3 Supplementary Planning Document.

SPD – Vehicle Parking at New Developments;
SPD – Planning Obligations;.

1.4 North Hertfordshire District Local Plan 2011-2031

SP1 - Sustainable development in North Hertfordshire;
SP2 - Settlement Hierarchy;
SP8 - Housing;
SP9 - Design and Sustainability;
SP10 - Healthy Communities;
SP11 - Natural resources and sustainability;
SP12 - Green infrastructure, biodiversity and landscape;
SP13 - Historic Environment;
T2 – Parking;
HS1 - Local Housing Allocations
HS2 - Affordable housing;
HS3 - Housing mix;
D1 - Sustainable design;
D3 - Protecting living conditions;
D4 - Air quality;
NE1 – Strategic green infrastructure;
NE2 – Landscape;
NE4 – Biodiversity and geological sites;
NE6 – New and improved open space;
NE7 – Reducing flood risk;
NE8 – Sustainable drainage systems;
NE10 – Water conservation and wastewater infrastructure;
HE4 - Archaeology.

2.0 **Site History**

- 2.1 16/02759/1 – Outline application with all matters reserved other than strategic point of access onto Royston Road for the erection of up to 100 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage. The application was recommended for refusal for four reasons (which are set out below), but was withdrawn before the application was presented to Planning Control committee and determined.

3.0 **Representations**

- 3.1 **Barkway Parish Council** – comments from 2018 - the Planning Statement is entirely reliant on the designation of the site for residential development in the Submission Local Plan, site BK3. However, this plan is not yet concluded and there have been, and continue to be, objections to the designation of this site. The Plan has not yet been found sound or adopted. Consequently the weight which it can be afforded to it remains limited. The application must be considered against Local Plan no.2 and the NPPF.
- 3.2 We have objected to the allocation of BK3 on the basis that it would have a harmful impact on the countryside and environment. The proposals are of an excessive scale in terms of the size and character of Barkway and is in an unsustainable location, particularly with respect to access to employment, services and facilities without the use of private vehicles. These are all contrary to both the policies in the NPPF and the Local Plan no.2 and the Submission Local Plan.
- 3.3 The absence of the five-year housing land supply does not excuse the developer from applying the core principles of the NPPF which clearly state the 'presumption in favour

of sustainable development'. We believe that the proposed development is unsuitable and the adverse impacts outweigh the benefits when assessed against the terms of the Framework as a whole.

- 3.4 The development has not undertaken proper community involvement, but has referred to a document which was submitted with the previous application on just three-fifths of the site to which over 96% of the population objected.
- 3.5 The 2016 application was recommended for refusal. One reason was that the school site separates the houses from the village. This application has not overcome this reason for refusal.
- 3.6 In 2013 SHLAA the site failed to be included for consideration and only two sites in Barkway with an estimate of 31 new dwellings were proposed. That estimate then almost quadrupled in the final draft. No explanation has come forward from the Council as to why the site suddenly became suitable, how it overcome the earlier barriers to inclusion or why it was acceptable to increase the population of Barkway by over 60%. As the Submission Plan has not been approved the site is therefore outside of the Housing Development Boundary and should be rejected.
- 3.7 The development of 140 homes is wholly disproportion in size to the existing village and will lead to a major increase in the use of private vehicles to access the amenities and employment, creating an isolated housing estate on the periphery of the community, a dormitory estate for employment sources elsewhere. The reserved site for a school further separates the development from the village.
- 3.8 The site is on the Chiltern Ridge. This application is in contravention of NHDC's own policy of protecting this area which, if accepted and developed, would come with associated street lighting on the ridge itself. This would be visible for some 30 miles to the north.
- 3.9 A full archaeology study needs to be undertaken and only doing the study on the west part of the site is not sufficient.
- 3.10 Detailed updated comments submitted in August 2022 have been received. The main representation (not its appendices which can be viewed on the Council's website) is attached at Appendix 1. In addition to the comments above objections are raised with regards to the capacity of the local sewage network and concern regarding impact on the River Quin due to raw sewage being 'spilled' into the watercourse.
- 3.11 **Reed Parish Council** – objects to the application for the following reasons:
 - The number of proposed houses is grossly disproportionate and not sustainable in a village the size of Barkway with its existing amenities. It is disproportionate given that Barkway is already assimilating new houses on a number of sites already. We raise no objection to new housing on sites which can be suitably absorbed and in numbers which limit damage to the character of the village as a rural settlement;
 - The application should be rejected on the grounds of prematurity;
 - The proposed location is entirely unsuitable for 140 new houses or anything like that number. It would deform and deface the character of a beautiful valley at the end of the Chiltern ridge. The proposal should be rejected on environmental and aesthetic grounds;
 - There would be specific and adverse impact on Reed from the permanent and unsuitable increase in traffic on The Joint, which is the link between Reed and Barkway. A conservative estimate of the number of private vehicles associated with 140 new houses is 200. Such an increase in Barkway itself and on The Joint is not suitable.

A 2022 update has been submitted, which in addition to the above also objects for the following reasons:

- Concern about the over-extraction of water from the local chalk streams as well as the disposal of sewage in the stream.
- Consider that the local road network is not suitable for large numbers of new cars or for the construction traffic which will be a nuisance on the local roads.
- No viability assessment has been submitted for the shop and concern is raised that the shop at Barely will be affected.

3.12 **Cllr's Fiona Hill and Tony Hunter** - comments from 2018 - Barkway is an ancient linear village on the B1368 comprising of approximately 329 dwellings.

3.13 We consider this is an unsustainable site for development due to lack of amenities including education, health, transport and minimal public transport (therefore increasing the carbon footprint). The site breaches NPPF 3 (Supporting a prosperous rural economy), NPPF 4 (Promoting sustainable transport), NPPF 8 (Promoting healthy communities) and NPPF 11 (Conserving and enhancing the natural environment).

3.14 2022 update from Cllr Hill – concern about impact on the River Quin and still objects on the basis of a lack of transport, employment and shops in Barkway resulting in the need for a huge number of additional vehicles to serve the proposed development. This will have a detrimental impact on the carbon footprint. There is also great pressure on the sewage system in Barkway. BK3 is unsuitable and should not have been included in the local plan as a housing site. The site should be refused from the emerging Local Plan and the application should be refused.

3.15 **Cllr Gerald Morris** – objects to the application on the basis that it is premature, the site is isolated from the village due to the reserved school site, the previous application recommended refusal for these reasons and the site is unsuitable and unsustainable. He also raises concern regarding the impact on Newsells Stud.

3.16 **HCC Lead Local Flood Authority** – no objection subject to conditions.

3.17 **Thames Water** - August 2022 updated response has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal and therefore requires for the following condition to be recommended:

No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

3.18 **HCC Ecology** – no objection to the application and provide the following points:

- Ecological survey results provide sufficient information to inform determination.

- The recommendations in the 2022 Ecology report should be followed. This includes breeding bird surveys undertaken between March and July, which can be at the Reserved Matters stage.
 - Secure a Landscape and Ecological Management Plan (LEMP) by condition or at the Reserved Matters stage, whichever is appropriate.
 - Government's expectation of Biodiversity Net Gain (BNG) has not been demonstrated by virtue of failing to meet the minimum of 10% and not satisfying the Trading rules. If the LPA wishes BNG to be achieved, this application should not be approved until these issues have been addressed accordingly. However, this is currently not mandatory and cannot be insisted upon.
 - Contact Environment Agency for advice on impact of the development on River Quin.
- 3.19 **HCC Rights of Way** – the width of Barkway BR17 is currently less than what we would expect for the creation of a new Bridleway. It is likely that the Bridleway will receive increased use by people coming from the housing development. This section of Bridleway 17 as it passes through the proposed development is the narrowest section along this route. Further north it opens up to over 5m in width. The width of the bridleway should be set so that it is in line with the rest of the Bridleway to the north. As a road is planned to cross Bridleway 17 appropriate measures will need to be granted for Bridleway uses to cross the road safely. The British's Horse Society should be consulted by the developers.
- 3.20 **HCC Archaeology** - updated comments received August 2022 states that due to the application site being extended to the east in comparison the site area for the previous 2016 application, it is appropriate to impose a condition requiring pre-commencement investigation works and this condition is recommended.
- 3.21 **HCC Growth and Infrastructure Unit** – contributions are required towards middle and upper education, library services, youth service, SEND and fire hydrants.
- 3.22 **HCC Highways** – no objection subject to conditions and informatives. Contributions are required under the S106 Agreement and S278 Agreement.
- 3.23 **NHDC Principal Policy Officer** – detailed comments are attached at Appendix 2. In summary the comments set out the masterplanning approach that has been applied to the application and raises no objection to the application.

Therfield Heath Mitigation Strategy

- 3.24 The proposed development site falls within the 5.8km wider zone of influence (ZOI) around the Therfield Heath SSSI. As such the Therfield Heath Mitigation Strategy is a material consideration in the determination of this planning application. The Mitigation Strategy provides additional information to support consideration of issues including:
- The design and layout of development in the area covered by the strategy;
 - The requirements relating to open spaces, biodiversity and other relevant green infrastructure;
 - Contributions that developers might be asked to make towards measures to manage the impact of their scheme upon the SSSI at Therfield Heath.
- 3.25 As the proposed development site is within the wider ZOI, as set out in the strategy, it is estimated that each individual home in this area generates eight visits to the Heath per year. In the case of this application, this could amount to up to 1,120 additional visits to the Heath each year. The proposed development site, however, does provide

enough open space to 'normal' standards including open space which acts as a buffer in relation to the Cokenach Registered Park and Garden and listed buildings within Newsells estate, wooded landscaping fronting Cambridge Road and containing drainage attenuation and a local area of play. In addition, the proposed site is adjacent to a Recreation Ground and cricket club to the east. The proposed development also connects to and improves links with the existing Rights of Way network in the immediate area. Weighing these elements up, it is considered that there is no additional need for any additional mitigation in relation to Therfield Heath.

- 3.26 **NHDC Housing Officer** - detailed comments are attached as Appendix 3. In summary this sets out that 56 affordable dwellings will need to be provided with a mix of dwelling sizes and tenure options including the possibility of First Homes.
- 3.27 **NHDC Waste Services** – no objection, general comments provided.
- 3.28 **NHDC Environmental Health** - no objection subject to conditions and an informative.
- 3.29 **NHDC Environmental Health Air Quality** - EV parking will need to be provided throughout the development.
- 3.30 **NHDC Landscape Officer** – has assessed the proposal and is widely supportive, apart from stating that insufficient planting is proposed along the southern boundary, so that views from Periwinkle Close will be adversely affected. Furthermore, given that the site is on the edge of Barkway it will be seen as the 'gateway' into Barkway and therefore the access points and road frontages should be carefully designed to create a transition between the countryside and the village.
- 3.31 **NHS Cambridge and Peterborough CCG** – the development is not significant in terms of population growth as the proposal is for less than 500 dwellings so S106 contributions are not required.
- 3.32 **CPRE Hertfordshire** – object to the application on the basis that it is inappropriate residential development in the Rural Area beyond the Green Belt. The Planning Statement is entirely reliant on the proposed designation BK3 in the Submission Local Plan. However, this plan is still not concluded. There are outstanding objections to this site and to date this Plan has not been found sound or adopted. The application must therefore be considered against the Local Plan no.2 and the NPPF. The proposed site BK3 would have a harmful impact on the countryside without adequate justification for doing so. The proposals are excessive in scale in terms of the size and character of Barkway and is in an unsuitable location particularly in respect of access to employment, services and facilities without the use of a car. These are all contrary to the policies of the NPPF.
- 3.33 **Newsells Park Stud** – is located immediately north of the site. It has been operating on this site for over 100 years and employs 35 people. The land immediately to the north is the most established pastures at Newsells and part of the original stud land from the 1920s. It is these paddocks which is the best land at Newsells due to its clay soil over chalk composition, which retains moisture in a hot dry summers providing good turf and grass for the foals. The paddocks around the Obelisk and Manor are used exclusively for mares and foals in the spring and are vital to the operation of the stud. There will be an increase in noise as a result of the proposed development which could have an adverse impact on the tranquil nature of the paddocks, especially those close to the application site. The young thoroughbreds are easily spooked / startled and there is the possibility of an increased risk of

accidents and injury as a direct consequence. The proposed 15m landscape buffer would not mitigate this risk and is inadequate.

- 3.34 The works to Bridleway 017 will be likely to increase the use of it and those then going through the Stud land, with the concern there will be increased noise and disturbance to the paddocks and a particular concern is loose dogs. These factors all combine to dramatically increase the risk of injury to the foals / stock with the consequent negative impact on the stud business. There are approximately 250 stables at the stud and there are up to 340 horses on site during the Stud season, conservatively representing over £100 million in bloodstock. An objection to the Local Plan submission from Mr Roger Allman the stud's agronomist states:

"...a significant housing development immediately to the south of their best pasture can only have a detrimental effect on the Stud's operation. No right minded Stud Manager would risk the safety of a mare and foal (that might be worth a seven figure sum) in a paddock right next to a housing development. ...I have been advising thoroughbred breeders for 38 years. I have come across far too many situations where thoroughbreds have suffered life threatening injury through paddock accidents caused by the unnecessary intervention of people living nearby".

- 3.35 Such an impact would be directly contrary to national and local planning policy that seeks to protect and retain important rural businesses, would conflict with the economic aspect of, and also would not represent sustainable development. The application fails to take this risk seriously. We consider that due to the nature of this rural business, the proposed development could have a detrimental impact upon the economic vitality of Barkway as whole.
- 3.36 **British Horse Society** – no response at the time of writing. (Officer note - This body is not a statutory consultee on the application and therefore there is no requirement to delay the determination of this application until a response is received).
- 3.37 **Friends of the Rib Quin** – this application poses severe risk to the River Quin which is a chalk stream which are rare globally. The data recording discharges of raw sewage from the Barkway Sewage Treatment works shows increasing volumes of raw sewage spilling into the chalk stream which strongly suggest that the local infrastructure in Barkway is already inadequate. Further development in the village will surely increase the volume of spill.
- 3.38 **Rt Hon Sir Oliver Heald MP** – supports the concerns of the Friends of the Rib and Quin and the comments of Barkway Parish Council and objects to the application.

3.49 **Neighbour Representations**

- 3.40 The application has been advertised with a site notice and neighbour notification letters. Over 260 representations have been received, with some local residents making more than one comment over the lifespan of the application. Comments submitted in 2018. Key points include:

Principle

- This application is premature. The site was put forward at the last minute without proper public consultation for inclusion into the submission Local Plan in order to meet Government housing targets. This new Local Plan is still with the Inspector and is un-adopted. There are still many unresolved objections to this site being in the new Local Plan and this application should not be determined until the outcome of the new Local Plan is known.

- We believe this site was included based on a 'desk top' exercise only. Previously it was always excluded and we believe it should still be excluded.
- The 2016 application was withdrawn when it became known it was to be recommended for refusal on the basis of it being both unsustainable and unsuitable. That application was for two thirds of this site. These reasons are still relevant.
- An adjacent site for 25 houses was refused and it was deemed unsuitable and unsustainable by NHDC officers.
- The NPPF stated there should be a presumption in favour of sustainable development. If this development on site BK3 can be proven to be unsustainable then there should be no question of planning permission and it should be refused outright. Just because there is no 5 year housing supply, it does not mean that the core principles of the NPPF should not apply.
- This site cannot have been appraised correctly. There must be other sites closer to towns, facilities and transport links that are better than this.
- The site is outside of the village boundary.
- 140 houses is too many for the site and village.
- What is proposed is of a totally excessive scale in relation to the size and historic character of Barkway. It would overwhelm the village, degrading it rather than enhancing it.
- I do not object to the idea of more housing in Barkway especially if it provides much needed affordable housing. However, I believe the size and location of this development is inappropriate.
- The character of the village would be ruined. The village has many very old houses that characterise the quality charm of Barkway.
- New houses have always been as individual or on a small scale. 140 new houses would totally overwhelm the current village and create a separate village rather than adding to the existing one.
- The village facilities are few and would be unable to cope. The school is split with Barley and would not be able to cope with all the extra children.
- I appreciate that as a country we need to build more houses. But these should be in a more sustainable location and not in an area where household income will have to run to at least one car per household in order to access amenities and employment.
- This is a village not a town. A development of this size should be in a town not a village.
- The proposed school site is empty and this separates the estate from the village.
- This proposal would increase the population of the village by 60%, destroying its character and community.
- The village boundary will be breached.
- It will damage and harm the natural environment.
- This development does not consider the NPPF policies in promoting sustainable communities in any way.
- The development will provide a housing estate where the adverse effects of the development will outweigh the benefit of creating the new homes.
- It will destroy Grade II agricultural land which has always been farmed and provided good crops.
- It will create an unsightly housing development stuck on the crest of a hill in area of natural beauty with street lights causing light pollution in a village where there are hardly any street lights.
- This should be built in a town.
- A very large number of houses are proposed without any new jobs to balance the increase of properties.

- Barkway is a linear village situated on the B1368. We already have a large volume of traffic and heavy traffic through the village, much of it travelling far too fast. The 140 new homes will increase the traffic exponentially thus causing more wear and tear on the already fragile road.
- Many of the houses are old and already bear enough strain on their construction and increased traffic volume will only serve to increase this hazard.
- The roads in and out of Barkway are narrow and bendy and follow the contours of the landscaping making them not suitable for large quantities of traffic.
- Roads cannot cope with any more traffic.
- It does not appear that this application is making any improvements to local roads or public transport links.
- The traffic assessment was done on a very quiet week and makes no reference to the usual agricultural and commercial vehicle movements through the village.
- There is the periodic closure of the High Street when the old culverts which carry the many small streams across the road collapse under the weight of additional cars and lorries.
- There should be only one road onto Cambridge Road as this is the better road.

Sustainability

- We have few amenities in the village making it necessary to drive to shops, doctors and schools.
- A proposed new shop does not address the lack of doctors, dentist, secondary schools, transport, sewerage and mains water pressures.
- The bus service is inadequate and does not offer sensible help to those wishing to commute to and from work, local towns or the train station at Royston.
- Cycling cannot be considered to be a viable mode of transport from Barkway to other villages and towns due to the distances and the danger from narrow, steep and winding roads with no street lights.
- The Transport Assessment is out of date and misleading. The no. 331 bus no longer goes through Barkway and its replacement, the no. 18 does not meet the needs of commuters needing to get to the station and in to London or Cambridge.
- The car park at Royston station car park is already full. Where are all these extra people to park / how will they get to work?
- How will these people get to work – only by car which would add to the traffic, pollution, time spent, expense incurred and would contravene the Council's own expressed wish not to add to car traffic and carbon emissions.
- Barkway primary school is far too small both for the number of children and for there to be proper amenities for the staff. Only years 1 and 2 are taught at Barkway and 3 and 4 are at Barley with children being travelled to and from by mini-bus. All these extra children will not fit in.
- There is no sixth form in Royston. Secondary children have to go to Royston, Buntingford, Baldock, Saffron Walden or Cambridge all adding to the amount of necessary travel.
- A bus service using Richmond's coaches should be provided.
- A cycle lane should be provided.
- BK1 and BK2 site are supported. And since 2011 there has been some in-fill and about 50 new houses have been built. This is an increase of 15% and is manageable for the village and good for local vitality. This proposed increase of 60% is disproportionate and an inappropriate rate of growth for the village.
- 40% social housing. There are no jobs in the village and poor transport links. Those who cannot afford a vehicle will be stranded.

Other

- The air quality is already adversely affected by the amount of traffic and this would only get worse.
- The walking route between BK3 and Barkway school is not safe as it crosses the junction opposite the war memorial which does not have good sight lines.
- Newsells is the largest local employer employing about 30 – 35 people. The noise from the new houses could spook the horses, making the site unviable, and affecting a profitable business and local employment.
- The drains / sewage system will not be able to cope.
- The proposed shop may result in making the shop in Barley unviable / close.
- Local doctors and dentists are already over capacity.
- The recent application for 25 houses on land next to Royston Road was partly refused on the basis that the roads could not take the extra traffic from 25 houses. So how can it take the traffic from 140?
- Some of the units should be live / work units.
- The bridleway network in the area is disconnected and fragmented. It is impossible for horse riders in the area to avoid roads. On the narrower lanes it is difficult to give riders enough room around the horse and many vehicles pass too close. Lorries from Anstey quarry can be found on all roads and this is very intimidating to horses. The increase in traffic has the potential for a serious accident.
- The bridleway is not wide enough and should have a width of at least 4m.
- Many houses in the village are listed and / or within the Conservation Area and this application does not respect the linear character of the village.
- The development would detract from the countryside and ruin it for walking through and around.
- The horrific negative and permanent impact on the environment would remain long after the appalling construction phase of the development has been completed.
- The site is a roosting area for at least two types of bats, the common pipistrelle which is listed as endangered and the brown long eared. It is also used by herds of fallow deer.
- Development should be on the eastern side of the site only so that the lovely view of the countryside is not blocked.

3.41 2022 consultation update – new points submitted in addition to the above from 2018:

- North Herts Climate Change Emerging is not addressed in this application.
- The impact on the rare chalk stream the River Qin will lead to pollution and continued over extraction puts this at risk. (Officer note – this is not a consideration of the application as the extraction rates from rivers and streams is controlled by the Environment Agency and this application is not proposing any extraction from this stream).
- The continuing increase in discharging raw sewage in to the River Quin is a local concern.
- Thames Water state that they have no plans to increase capacity at the Barkway Water Treatment Plant.
- Is a shop in this location viable?
- The village has been extended by 15% in recent years and no more new housing is needed.
- Its inclusion in the local plan is not yet confirmed. This is still premature.
- The application does not deliver a 10% net gain in bio-diversity.
- This is an insular development that will not integrate into the village.
- The transport survey shows 64 movements for 140 houses whilst the application at BK2 shows 24 vehicles movements for 24 houses.
- The proposed horse crossing is not safe for horses.
- This development does not trigger a need to use the reserve school site so this development will not be part of or feed into the community.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is 7.62 ha in size and is arable land situated between Royston Road and Cambridge Road with an existing bridleway running north / south through the site. The Chiltern Ridge runs east – west along the north site boundary with Newsells Estate lying to the north and the Cokenach Estate off to the north east.

4.2 **Proposal**

- 4.2.1 Outline application for the re-development of the site for the erection of up to 140 dwellings and one new shop. All matters reserved apart from point of access onto Royston Road and Cambridge Road.

- 4.2.2 Submitted in support of the application are the follow documents:

Submitted in 2018:

- Design and Access Statement;
- Planning Statement;
- Heritage Statement;
- Statement of Community Involvement;
- Transport Assessment;
- Archaeological Desk Based Assessment;
- Archaeological Trial Trench Evaluation;
- Flood Risk Assessment;
- Geophysical Survey;
- Phase 1 Geophysical Assessment;
- Extended Phase 1 Habitat Survey;
- LVIA Report;

Submitted in 2022:

- Bio-diversity Metric 3.0 Calculation tool;
- Bio-diversity Net Gain Design Stage Report;
- Education Impact and Mitigation Assessment;
- Design and Access Statement rev. E;
- Masterplan Summary Document rev. A;
- SP9 Design Assessment;
- Urban Design Parameter Plan;
- Planning Statement Addendum 2022;
- Arboriculture Impact Assessment 2022;
- Extended Phase 1 Habitat Survey 2022.

- 4.2.3 All the above documents are viewable in full on the Council's website. Key points from some documents are:

Design and Access Statement

- 4.2.4 This sets out the strengths and weaknesses of the application site and the factors that have been taken into account when designing the proposal. It states that the proposal consists of up to 140 well designed family sized homes, a local shop, public open

space and pedestrian, cycle and bridleway links. It states that the planning history has been taken into account, and that the site is an allocated housing site (BK3) in the Local Plan, so there is no objection in principle to residential development on this site. It sets out that the character of Barkway is in two halves. The older 'Conservation Area' part and the new post war part, and that this proposal is within the newer post war part of the village and will not be contrary to local character. It states that the plan has:

- 15m deep landscape buffer along the northern boundary to protect the Chiltern Ridge and Newsells estate;
- a main village 'street' running east to west through the site connecting Royston Road and Cambridge Road;
- a proposed village square with equestrian crossing at the point where the bridleway meets the proposed 'village street';
- two areas of higher density family houses on the west side of the site;
- one area of lower density larger properties set within the woodland edges;
- a commercial area, fronting Cambridge Road, with a shop and a mixed use community 'cluster'.

4.2.5 A traditional townscape character is planned, based on elements of Barkway's local architectural vernacular with pitched roofs and local materials such as red brick and weatherboarding. The commercial building is to be timber clad to match it to local existing community facilities.

4.2.6 Planning Statement

- sets out the policy background for the application. It states that the Local Plan identifies land where development should be built, and that the application site has been allocated within the Local Plan as a proposed housing site BK3 for up to 140 houses. It states that whilst the application is in outline form, the illustrative plans show how the site could be developed, sensitively planned and designed with regard to the context of the local area. The development would contribute significantly to the supply of housing within the District, in accordance with local and national planning policy and would provide other environmental, social and economic benefits.
- Barkway has a population 775 (2011 census) and that the village benefits from a range of facilities including a public house, a petrol station, a primary school, a church, a village hall and a social club.
- The site is bordered by hedgerows on its northern, western and eastern boundaries. These are to be largely retained.
- The reasons for refusal of the 2016 scheme were not in relation to the principle of the proposed development but more to the piecemeal nature of the development and have been overcome in the proposal.
- The site is in a sustainable location and meets the NPPF tests of sustainable development.
- The principle of the development is strongly supported in planning policy terms.
- Analysis of the criteria of BK3 and concludes that the application is fully compliant.
- A S106 Legal Agreement has been agreed and is being prepared.
- A footpath will be provided along the eastern side of Royston Road and the existing footway along Cambridge Road will be widened.
- Discussions have taken place between the applicant's and HCC regarding the 'school site'. HCC have confirmed that the school site would need to be independently accessed from Royston Road and they would prefer only one access into the development from Royston Road. HCC Education set out support for a pedestrian route from the development to the school, which is proposed within the indicative layout.

4.2.7 Heritage Statement

- No detailed historical research into the development of the area has been undertaken, as a detailed analysis of historical development on site is not considered to be relevant.
- The aim of this report is to assess the effect the development on the setting of the Conservation Area.
- The most northern part of the Conservation Area is some 200m to the south of the application site.
- The report concludes that the character and context of the immediate site environs will experience a degree of change occasioned by the proposal. However, this area is sufficiently remote from the Conservation Area for it to have no appreciable direct effect.

4.2.8 Landscape and Visual Impact Assessment

- The proposed development site consists of greenfield land on the northern edge of Barkway. The gently sloping topography, its current land use and strong boundary hedgerows are typical of the wider landscape of the Barkway Plateau.
- 15m wide treed landscape buffer along the ridge line that define the northern boundary. This will include native tree planting and grassland to link wooded areas along the ridge. Visually this will allow the development to be set below the ridge.
- Creation of a north-south green corridor along the PRoW017 and the existing hedgerow through the centre of the site.
- Provision of attenuation ponds and swales to provide strategic semi—natural open space to link to the wider green infrastructure network.
- From the wider landscape the Eastern Field is quite visually enclosed because of a combination of the topography and vegetation along Public Rights of Way.
- Long distance views from higher ground to the south and west of Barkway are available. However, the proposed development will be barely visible because of the topography and the screening effect of the intervening vegetation.
- In these views the proposed site is a minor component of a wide panoramic view in the context with the existing settlement of Barkway.
- The overall character of the site will permanently change from a greenfield site to a construction / built site which will have a noticeable, localised moderate adverse effect on the site and the surrounding area.
- The effects of permanent development on the features within the site are considered to be predominantly minor adverse at year 1 changing to negligible by year 15 once strategic planting has established.
- The proposed development will be appropriate in character in / to the surrounding context of the adjacent settlement of Barkway.

4.2.9 Archaeological Desk-Based Assessment and Trial Trench Evaluation

- To determine the location, date, extent, character, condition, significance and quality of any surviving remaining 'finds' to be threatened by the proposed development.
- Some finds were found on site.
- The proposed development is likely to have a significant impact on archaeological remains which are known to exist at least in the eastern and central sectors of the site and likely extend eastwards. Mitigation for archaeology would be determined by HCC.

4.2.10 Tree Assessment

- The tree population across the site / survey area comprises young to mature broadleaves around the peripheries of the site with hedgerows within the site.
- Four trees are shown to be either wholly or part removed due to design layout and a further two trees will have roof protection zones impacted and will either need special construction techniques or the trees removing.
- Protective fencing will be used around all retained trees during the construction phase.

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- 4.2.11 The Local Plan 2011-2031 Proposed Submission Plan (October 2016) was submitted to the Secretary of State on the 9th June 2017 for examination. Hearing Sessions commenced in 2018, and following a period of consultation on the Main Modifications in 2019, further Hearing Sessions were held in 2020 and 2021.
- 4.2.12 Within the NHLP, the application site (considered under reference Policy BK3 – Land between Cambridge Road and Royston Road) is proposed for inclusion within the settlement boundary of Barkway, with an allocation for 140 dwellings and provision for a shop. This included a specific hearing session on the site in February 2021, following which the allocation was retained as an allocation within the Main Modification Consultation held during the spring of 2021.
- 4.2.13 As part of the BK3 allocation, the application site is allocated for up to 140 dwellings and provision for a shop. This planning application is in full accordance with the site area and quantum of development as allocated within emerging Policy BK3.
- 4.2.14 The NHLP is at the most advanced stage of preparation, with the Inspectors Final Report expected imminently. The policies of the emerging plan are consistent with the policies of the Framework. Taking all of these factors into account, in accordance with paragraph 48 of the NPPF, significant weight should be given to the relevant policies in the emerging plan.

Arboriculture

- 4.2.15 The updated AIA confirms that the proposals will require the removal of one tree, the part removal of a tree group, and the removal of four parts of hedgerow within the site. The retention of existing hedgerows will also maintain the alignment and integrity of Bridleway Barkway 018.

Ecology

- 4.2.16 A Preliminary Ecological Assessment (PEA) was submitted with the planning application in 2018. An updated PEA (Rev B) (June 2022) has been prepared and submitted in support of the planning application. The updated PEA should be read in conjunction with the Biodiversity Net Gain (BNG) Assessment, which was submitted to the Council on 4th March 2022.
- 4.2.17 The updated PEA confirms that site conditions are largely consistent with previous site visits, and site habitats are considered to be of low ecological value. The BNG Assessment shows a biodiversity net gain of 1.05% for non-linear area habitat features and 57.95% net gain for hedgerows.
- 4.2.18 The PEA also confirms that any potential adverse impacts from the proposed development can be mitigated in line with the relevant policy. With appropriate mitigation and targeted enhancements, a positive change in the biodiversity could be achieved in line with the NPPF.

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4.2.19 The land use arrangement is:

- Up to 140 residential dwellings on 5.29 hectares of land located in the western and eastern parts of the site
- hectare commercial area incorporating a commercial building of approximately 190 sqm gross floor area, suitable for use as a local convenience store, located adjacent to the eastern boundary of the site close to the existing community facilities on Cambridge Road
- Multi-functional public open space on 1.96 hectares of land incorporating space for children's play, informal recreation, footpaths and bridleways, woodland planting and hedgerows, drainage attenuation features. Corridors of green space are located at the northern, western and north eastern edges of the site and running centrally through the site following the existing bridleway.
- Access to the site is proposed from two new junctions onto Royston Road and Cambridge Road. These are linked by a village street running broadly east-west across the development

4.3 **Key Issues**

4.3.1 The key areas for consideration are:

- Policy context and principle of development;
- Policy SP9 and the masterplanning process
- Sustainability considerations;
- Planning history;
- Loss of agricultural land;
- Impact on character and Conservation Area and wider landscape;
- Access and highways issues;
- Layout;
- Ecology;
- Technical objections;
- Planning Obligations;
- Barkway and Nuthampstead Neighbourhood Plan;
- Planning balance and conclusion.

Policy context and principle of development

4.3.2 The NPPF paragraph 11c) advises that for decision taking, approving development proposal that accord with an up-to-date development plan without delay. Following the adoption of the Local Plan, the application site is an allocated housing site, BK3 under Policy SP2, in the Local Plan 2011 – 203.

4.3.3 Paragraph 13.34 of the Local Plan states that this housing site is identified for up to 140 homes with the following policy criteria:

- o *Development should be set back from the road;*
- o *Lower density houses would be appropriate on the eastern part of the site;*

- o *Incorporation of Bridleway Barkway 017 as a north-south green corridor through the site;*
- o *Appropriate treatment of northern boundary to maintain alignment and integrity of Bridleway Barkway 018;*
- o *Explore opportunities for connecting road from 'Royston Road to Cambridge Road having regard to heritage considerations:'*
- o *Sensitive integration into existing village, particularly in terms of design, building orientation and opportunities of pedestrian and cycle access;*
- o *Provision of local convenience shop;*
- o *Approximately 1.5 hectares of land at the south-west of the site secured as a reserve site for primary education;*
- o *Site layout designed to integrate with any future use of land identified for school site;*
- o *Development should include extensive tree planting, maintenance of the existing boundaries and hedgerows;*
- o *Development should include measures to minimise impact on Newsells Park Stud, in terms of proximity of built development, noise and increased activity;*
- o *Sensitive design to respect setting of Cokenach Registered Park and Garden and listed buildings within Newsells estate to include:*

*Reinforcing of hedgerows and landscaping along site boundaries; and
Access arrangements designed to minimise harm to heritage assets.*

4.3.4 Paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. Now the Local Plan has been adopted, the Council is now in a position where it can be stated there is a demonstrable five year housing land supply provision and this site is part of the delivery of land for new homes.

4.3.5 The Local Plan (over the plan period 2011 – 2031) identifies the need to deliver at least 14,000 new homes for North Hertfordshire's own needs. Policy SP8 of the plan sets out that 4,860 of these homes are to be provided through local housing allocations that will provide homes on:

- further sites within the adjusted settlement boundaries of the towns;
- land within the adjusted settlement boundaries of the five villages identified for growth and
- sites identified within the defined settlement boundaries of the Category A villages.

4.3.6 This site is proposing 140 of these 4,860 new homes and the delivery of these houses, when combined with the other allocated housing sites, will make a meaningful contribution to meeting future housing needs of the district.

4.3.7 Policy SP2 sets out the criteria that was taken into account when the Category A villages were allocated. A 'Category A' village is a village where general development will be allowed within the defined settlement boundaries. At the EiP the Inspector commented that the list of Category A villages was long, and within the list there was no distinction between villages with more than 200 houses allocated, such as Barkway, and those with no housing sites allocated, such as Barley. As a result, five villages within the district that have sites which, if all developed, would provide more than 200 new homes, were put into a separate category as 'five villages identified by the Plan for growth'. Paragraphs 4.15 and 4.16 state:

housing allocations than the Category A villages:

- *Knebworth and Codicote are the two largest villages within North Hertfordshire and support a range of services, including a station at Knebworth;*
- *Ickleford and Little Wymondley provide opportunities to accommodate further residential development in close proximity to neighbouring towns along with sustainable transport connections; and*
- *Barkway as a focus for development in the rural east of the District.*

The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designation (either Green Belt or Rural Area Beyond the Green Belt – see Policy SP5) which affects the surrounding countryside.

4.3.8 On this basis, there is no objection to the principle of this application.

Policy SP9 and the master-planning process

4.3.9 Policy SP9 requires for developments with more than 100 dwellings proposed to be masterplanned. Attached at Appendix 4 is a note from the Local Plan's Manager setting this process out in more detail. However, in summary the key issue to note is that Policy SP9 requires for the whole of the allocation area to be masterplanned. This application does not include all of the land inside the allocation area for BK3, with the area of land to the south, known as the 'reserve school site' being outside of the red line application site and within the land ownership of HCC education and not the applicant. (HCC education compulsorily purchased this land off the applicant in the 1980s).

4.3.10 The masterplanning process has ensured that consideration is given to the flow through and layout of the development, the maintaining of the bridleways and the possible layout of the development. However, given that the masterplanning plans are indicative due to this application being outline with all matters except access reserved, there may be changes to the layout at the reserved matters stage.

4.3.11 It is acknowledged that this application is not in strict accordance with the aims of emerging Policy SP9 due to the area of the land forming the reserve school site being outside of the application site area. HCC were approached during the application timespan to see if they wished to either be part of the application, or land swap the school site to the northern part of the site or to agree to landscaping within their land area to help with the setting of the site. HCC education refused all possible options, stating that the development of the houses does not trigger the need for a school at the same time as there is sufficient capacity within the local school system. They refused to land swap to the north side of the site (even though the applicant offered them an increased land area in size) on the basis that they wished to protect their own assets and to be independent of the applicant. They also refused to allow any landscaping on their land as they do not wish to have costs added to the land in the event that the planted trees would need to be removed to allow the development of a future school. They also refused to take part in the masterplanning process as they did not consider it to be in their interest. Given that the reserve school site is part of the allocation and on site is part of the open field area with no landscape demarcation feature separating the two different land ownership areas, the fact that the application fails to comply with the full requirements of Policy SP9 due to the southern land mass not being within the application site area has to be acknowledged.

4.3.12 However, whilst Policy SP9 does require for all of the allocation area to be masterplanned, the criteria of the BK3 allocation does not require for the whole of the allocation area to be developed at the same point in time and thus does not require for the whole of the allocation area to be within the red line application site area. This is a conflict within the policies and a view has to be taken on a pragmatic way forward. Given that a future school would be a fenced building and grounds for child safety, and that the indicative plans for the housing show footpath connections to the school site area, effort has been made to 'connect' these two different land use areas. As a result, in my view it can be concluded, that the masterplanning process would have had very little effect if the reserve school site were to be within the application site and thus masterplanned area, on the basis that landownership within the allocation area is split, and the possible re-allocation of the school site (which the masterplanning process may have advocated on the basis that the housing is then on the southern part of the site to link with the existing development in the village) has been investigated and refused.

4.3.13 Therefore, the application has to be considered on the basis of the known facts contained in it. That is, the reserve school site is not within the application site area and not part of the masterplanned area. The BK3 specific policy does not require for the two parts of the site to be developed at the same point in time and given that the masterplanning process and the possible land swap option has been exhausted and at the same time the BK3 site is an allocated site in the Local Plan, more material weight has to be given to the BK3 allocation policy over and above the masterplanning process. Therefore, an objection can be lodged against the application on the basis of not strictly complying with Policy SP9, but in the balance of the application this is a small / low objection and no material weight is given to it to outweigh the delivery of 140 new homes which is considered to be a meaningful and material contribution to the Districts' housing supply. Therefore, no objection is lodged against the application on this basis.

Sustainability considerations

4.3.14 The NPPF is underpinned by the principle that new development should be sustainable. This means considering new development in terms of economic (to help build a strong economy and ensuring that sufficient land of the right type is available to support growth), social (to support strong, vibrant and healthy communities) and environmental (to protect and enhance the natural, built and historic environment, making effective use of land, improving biodiversity and mitigation and adapting to climate change) objectives.

4.3.15 Looking at the specifics of this application, Barkway has been categorised as a category A village due to it having a primary school and bus route service. While most of North Herts has the 'two tier school' system, with primary education being nursery, reception and years 1 – 6 (a total of 8 years of primary education) the Royston area is operated under the 'three tier system' and at the time of allocation the school in Barkway was a first school. A first school provides primary education for nursery, reception and years 1 – 4 (a total of 6 years of primary education) with children then moving to a middle school for years 5, 6, 7 and 8 and a senior school for the remaining years. Barkway school has now become federated with Barely school with one head teacher covering both schools. As a result, since September 2018 only the years of nursery, reception and year 1 are now being taught in Barkway, with years 2, 3 and 4 being taught at the school in Barley. Initially the children were mini-bused between the two school sites, but this stopped during the social distancing restrictions imposed during the Covid 19 pandemic and the school does not intend to re-start this system.

- 4.3.16 Barkway does not have a shop and since the site was allocated the bus service has also changed. The number 331 was stopped in summer 2018. The 331 bus service used to run either hourly (at peak times) or every other hour through the day Monday – Saturday and connected Barkway with Royston and Buntingford. This has been replaced with the no.18 bus. This still runs from Buntingford to Royston but with only six buses a day going north to Royston and only five going south to Buntingford in a day. In addition, there is the number 27 between Bishops Stortford and Royston with one bus in each direction each day. Barkway is also under the HCC dial-a-ride bus service scheme.
- 4.3.17 I note that many objections against the application are on the basis Barkway is considered not to be a sustainable location for a development of 140 homes nor a fair village for growth as the other four villages in the North Herts area that have been categorised as villages for growth in the Local Plan (which are Codicote, Knebworth, Ickleford and Little Wymondley) all have a primary schools up to and including year 6 and a range of shops and public transport links. Whilst I have sympathy to this view and note that it was on this basis that site BK3 was specifically discussed at the Local Plan EiP, this site has been retained as being ‘sound’ by the Inspector in the plan consideration and is now a part of the adopted Local Plan.
- 4.3.18 The policy requirement for the BK3 allocation, as set out above, includes the requirement for the provision of a convenience shop and the provision of land reserved for a primary school. This is an outline application, but within the red line application site the description of development states that a shop is to be provided (and a condition is recommended preventing this from being used for other uses within the E use class) and the land to the immediate south of the application site is land within the allocation area, owned by HCC and held as a reserve school site. On this basis, the proposal is considered to meet the criteria requirements for the allocation of BK3.
- 4.3.19 It is unfortunate that even with the recent housing development within Barkway and with this proposed site, the need for a new school on the reserve school site is not triggered. This is due to there already being surplus capacity within the Barkway and Barley schools. A new school on the reserved school site would help to integrate the development within the village as well as providing a fuller range of education within the village. However, the allocation criteria does not require for the school to be delivered alongside the housing and HCC have confirmed that they wish to retain the land in that location in case it is needed in the future. A refusal on the basis of the school site not being needed to be built at the same time as the housing could not be defended as the policy does not require for it to be.
- 4.3.20 Arguments can be put forward to defend the three objectives of sustainability as set out in the NPPF. With regards to an economic role, the building process will boost local employment opportunities, socially friendships will form between neighbours and new local residents can join existing village groups and environmentally the houses will be built with high levels of insulation and using low flow water fittings, efficient boilers, double glazing and each dwelling will be provided with an EV parking space. I note objections on the basis that future residents will drive to access supermarkets, shops, employment and services outside of the village. The SP2 Category A allocation criteria requires for some local facilities and services to negate the need to travel for all trips out from the home. I accept that yes, future occupiers will generate vehicle trips from and to the site. However, this is the reality for all housing, even for sites within or on the edge of larger towns, and the result that some residents will need to travel for some trips is not justification to refuse the application when the Local Plan process has considered site allocation, suitability and future sustainability as part of the allocation process. Therefore, on the basis of the site being allocated, and on the basis that the

application is considered to comply with the policy criteria for BK3, no objection is raised against the application on the basis of sustainability.

Planning history

4.3.21 Application 16/02759/1 proposed up to 100 houses on land off Royston Road, which was for two thirds of the land now proposed in this current application. The 2016 application was recommended for refusal for four reasons but was withdrawn before its determination at planning committee. These reasons were:

1. *In the opinion of the Local Planning Authority due to the relatively isolated nature of this planning application site, separated from the main body of Barkway village by a reserved school site and indeed from any wider area development scheme between Royston Road and Cambridge Road, if developed in isolation a development scheme of up to 100 dwellings on this site would appear divorced from and poorly integrated with Barkway village. Such a piecemeal form of development would as a result harm the character and appearance of the locality. The proposal therefore conflicts with saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.*
2. *The piecemeal nature of the development proposal is not capable of delivering key objectives of proposed land allocation BK3, as set out in the North Hertfordshire District Submission Local Plan (2011-2031). As the site only covers part of the proposed land allocation it is not possible to explore possibilities for connecting Royston Road to Cambridge Road; No realistic proposals have been put forward in the application to secure the delivery and long term sustainability of the proposed convenience store; no improved pedestrian and cycle linkages are proposed outside the site. As a consequence the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions. On this basis the proposed development fails to comply with site allocation Policy BK3 set out in the North Hertfordshire District Submission Local Plan (2011-2031) and paragraph 64 of the National Planning Policy Framework (NPPF).*
3. *The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).*
4. *The submitted and revised Flood Risk Assessment does not overcome the stated objections from the Lead Local Flood Authority as set out in their consultation response of 24 November 2016 to the local planning authority. As a consequence of the insufficient information contained in the applicants' submission the Lead Local Flood Authority has been unable to advise the local planning authority that sufficient flood mitigation measures can be designed and implemented in association with this development proposal.*

- 4.3.22 In my view this proposal overcomes the previous reasons for refusal and can be supported. With regards to reason 1, I consider that this reason is no longer applicable. The red line application site area now includes the land on the Cambridge Road side so all of the housing and shop area can be considered as a comprehensive scheme. The BK3 allocation policy requires for the provision of land as a reserve school site, and this is provided on the south side. I accept that until the reserve school site is built out this area of land remaining undeveloped after the houses are developed will result in gap in the built form in the village. However, in my view this does not form a reason to object to the application due to the fact that the BK3 policy does not require for the two elements of the site to be built at the same time. Furthermore, this site will be built out at some point in time, and then this issue will not exist. Whilst this temporary gap in the built area of the village is not ideal, it does not form a reason for objection against the application that could be substantiated to justify the refusal of the application when the benefit of the delivery of 140 new homes is considered. On this basis, no objection is raised to this issue.
- 4.3.23 With regards to reason for refusal 2 of application 16/02759/1, the long term deliverability of the shop is a matter that can be fully addressed at the reserved matters stage by which time a shop operator can also become involved. The policy requirement for BK3 only requires for the provision of a convenience shop and not that it will be viable in the long term or not have harm on the viability of other shops in other villages. Therefore, the application meets this policy requirement.
- 4.3.24 Reason for refusal 3 states that the 2016 application had not been submitted with a valid S106 Legal Agreement. A S106 has been submitted with this application and is in the final stages of being prepared. This application is being recommended for conditional permission subject to the completion of the S106 Legal Agreement so this matter is now considered to be overcome.
- 4.3.25 Reason 4 from the 2016 application is no longer applicable and the Lead Local Flood Authority is recommending no objection subject to conditions which are recommended.

Loss of agricultural land

- 4.3.26 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with the statutory status of identified quality in the development plan).*
- 4.3.27 Agricultural land is graded by the Agricultural Land Classification (ALC) which grades land to assess and compare the quality of the agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such a growing crops for food and does not consider the land's current use. Land is graded from 1 – 5 with Best and Most Versatile (BMV) agricultural land being land in the grades of 1, 2 and 3a. Grade 2 land (on the Natural England Guide to assessing development proposed on agricultural land) is land that is described as being: *“Land with minor limitations which affect crop yield, cultivation or harvesting. A wide range of*

agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more viable than grade 1”.

- 4.3.28 The application comprises grade 2 agricultural land and therefore is regarded as BMV land for agriculture. At 7.6 ha the site area is lower than the 20 ha threshold that would require Natural England to be consulted. It can be accepted that the loss of some high grade agricultural land will be necessary to achieve the District's housing need, which cannot be met within existing urban areas. The context of the landscape is one of a wider agricultural landscape and the loss of this amount of agricultural land is considered to be proportionality acceptable. Therefore, I do not raise an objection to the loss of BMV land in this instance.

Impact on the character of the village, Conservation Area and wider landscape

- 4.3.29 Barkway can be described as a linear village, with the older part of the village being along the High Street on the B1368. All of this part of the village (excluding a few properties in Burrs Lane and Townsend Close) are within the Conservation Area. The newer part of Barkway, formed by Periwinkle Close and Windmill Close are to the south-west of the application site, but as two 'spur roads' off Royston Road, are not inconsistent with the linear form of the village.
- 4.3.30 I note that this application is outline with all matters reserved apart from access. The indicative plans show a modern style housing estate, with looping roads and small cul-de-sacs off the main 'street' through the proposed estate. Its form is circular and likely to be similar to the layout that will come forward under the reserved matters scheme.
- 4.3.31 It cannot be denied that the addition of 140 homes in this location on a slight hill and with a largely circular layout, will be visually apparent in the locality. However, the allocation of the site accepts that this will be the end result and during the reserved matters stage consideration will be given to layout and design issues as well as strategic landscaping to help to screen the development. The possible adverse impact of the built form in the locality cannot be given any weight in my view.
- 4.3.32 Section 16 of the NPPF requires for the conserving and enhancing of the historic environment with paragraph 202 stating that where development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The Conservation Area has linear form, and even though the layout of the new housing is likely to be 'circular', given the Conservation Area at its closest point is 200m to the south of the application site, I conclude that there will be no harm on the character of the Conservation Area as the northern point of the Conservation Area does not immediately join the south of the application site area and therefore this 'test' requirement of paragraph 202 is not applicable.
- 4.3.33 Lying to the north and north-west there are listed buildings within the grounds of Newsells Stud and the registered park of Cokenach. These listed buildings are not immediate neighbours to the application site edge, but are located some distance away and the Chiltern Ridge which is the high point on the north side of the application site forms a clear northern boundary to the site. As a result, I cannot conclude that there would be harm on the context or setting of these listed buildings / heritage assets from the proposal.

Access and highways issues

- 4.3.34 I have no objection to either of the proposed accesses, which Hertfordshire Highways raise no objection to subject to conditions and informatives which are recommended. The application also sets out that a new pavement would be provided along Royston Road on the side adjacent to the application site, and the pavement on Cambridge Road would be widened.

Layout

- 4.3.35 It is noted that the application is outline but that an indicative layout is proposed. I have minor concern regarding the close proximity of some of the dwellings to important landscape features, including hedgerows and the trees along the bridle path. Policy NE4, supporting text paragraph 11.22 sets out that new developments are required to demonstrate how existing wildlife habitats such as trees and hedgerows will be retained, safeguarded and managed during and after development. It states that 'buffers' along these important landscape features may well be required, and in the event that they are, a 'buffer' should be a minimum of 12m of complementary habitat. The indicative site layout plan shows compliance by providing a 6m buffer on either side of this central hedgerow area, so a 12m buffer in total not 12m on each side. Full consideration of the layout will be undertaken at the reserved matters stage.

Ecology

- 4.3.36 Within section 15, Conserving and Enhancing the natural environment, the NPPF sets out that new development should minimise impacts on and provide net gains for biodiversity. This aspiration was made law in Autumn 2021 by The Environment Act which sets binding targets for air quality, biodiversity and waste reduction. For biodiversity the long-term target is that the species abundance indicators are increased by 10%. There is currently a two year transition period while secondary legislation is passed to make these targets mandatory. Under the provisions of the emerging Local Plan, emerging Policy NE4 states that all developments should seek to deliver net gains for biodiversity.

- 4.3.37 A Biodiversity Net Gain Design Stage Report dated March 2022 has been submitted in support to address this issue. This report, under part 7 states:

"..the metric calculation currently indicates a net change of 0.02 non-linear habitat units, a net gain of 1.05% and a net change of 2.58 linear habitat units, a net gain of 57.95%. Therefore, non-linear habitats fall short of the desired 10% gain.

However, whilst 10% should be an aspiration for BNG the recent Malmesbury Appeal Decisions (The Planning Inspectorate, 2022) held that although The Environment Act 2021 has now passed, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law and is not applicable. The North Hertfordshire District Council Local Plan and Paragraph 174 of the Framework both seek a net gain in biodiversity without identifying a specific percentage. A net gain of 1% was held to be compliant in the Malmesbury Appeal Case".

- 4.3.38 Therefore, this proposal which will provide a 1% net gain in biodiversity for non-linear habitats and a net gain of 58% for linear habitats and can be considered to be policy compliant at this current point in time prior to the 10% biodiversity net gain becoming mandatory, as a net gain is achieved overall, no objection is raised on the basis of biodiversity.

Technical objections

- 4.3.39 The NPPF, paragraph 83, sets out the Government's support for the rural economy and paragraph 84 states that development should be sensitive to its surroundings. As set out under the Newsells comments above, Newsells are a large local business, and are the largest local employer in the area employing around 35 staff.
- 4.3.40 I note Newsells overall objections. In summary they are concerned that the housing development in close proximity to their best fields could result in some of their land not being able to be used or foals getting hurt in paddock accidents that then affect their viability as a rural businesses. The application has attempted to mitigate this harm by showing a 15m wide landscape buffer along the northern edge of the application site in the indicative plans. I note that Newsells' state that this is not a wide enough buffer. Again due this being an outline application this matter, regarding the depth of the buffer and the strategic landscaping of the site are issues that will be considered at the next stage and no objection can be substantiated against the application on this basis.
- 4.3.41 I note that concern is also raised about those walking in the countryside through the Newsells estate not having dogs on leads or trying to feed or pet the foals. I note Newsells concern that whilst this could happen now, the likelihood of this would increase following the increased number of houses and population living close to their land. Whilst I have sympathy with this concern, this is a matter outside the scope of the application and Newsells are entitled to erect signage on their own land stating do not feed or pet the horses.
- 4.3.42 Neighbour's have objected on the basis that they consider the introduction of street lights along the Chiltern Ridge would be contrary to the character of the countryside and the setting of the Chiltern Ridge in this location. Technical details such as landscaping and lighting, which will be able to help to mitigate against such impacts / concerns, will be considered at the reserved matters stage.
- 4.3.43 Concern has been raised to the width and possible works to the existing bridleway that crosses the site. Again, this is an issue that would be taken into account at the reserved matters stage.

Planning Obligations

- 4.3.44 The applicant has agreed to pay the following contributions and a S106 Legal Agreement has been submitted and is well progressed. In the event that Members wish to approve this application, I recommend that such a resolution would be subject to the completion of the S106 Legal Agreement. The terms of which are:

Element	Details	Justification
Affordable housing	40% affordable housing. 56 units. This should be 65% rented (36 units) and 35% other intermediate tenure (20 units). Based on the SHMA the best mix to meet this is: Rented: 1 bed flats (6) 1 bed bungalows M4(3) standard (2) 2 bed flats (4)	Policy HS2 of the North Hertfordshire Submission Local Plan (2011 – 2031). Planning Obligations SPD As required by the Housing Enabling Officer

	<p>2 bed bungalow M4(3) standard (1) 2 bed houses (10) 3 bed bungalow M4(3) standard (2) 3 bed houses (9) 4 bed houses. (2)</p> <p>Intermediate: 1 bed flats (2) 2 bed bungalow (1) 2 bed houses (6) 3 bed houses (9) 4 bed houses (2) (Unit size is not known and flats are not shown on the indicative layout plan. This may change in the event of a reserved matters application).</p>	
To support the building of a single court community sports hall via Barkway Parish Council	<p>Play Space - £93,903.01; Pitch Sport - £46,317.04; Open space - £50,758.40; Community Halls - £59,641.12; Leisure - £98,745.61 As these figures are all for one project they can be stated as one contribution of £349,365.18. (All figures need to be indexed linked)</p>	Planning Obligations SPD
Waste collection and re-cycling	£71 per dwelling. (Figures need to be indexed linked).	Planning Obligations SPD
HCC First School Education	No contribution required as sufficient local capacity.	
HCC Middle and Upper School Education	<p>£1,318,092.00 (indexed linked to 1Q2020 BICS ALL in TPI) towards the expansion of King James Academy, Royston. £697,297.00 middle and £620,794.00 upper education. Revised trigger has been agreed for this contribution.</p>	HCC Guide and Planning Obligations SPD
HCC Library Service	£12,898.00 towards enhancements works at Royston Library (figures to be indexed linked)	HCC Guide and Planning Obligations SPD
HCC Youth Services	£34,312.00 towards increasing capacity at Royston Young People's Centre. (figures to be indexed linked)	HCC Guide and Planning Obligations SPD
HCC SEND	£146,712.00 towards SEND	HCC Guide

	EAST Severe Learning Difficulty school (figures to be indexed linked).	
HCC requirement	Provision of fire hydrants across the site.	HCC Guide
HCC Highways	£139,250.00 for sustainable transport. (figures to be indexed linked).	Planning Obligations SPD and requirement of HCC Highways.
Open Space	Delivery, phasing, creation and long term management and maintenance arrangements for on site open space	Planning Obligations SPD and Policy SP9 of the Emerging Local Plan

Barkway and Nuthampstead Neighbourhood Plan

- 4.3.45 This is in the early stages of being produced. To date the Neighbourhood Plan has not been 'made'. It therefore does not hold any weight in the consideration of this application.

Planning balance and conclusion

- 4.3.46 The application is recommended for conditional planning permission, subject to the completion of the S106 legal agreement, for the primary reason that it is an allocated housing site in the Local Plan. The concerns that the site was no longer sufficiently sustainable due to the federation of the first school and the reduction in the bus service, and the site should be removed as an allocation from the plan were discussed at the EiP and these objections were not supported. On this basis, there is no objection to the principle of residential development of up to 140 homes on this site.
- 4.3.47 The application is in outline, apart from access, and consideration will be given at the reserved matters stage to layout, design, external materials, parking, bin storage, lighting and landscaping to ensure that the final built development will have an acceptable appearance in the context of the locality. Therefore, no objection can be lodged against this application for these reasons.
- 4.3.48 It is noted that the reserve school site forms part of the allocation land area but is outside of the red line application site area and ownership of the applicant. Whilst it is not ideal for this area to be left undeveloped as it is on the south/village side of the allocation area, the criteria for BK3 does not specify that the school and houses have to be delivered at the same time, only that within the allocation the reserve school site should be provided for, which it is. On this basis there is no ability to object to the application.
- 4.3.49 For the above key reasons the application is considered to be acceptable and to comply with the provisions of the NPPF and the provisions of the Local Plan and is recommended for conditional permission, subject to the completion of the S106 legal agreement.

List of appendices

- Appendix 1 – Barkway Parish Council 2022 objection response.
Appendix 2 – NHDC Housing Officer comments.

Appendix 3 – NHDC Policy Officer comments.

Appendix 4 – Masterplanning note from Local Plans Manager.

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:

- a) the completion of the S106 legal agreement; and
- b) the following conditions:

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

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

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

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

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details and reserved matters which previously have been

agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. The landscape details to be submitted as reserved matters shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
- d) details of any earthworks and / or levels changes;

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

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

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

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

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

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

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

area.

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

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

9. No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

10. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

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

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

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 the historic environment.

11. Prior to the first occupation of the development hereby permitted the access and principal access road offset from the Royston Road (west access) shall be provided 6.0 metres wide complete with 10 radius kerbs and 2.0 m footway extended around the radii onto Royston Road, thereafter the accesses roads and footways shall be retained at the position shown on the approved 'proposed access Royston Road' plan number 163462-006 revision A

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.

12. Prior to the first occupation of the development hereby permitted the access and principal access road offset from the Cambridge Road (east access) shall be provided 6.0 metres wide complete with 12 radius kerbs and 2.0 m footway extended around the radii and along Cambridge Road, thereafter the accesses roads and footways shall be retained at the position shown on the approved site layout plan number 163462-007 revision A in conjunction with footway connections and associated works shown on drawing number 163462-004 revision B and the Royston Road Crossing junction improvements identified on drawing number 163462-002 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 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.

13. Prior to occupation a system of footways shall be provided to connect the new development with the existing bus stops in Royston Road as part of the application. These will need to be connected to the development's footpaths and easy access kerbs and shelters should be provided as appropriate. The exact location and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 access works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

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

14. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 70 metres to both directions along the Royston Road shall be provided to each side of the access where it meets the highway as identified on the approved proposed access Royston Road' plan number 163462-006 revision A 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

15. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 90 metres to the south westerly direction and 2.4 metres x 215 metres to the north easterly direction shall be provided along the Cambridge

Road to each side of the access where it meets the highway as identified on the approved proposed access Cambridge Road plan number 163462-007 revision A 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

16. Prior to the commencement of development details of the redundant points of access to the site from Cambridge Road and Royston Road and reinstatement of the verge or/and footways where relevant shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and permanently retained.

Reason: To provide safe and accessible linkages for pedestrians and cyclists and to confine vehicle movements to the permitted points of access in accordance with Policy 5 of Hertfordshire's Local Transport Plan .

17. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- I. Roads, footways, foul and on-site water drainage.
- II. Proposed access arrangements including, accurate radius kerbs at the main access to the site, visibility splays, with acceptable Stage 1 Road Safety Audit;
- III. Servicing areas, loading areas and turning areas for all vehicles.

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

18. The gradient of the access roads shall not exceed 1:20 as measured from the existing carriageway.

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

19. 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

20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Ardent Consulting reference 163461-02a dated June 2018. The surface water drainage scheme should include;

1. Implementation of the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing.

2. Provision of storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event. The mitigation measures shall be fully implemented prior to full site occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

21. Before each phase of development approved by this planning permission no development of that phase shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Ardent Consulting reference 163461-02a dated June 2018.

The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site.

3. All calculations/modelling and drain down times for all storage features.

4. Confirmation of which SuDS features will be infiltrating and specific infiltration rates for each feature.

5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.

6. Silt traps for protection for any residual tanked elements.

7. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

8. Details of final exceedance routes, including those for an event which exceeds to 1:100 + climate change rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of

surface water from the site.

22. Upon completion of the drainage works for each phase in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The plan shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

23. Despite the provisions of the Use Classes Order 2020 the 'shop use' hereby permitted shall be used for convenience type shopping and for no other use within the E class category unless planning permission for a change of use is first obtained from the LPA.

Reason: It is a requirement of the BK3 emerging Local Plan policy that a 'shop' is provided within the BK3 allocation area.

24. Prior to the commencement of the development hereby permitted, a detailed development phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of each phase of the development, in terms of sequencing and infrastructure delivery, land use implementation plan including a clear plan for the delivery and long term retention of the proposed convenience retail store. The proposed development shall thereafter be carried out in complete accordance with the approved details and particulars of the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure the proper planning and phasing of the development in the interest of good planning and implementation and to ensure the delivery of the convenience store in a timely manner in relation to the wider housing development in accordance with the terms of Policy SP9 of the Emerging North Hertfordshire Local Plan (2011-2031).

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. Thames Water Informative:

1. The developer can request information to support the discharge of this condition by visiting the Thames Water website at Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with

Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

2. 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.

3. Highways Informatives:

1. Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need.

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

(ii) Directly related to the development;

The new residents of the development will have an additional impact upon local services.

(iii) Fairly and reasonable related in scale and kind to the development.

The above financial contribution has been based on the HCC Financial Obligations Toolkit towards bus service improvements realising for 140 dwellings = £139,250 (see table below) for the sustainable transport contribution.

The toolkit specifies the following breakdown in costs related to the proposed development: estimated tenure as follows;

- o 1 bedroom dwellings: £625/dwelling (14 x £750=£8,750)
- o 2 bedroom dwellings: £750/dwelling (49 x £750=£36,750)
- o 3-bedroom dwellings: £1125/dwelling (58 x £1125=£65,250) and:
- o 4-bedroom dwellings: £1500/dwelling (19 x £1500=£28,500)

This approach is consistent and relate to the scale and impact of development.

The sustainable contribution means the sum of one hundred and seventy six thousand and two hundred and fifty pounds (£139,250) (Index Linked) as a contribution towards the upgrading to DDA standards for the improvements to the closest bus stop along Cambridge Road (plated as Village Hall) shall be upgraded to include raised Kassel kerbing and a bus shelters and two further stops along Royston Road (plated as Windmill Close) shall be upgraded to include raised Kassel kerbing, installed to the Highway Authority's satisfaction. The items at the stops that are in need of improvement: Bench approx 1x£8000, Shelter approx 1x£8000, Kessel kerbs approx 3x£8000 Totalling £40,000 for bus stop improvements, these works shall be secured through the s106 agreement.

This financial contribution would also be in respect of public transport initiatives such as Demand Responsive Transport [DRT] service in the area to encourage users of the Development to travel to and from the Development by means of transport other than the private car, this would enable the development site be served by bus services when and where is needed therefore, the bus service contribution would last longer and residents would benefit more from bus services, a financial contribution of £100, 000 has been calculated in similar development, (Royston Briars Lane) in consultation with the HCC Transport, Access and Safety Team to determine financial contributions towards improved bus services and facilities to provide a DRT to serve the development which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development shall be secured through the s106 agreement

2. 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).

3. 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.

4. Lead Local Flood Authority Informatives:

1. The site is located within a source protection zone, therefore we would advise the LPA is consult the Environment Agency for any requirements they may have in relation to water quality.

2. As this is a greenfield site, we would not accept the use of below ground

attenuation features. At detail design stage we would expect above ground measures such as permeable paving, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

3. We would strongly recommend that soakaways serving multiple properties should not be located within private curtilage. There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property. As the drainage system is serving more than one property, the lack of maintenance would affect several properties.



Anne McDonald – North Hertfordshire District Council

05.08.2022

Dear Anne

Outline Application: 18/01502/OP

Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage. Land Between Royston Road And, Cambridge Road, Barkway, Hertfordshire.

Comments on further supporting information and updated supplementary documents.

1. Thank you for providing an opportunity to comment on the further supporting information and updated supplementary documents in relation to this planning application.

Introduction

2. Barkway Parish Council have consistently objected to the application and the allocation of the site in the emerging North Herts Local Plan (BK3) and continue to do so. We note your comments that the issue of BK3 staying in the emerging Local Plan, or not, will be discussed in the committee report. Therefore, the application should not be decided until the future of the emerging Local Plan is clearly set out, unless the decision is for it to be refused.
3. A significant proportion of residents of the village actively object to this planning application. In addition, the District Councillor (Gerald Morris), the County Councillor (Fiona Hill) and our MP (Sir Oliver Heald) also object. Sir Oliver Heald is particularly concerned about the impact on the River Quin, a matter about which he is very well aware in his capacity as President of the Friends of the Rib and Quin. The most significant employer in the village, Newsells Park Stud, maintains its ardent objection to the development to a housing estate on the edge of its grounds.
4. This letter of objection should be added to all previous objections to the development proposed on site BK3. The objection laid out below provides support for refusing the planning application

Reasons for Objection

The Emerging Local Plan

5. The applicants Planning Statement Addendum (para's 2.2 – 2.7) says that the BK3 site allocation has been retained throughout the Examination of the Local Plan. Although this is factually correct, the protracted and unexplained delay in the issuing of the Inspectors Fact Check report must throw some doubt on his opinion of the soundness of the emerging Local Plan, and therefore the likely imminent adoption of a Local Plan which includes BK3 as a site allocation.
6. Site BK3 is not a site allocation in an adopted Local Plan. It would be contrary to the saved policies of the District Local Plan No.2 (1996). There is no proven need for the development and the option of refusing the application and not developing the site would have no impact on the overall housing land supply for the district. The application should be refused.

Principle of Development & the NPPF

7. The Planning Statement Addendum adds nothing to reassure residents or Barkway Parish Council, that granting planning permission for this outline planning application can be supported by a reasoned argument.
8. The Planning Statement Addendum falls back on the presumption in favour of sustainable development in the NPPF. This is where the applicant's argument falls down. This outline planning application does not constitute sustainable development evidenced by the District Council's own request to remove it from the Local Plan, among very many other reasons.
9. The fact that Barkway is a sustainable location just because it is beyond the Green Belt, reiterated in para 2.14 of the Planning Statement Addendum, is not a criterion of sustainability. Barkway is not a sustainable location, evidenced by all the previous submissions by Barkway Parish Council to both the planning application and the objections to BK3 being included as a site allocation in the Local Plan.
10. In an attempt to justify the proposals, the Planning Statement Addendum refers to Paragraph 48 of the National Planning Policy Framework. This paragraph gives three criteria for giving weight to relevant policies in emerging plans. The second criterion relates to the extent to which there are unresolved objections to the relevant policies. Barkway Parish Council maintains its strong and well evidenced objection to the allocation of site BK3 (Policy BK3) in the emerging Local Plan. The strength of the parish council objection and the fact that it remains unresolved should reduce the weight given to that policy and its role in supporting this application.
11. Paragraph 73 of the NPPF refers to how new homes can often be best achieved by significant extensions to existing villages provided they are well located and designed and supported by necessary infrastructure. This application represents

the growth of Barkway by about one third making paragraph 73 relevant. The paragraph text mentions the caveats of being well designed, well located and supported by necessary infrastructure.

12. Well designed: Despite the District Council's attempts to improve design through a Masterplanning exercise, design will only be judged when a full application is submitted, or through reserved matters applications.
13. Well located: The Masterplan Summary Report containing Illustrative Masterplan Revision D, shows clearly how the proposed development fails to integrate with the village. The location of the site, separated from the settlement by land held in reserve for a school site that is not needed, is a poor location. The residential development on site BK3 does not trigger a need to use the reserve school site and there is no evidence that it will do in the near or medium term future. The new housing estate will represent a form of development unsuitable for a small village and fails to meet the criterion of being well located.
14. Supported by necessary infrastructure: Previous objections by Barkway Parish Council have detailed the issue with transport infrastructure. There is also a fundamental issue with Sewerage infrastructure in Barkway.
15. The impact on the River Quin is subject of a comprehensive report submitted with this objection. (Please see Appendix A)

Impact on the River Quin

16. The detailed report prepared for Barkway Parish Council by [Case Environmental](#) is summarised in the paragraphs below:
17. The Problem: The River Quin, which runs through Barkway, is a rare and ecologically important chalk stream, supporting a diverse range of species which is under threat. Since 2013 the river has been categorized as being in a poor condition by the Environment Agency owing to over-abstraction of water and overflows of untreated sewage into it from the Barkway Sewage Treatment Works (STW). The volume of water flowing along the river is variable and at certain times of the year it virtually dries up upstream from the sewage works ensuring that what is sent downstream from there is concentrated sewage. The risk of the River Quin becoming little more than a nature open sewer is very real and would be an environmental catastrophe for an endangered chalk stream.
18. Nationally, unacceptable levels of discharge/spillage of untreated sewage into waterways are acknowledged by government agencies and water companies. Barkway has a problem bigger than most and the problem is growing. In 2021, untreated sewage was discharged into the river for 734 hours. This equates to untreated sewage being discharged continuously into the River Quin for a whole month.
19. The Future: There is no provision in Thames Water's Five-Year-Plan to increase capacity at Barkway STW. The 140+ homes proposed in Barkway on site BK3

equate to a 30% increase in existing housing and a consequent discharge of approximately 30% more raw sewage into the River Quin. There is a major threat of a collapse of the wastewater treatment works in Barkway. This would result in the catastrophic and irreversible loss of the waterway and its unique eco-system (flora and fauna) below the STW. There is a compelling and valid argument that no further development should occur within Barkway Village until the fundamental and current issues discussed in Case Environmental Report afflicting the River Quin have been addressed.

20. The Solution: There should be a halt to further large-scale development in Barkway (including BK3) until the fundamental issues at Barkway STW that are afflicting the River Quin are resolved. The House of Commons Select Committee – Environmental Audit Committee (EAC) recommends that, in the process of approval of any new development in England, water companies ought to be empowered to require that any Community Infrastructure Levy payable by developers is used to enable separate surface water and foul sewers, in cases where provision has not already been made for such arrangements.
21. Action should be taken by both the Environment Agency and Thames Water. The Environment Agency should develop flow strategies including organisation of the maintenance of the River Quin upstream of the STW; monitor water quality and river flow rates downstream of Barkway STW; and organize frequent visual monitoring of the drainage ditch. Thames Water should investigate increasing the capacity and refurbishing of the reed filter beds at the STW.

Archaeology

22. The outline application seeks to establish the principle of 140 homes on the site. The important further work undertaken by a local archaeologist on the site indicates that the site is more important than the appraisals submitted with the planning application suggest, despite the site being outside any of Barkway's Areas of Archaeological Significance. The [Barkway Local History Group](#) have been very active in further investigating the motte and bailey site on Periwinkle Hill, using drone flights and LiDAR technology. This new information must be taken into account prior to the decision on the outline application and the indicative Masterplanning that has been prepared without archaeological investigation.
23. We conclude that the potential impact on designated and non-designated heritage assets has not been properly considered.

Please refer to:

<https://www.britishmuseum.org/collection/search?keyword=Barkway&keyword=Hoard>

The Barkway Hoard – Roman artifacts now on permanent display at the British Museum.

(Also please see Appendices B, C & D)

Village Store

24. The description of development includes the provision of a new shop (A1 use). The Town and Country (Use Classes Order) 1987 (as amended), most recently in April 2021, no longer includes such a use. There is now only a Commercial, Business and Service use (E). The description of development is incorrect.
25. At no point has the need for a village shop been addressed, despite repeated requests from the Parish Council for the applicant to demonstrate how this has been researched. The updated documents do not provide evidence that the provision of a village store within the development would be viable and that it would not impact on the popular village store and post office in Barley. If a village store in Barkway were to cause the closure of the village store in Barley, the village would also lose access to a local post office.
26. Granting outline permission for the principle of a village store as part of this development could result in the loss of facilities for the village making the development even less sustainable than it already is.

Public Open Space

27. Public open space is included in the description of development. Despite it technically being reserved matter, the Design and Access Statement which was submitted in March 2022 (but which there has been no opportunity to comment to date) includes a land use plan on page 20. This shows that public open space has been located on the edges of the development to try and soften the impact of a housing estate up against an internationally renowned stud farm and to hide the development from the road on the southwestern approach to the village. Whilst the parish council agree that this is necessary, the principles of good design, to integrate public open space within a development, have been ignored.
28. The results of the Masterplanning exercise appear to confirm that most of the open space will be peripheral to the development. The only open space within the development is along the line of the existing public right of way.

Public Right of Way

29. Bridleway, Barkway 018, is shown on the proposed masterplan as having to cross the primary traffic route through the development requiring walkers and riders to cross a road constitutes a significant reduction in amenity. The character of Public Rights of Way should be preserved or improved, not dissected and urbanised.
30. The National Planning Policy Framework (NPPF) paragraph 100 says "Planning ... decisions should protect and enhance public rights of way and access, ...". This section of the NPPF derives from the [Defra Circular 1/09 Public Rights of way – Guidance for Local Authorities](#). Paragraph 7.2 of the circular says "The effect of development on a public right of way is a material consideration in the

determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered." Paragraph 7.8 says "In considering potential revisions to an existing right of way that are necessary to accommodate the planned development ... preference should be given to ... paths through landscaped or open space areas away from vehicular traffic." The clear intention is that the character of Public Rights of Way should be retained and that the effect of urbanisation in rural areas should be minimal.

Arboriculture

31. The updated Arboricultural Impact Assessment (rev A) (July 2022) confirms the removal of a group of trees and four lengths of hedgerow. We have no comment to make on this other than its contribution to the governments project target of a 10% biodiversity net gain in terms of hedgerows is underwhelming. It confirms that the application requires the part removal of 4 hedges.
32. At no point is the detail of the hedgerow to be removed discussed. It is merely glazed over. What is the length of the hedgerow to be removed? Despite the landscape plan being quoted as illustrative, there is a considerable amount of detail about trees and virtually nothing about hedgerows or the impact on the four breaks in the hedgerow that are created on the illustrative landscape plan.

Ecology

33. The updated Preliminary Ecological Assessment (Rev B) (June 2022) records a Biodiversity Net Gain of only 1.05% for non-linear habitats. No attempt is made to achieve the governments projected target of 10% net gain in biodiversity. The conclusions of the report state that the proposed development achieves [by 0.05%] the measure by which applications are currently judged as acceptable, pending the bringing into force of the legislation to implement the Environment Act 2021.
34. The Ecological Assessment claims that planting of new hedgerows (linear habitats) will achieve a net gain of 57.95%. Hedgerows take years to mature, and the application includes the loss of mature hedgerows where access routes are cut into them.
35. The North Herts Climate Change Emergency is not mentioned in the planning submissions. The development of this site will immediately worsen the Climate Change Emergency declared in North Hertfordshire.

Conclusion

36. There is nothing in the recently submitted documents that helps to support the applicant's claim that their application is sustainable. This renders the application contrary to the NPPF.

37. The impact on climate change and infrastructure is not addressed. The vital issue of failing sewerage infrastructure and how the discharge of excessive untreated sewerage from the Barkway Water Treatment Plant into the protected River Quin will worsen is completely absent, with no solution offered, NPPF.
38. The impact on archaeology is unknown and the impact on the public right of way is unacceptable in accordance with best practice and the NPPF.
39. The description of development for this planning application seeks to establish the principle of not only a quantum of development (and mixture of housing) but also the provision of a village store without the necessary evidence or infrastructure to support new homes or the need for a shop, NPPF.
40. Despite the attempts at Masterplanning, the location of the public open space predominantly on the edges of the development seeks to hide the development rather than providing usable space for residents, NPPF.
41. The Arboriculture and Ecology reports show the inadequacies of the development to improve biodiversity, NPPF.
42. Finally, the application should not be decided until the future of the emerging Local Plan is clearly set out, unless the decision is for the application to be refused.

Yours sincerely,

Catharine Toms
Clerk to Barkway Parish Council
The Reading Room
12 High Street
Barkway
Royston
Hertfordshire SG8 8EE

01763 849671

07763 167116

Appendix A – Impact of BK3 on the River Quin
Appendix B – Extracts from emails regarding Archaeology
Appendix C – LiDAR photos
Appendix D – Evaluation Trenching Report BK3

Cc: Mr Simon Ellis (NHC Development & Conservation Manager), NHC Planning Control, Dist. Cllr. Gerald Morris, County Cllr. Fiona Hill, Mr John Grossart (Representing Newsells Park Stud), Jacqueline Veater (Govresources Ltd), Cllr. Paul Clark (NHC Exec. Member for Planning & NHC Deputy Leader), Cllr. Elizabeth Dennis-Harburg (NHC – Leader of the Council), Cllr. Steve Jarvis (NHC Exec. Member Environment & Leisure), Sir Oliver Heald (MP for North Herts)

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Date: 29 July 2022
To: Anne McDonald
From: Nigel Smith
File No: 18/01502/OP

Re Land between Royston Road and Cambridge Road, Barkway

Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop with associated public open space, landscaping and drainage.

1. The case officer has requested policy comments specifically in relation to draft Policy SP9 of the emerging North Hertfordshire Local Plan 2011-2031 ('Policy SP9'). Other policy matters such as general principles relating to the development or requirements relating to (e.g.) affordable housing are not discussed other than where they necessarily overlap with the interpretation of Policy SP9.
2. The weight to be given to these comments and Policy SP9 should accord with advice in Paragraph 48 of the National Planning Policy Framework (NPPF, July 2021) on emerging plans. At the time of writing, the Council is awaiting publication of the Inspector's final report into the examination of the Local Plan. This may be received prior to the determination of the application and this should be considered as relevant / required.
3. Any references to criteria, paragraphs etc. in the Plan are as shown in the [May 2021 illustrative working version of the Local Plan](#) on the Council website. These may change in any final version of the plan to ensure the document reads sequentially and sensibly.

General application of Policy SP9

4. Policy SP9 is the emerging Plan's strategic policy on Design and Sustainability. Through the examination process, the Council has proposed significant changes to this draft policy when compared to the version that was submitted for examination in 2017 and that was in effect when this application was submitted in 2018.
5. Significant alterations and additions to Policy SP9 were proposed by the Council and considered by the examining Inspector during the re-opened hearing sessions that took place in 2020/21. Proposed alterations to the policy were including in the Further Proposed Modifications to the Plan that were approved for consultation by Cabinet in March 2021 and subject to public consultation in June / July 2021.
6. In summary, these introduce a requirement on certain developments for *Strategic Masterplans to be produced in collaboration with the council and subject to consultation*

with key stakeholders and the community. In relation to this application, this requirement applies to 'significant development' which *generally comprises residential development above 100 dwellings.*

7. Policy SP9 encourages the production of Strategic Masterplans at pre-application stage, including agreeing their scope with the Council. However, it is also pragmatic in allowing for submitted planning applications to proceed: *Where applications have already been submitted to the Council a Strategic Masterplan should be agreed prior to the or as part of the grant of planning permission.*
8. This application was submitted before the current provisions and requirements of Policy SP9 were introduced as proposed modifications to the local plan and before the Council was applying material weight to the emerging policy in its current form. As such there was no ability to confirm the scope and contents of the Strategic Masterplan in pre-application discussions. The relevant policy provision for the application is therefore as shown in Paragraph 8 above.
9. From March 2021 onwards the applicant has positively engaged with the council to a) confirm the scope and contents of a Strategic Masterplan and b) work collaboratively to prepare and agree a Strategic Masterplan.
10. Policy comments on the compliance on the (then current) application plans and supporting material against Policy SP9 were provided to the applicant in February 2022. These are available on the case file. In response, the applicant submitted amended plans and documents between March 2022 and July 2022. This includes a series of updated parameter plans and a Masterplan Summary Report. Consultation *with key stakeholders and the community* on these amended plans and documents took place over the late spring and summer of 2022.
11. In terms of general process, I therefore consider the application complies with the relevant provisions of Policy SP9 outlined above.

The application / masterplan boundary

12. The application boundary, and therefore the extent of the submitted masterplan material, coincides with the boundary of proposed Local Plan site BK3 as it was submitted to the examination in 2017. Similarly to Policy SP9, this allocation policy has been subject to proposed changes through the course of the examination.
13. At the time of writing these comments, the proposed BK3 allocation boundary has been expanded to include the adjoining reserve school site. This land is in the ownership of Hertfordshire County Council (HCC) but, on the ground, presently forms part of the same field that makes up the western part of BK3 with no clear distinction between the landholdings on the ground.
14. For Strategic Housing Sites – defined as those sites proposed in the Local Plan for 500 homes or more – there is an emerging policy requirement for Strategic Masterplans to be prepared *for the entire allocation*. However, this requirement is not replicated for significant development. Paragraph 4.116 of the supporting text to Policy SP9 recognises that:

The policy has to apply to a wide range of developments in terms of quantum, scale and complexity. The policy should be applied in its entirety to the Strategic Housing

Sites but for other significant development a tailored and case-by-case approach will be required to identify a proportionate level of masterplan and design detail to secure design quality dependant on site specific issues and the level of detail submitted with any planning application

15. Clearly, the preferable approach would be for a masterplan covering the entirety of the BK3 allocation. The potential gap / separation created by the reserve school site was a key issue in considering a previous application on this site. The currently unresolved status of this land is a challenge. However, HCC have made clear they do not wish to take part in a joint masterplanning exercise with the applicant and the Council has no particular planning powers to compel this to happen.

16. [Procedural guidance on the approval of masterplans](#) was agreed by the Council's Strategic Sites and Masterplanning Project Board in March 2022 and endorsed by Cabinet in June 2022. This says, at Paragraph 1.15 (emphasis added):

Agreement of a Strategic Masterplan "...as part of the grant of planning permission..." will normally only be appropriate where:

- *The application boundary is contiguous with (or otherwise covers the entirety of) the relevant Local Plan allocation boundaries; and / or;*
- ***It has been agreed that the application boundary is also the most appropriate Strategic Masterplan boundary.***

17. In this instance it is considered that determination of this planning application cannot reasonably be held in abeyance due to an unwilling neighbouring landowner. It is therefore necessary for the masterplan material for the current application to address these and other, site-specific issues to the best of its ability to demonstrate *proportionate* compliance with Policy SP9.

18. A masterplan coterminous with the current application boundary is presently considered the best achievable outcome and, in my view, is therefore the most appropriate application of Policy SP9 requirements at this time.

19. I consider the spatial extent of the masterplan to be consistent with Policy SP9.

Masterplan Summary Report and associated parameter plans

20. As set out above, the culmination of the applicant's work in response to the changing requirements of Policy SP9 is the March 2022 Masterplan Summary Report. This document incorporates and cross-references a series of revised and updated parameter plans that have also been submitted in their own right.

21. Public consultation letters were sent on 23 May 2022 with an 8 June deadline. Following the receipt of further updated information, a further public consultation was issued running from 8 July to 31 July 2022. Any responses to these consultations regarding the Masterplan Summary Report and associated parameter plans should be taken into account by the case officer in reaching any recommendation.

22. Alongside the summary report, the applicant also submitted a commentary on the Council's February 2022 assessment detailing how the plans had been amended in response. This provides a clear and helpful audit trail of how proposals for the site have evolved and been amended in response to Policy SP9.

23. Detailed comments on the amended plans and material are set out in the attached, updated SP9 Design Assessment. The comments identify some queries and clarifications. Some of these – such as clarifying the Biodiversity Net Gain calculation against the current proposed approval plans and the compatibility of the site’s proposals for BNG, public open space and SUDs – are more substantive while others are relatively minor or cosmetic.
24. However, this is an outline application with all matters other than access reserved. It is therefore not the purpose of this current planning application to resolve all of the matters identified in full or develop or agree detailed designs or solutions. Subject to any feedback from relevant consultees as well as appropriate mechanisms (such as conditions) to allow for further reconciliation of the green infrastructure points, I consider the Masterplan Summary Report and associated parameter plans represent an appropriate and proportionate response to the requirements of Policy SP9.
25. The amendments to the scheme proactively address a number of the detailed aims and objectives of the policy and the comments provided by the Council. The documentation and parameters provide an appropriate framework against which future reserved matters can be judged and outstanding issues resolved.
26. Paragraph 1.24 of the procedural guidance referenced above recognises that *the assessment of the masterplan will form one part of a rounded consideration of application against the Development Plan and any relevant material considerations.*

Conclusion

The revised application material represents an appropriate response to the requirements of Policy SP9 in terms of process, spatial extent and content.

The masterplan summary report and parameter plans should be appropriately secured by condition(s) to any permission to ensure a policy-compliant framework against which any future reserved matters can be assessed.

MEMORANDUM

To: Anne McDonald
Senior Planning Officer

From: Debbie Ealand
Housing Supply Officer
Ext: 4526

Your Ref: 18/01502/OP

Date: 26 July 2022

**Outline Application: Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage.
Land between Royston Road and Cambridge Road, Barkway, Hertfordshire.
Case Ref No: 18/01502/OP.**

Dear Anne,

Thank you for your memo of 8 July 2022 in respect of the above application for outline planning permission following submission of updated supplementary documents in support of the application.

Barkway village is covered under Policy 7 – Selected Villages beyond the Green Belt in the current saved Local Plan. Policy 6 – Rural Areas beyond the Green Belt also applies.

The site is outside the current village boundary in an area of rural restraint.

Under the adopted Local Plan, the affordable housing requirement on a threshold of 20 dwellings or more is 25%.

Following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the proposed submission Local Plan.

Barkway is a Category A village in the proposed submission Local Plan and there are three allocated sites in Barkway, expected to deliver 173 new homes. The application site is allocated, site BK3 in the proposed submission Local Plan and is expected to deliver 140 new homes. The site is within the proposed new settlement boundary.

The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals, in accordance with the NPPF.

Paragraph 62 of the NPPF says “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”.

Paragraph 63 of the revised NPPF says “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities”.

A rural Housing Needs Survey (HNS) was undertaken by Community Development Action (CDA) Herts. in Barkway in 2019.

The HNS identified a total affordable assessed housing need for 18 units over a five-year period; including a mix of one, two and three bedroom homes for rent and sale on a shared ownership basis. Types of accommodation identified included flats, houses and bungalows, including sheltered and adapted accommodation. A small number of residents also mentioned an interest in community led housing and self-build.

The following types and minimum bedroom numbers, were identified:

Type	Affordable rent minimum	Total
1 bed flat / house	2	4
2 bed flat / house	1	7
3 bed house	0	2
1 bed sheltered / bungalow / accessible	1	2
2 bed sheltered / bungalow / accessible	1	3
TOTALS	5	18

This can be summarised as:

6 x 1 bed units
 10 x 2 bed units
 2 x 3 bed units

Based on 140 dwellings overall and a 40% affordable housing requirement, in accordance with the Proposed Submission Local Plan, this equates to the provision of 56 affordable dwellings.

Within the overall 40% affordable housing requirement a 65%/35% rented/

intermediate affordable housing tenure split is required, in accordance with the council's Planning Obligations SPD and the 2016 Strategic Housing Market Assessment (SHMA) Update. Thus, of the overall 56 affordable units: 36 rented units and 20 intermediate affordable units should be provided to meet housing need.

Within the 65% rented tenure the 2016 SHMA update indicates the following mix best meets housing need:

36 x 24% x 1 bed flats (8)
36 x 12% x 2 bed flats (4)
36 x 26% x 2 bed houses (9)
36 x 35% x 3 bed houses (13)
36 x 6% x 4 bed + houses. (2)

Within the 35% intermediate tenure the 2016 SHMA update indicates the following mix best meets housing need:

20 x 8% x 1 bed flats (2)
20 x 8% x 2 bed flats (1)
20 x 20% x 2 bed houses (4)
20 x 54% x 3 bed houses (11)
20 x 10% x 4 bed houses (2)

The applicant has indicated the provision of a policy compliant 40% affordable housing, but the tenure split proposed in their application form is incorrect.

The proposed submission Local Plan recognises that there will be a substantial increase in the number of and proportion of older residents in North Hertfordshire and there is high demand/ need for suitable accommodation for this client group.

For residential developments of 100 units or more planning permission will be granted where an element of accommodation within Use Class C3 for older persons housing is included under the requirements of Policy HS3(a).

There is growing need for three and four bed wheelchair accessible bungalows for families with an adult or child with disabilities and/ or limited mobility. To meet the requirements of Policy HS5: Accessible and adaptable housing 2 x three bed bungalows should meet M4(3) wheelchair accessible standards, in addition to 2 x one bed bungalows and a two bed bungalow, to assist in meeting the housing needs.

There is high demand across the district for smaller family (two bed) houses for rent and the council would therefore be willing to discuss amendment to the mix/ figures for rented homes.

The number of flats required is small, particularly for the intermediate tenure and I suggest any flats provided are sympathetic to the rural setting and have an external appearance like that of a dwelling house/ terrace of houses given the small number. In any event I suggest that 2 x one bed bungalows and 2 x two

bed bungalows are provided to meet needs identified in the 2019 Barkway & Nuthampstead HNS.

The required mix to meet identified housing need is:

For 65% rented tenure:

- 1 bed flats (6)
- 1 bed bungalows M4(3) standard (2)
- 2 bed flats (4)
- 2 bed bungalow M4(3) standard (1)
- 2 bed houses (10)
- 3 bed bungalow M4(3) standard (2)
- 3 bed houses (9)
- 4 bed houses. (2)

For the 35% intermediate affordable housing tenure:

- 1 bed flats (2)
- 2 bed bungalow (1)
- 2 bed houses (6)
- 3 bed houses (9)
- 4 bed houses (2)

Rented and intermediate affordable housing tenure flats should be separate as Registered Providers (RPs) do not like mixed tenure blocks and prefer different rented and intermediate tenure dwellings to have their own point of entry/ access.

The definition for affordable housing includes housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

The affordable homes should be owned and managed by a registered provider, should be spread across the sites in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing.

In June 2021 the Government introduced a policy requiring 25% of affordable housing provided to be First Homes. First Homes can be considered on merit where the overall proportion of affordable housing that can be achieved on site will not be adversely affected and the Local Plan requirement for 65% of affordable homes for rent is met. Fourteen of the twenty intermediate affordable housing units could be delivered as First Homes to meet this requirement.

The council will accept Affordable Rent tenure units up to 80% of local market rents (including service charges, where applicable) for one and two bed homes and Affordable Rent tenure units up to 70% of local market rents (including service charges, where applicable) for three bedroom homes to ensure affordability, as evidenced in the 2016 SHMA Update.

To ensure affordability four bedroom homes should be let at Social Rents (excluding service charges, where applicable) and all rents should be within Local Housing Allowance (LHA rates).

Any affordable homes should be allocated to applicants with a local connection to Barkway and Nuthampstead in the first instance.

As Barkway has a population of 3,000 or less, protected area status applies. Staircasing on any shared ownership properties is restricted to 80% in accordance with

The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009 which came into force on 07 September 2009. These regulations include the introduction of Protected Area Status for settlements currently exempt from the Right to Acquire (i.e. those with populations of less than 3000).

This ensures that the homes remain affordable in perpetuity.

The nationally described technical housing standards provide the nationally recognised standards for bedrooms, storage, and internal areas in new dwellings across all tenures. To ensure schemes are appropriately designed the affordable units are required to meet the nationally described housing space standards.

Parking courts are not desirable as there is often limited or no natural surveillance and residents prefer to park outside or near to their homes. To minimise on street parking, parking spaces should be provided in front of or adjacent properties with good natural surveillance.

Grant funding for the affordable housing on S106 sites is not available and the affordable housing should be delivered through planning gain alone.

Issues of financial viability must be submitted to the council using a recognised financial toolkit and this will be independently tested at full expense to the applicant, in accordance with the Council's Planning Obligations SPD.

I hope this information is useful. Please contact me if I can be of any further assistance.

Regards

Debbie Ealand
Housing Supply Officer

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North Hertfordshire Local Plan SP9 Design & Sustainability: Assessment

Barkway BK3, 18/01502/OP



Page 73

1. CONTEXT AND SITE	
NDG Criteria	Comment
C1 Understand and relate well to the site its local and wider context C2 Value heritage, local history and culture	
SPg Criteria	
Positively integrate with adjacent rural and urban communities and contribute to their character and the way the area functions (including addressing cumulative, cross boundary and infrastructure matters)	<ol style="list-style-type: none">1. The application does not cover the whole of the proposed BK3 allocation. Although the Council's clear preference would be to masterplan the current application site and adjoining reserve school land holistically, Hertfordshire County Council (HCC) do not wish to participate in a joint masterplanning exercise for this site.2. Similarly, through the application, HCC have confirmed (January 2022) that this application does not trigger any need for use of the reserve school site at this time and that they will not be seeking s106 contributions towards First School provision as there is sufficient capacity within current arrangements.

- | | |
|--|---|
| | <ol style="list-style-type: none"> 3. This lack of clarity on the role and eventual use of the adjoining reserve school land provides challenges, particularly as there is presently no demarcation between the two landholdings on the ground. These concerns were reflected in the response to the previous planning application on part of the current application site which identified the risk of piecemeal development and a lack of integration with the existing village. A fragmented approach to masterplanning potentially inhibits delivery of the optimum outcome for the BK3 allocation when viewed as a whole. 4. However, in this instance it is considered that determination of this planning application cannot reasonably be held in abeyance due to an unwilling neighbouring landowner. It is therefore necessary for the masterplan material for the current application to address these and other, site-specific issues to the best of its ability to demonstrate compliance with Policy SP9. 5. The Council's agreed approval process for Policy SP9¹ states that agreement of masterplan material as part of the grant of planning permission can be appropriate where it has been agreed that the application boundary is also the most appropriate masterplan boundary. In the circumstances, this is the approach that has been taken to this site / application. 6. Following amendment, the masterplan document and accompanying plans detail how the development proposals will successfully link into the surrounding communities, destinations (e.g. the local school) and PROW network through enhanced walking and cycling routes, GI and ecological network and the disposition of the layout (see detailed comments below). 7. The masterplan and updated plans have been amended to illustrate how the layout (block, street and landscape structure) and alignment of routes within the site have been identified to strongly integrate with these connections. |
|--|---|

¹ Policy SP9 approval process, available at <https://www.north-herts.gov.uk/approach-masterplanning>. This document was agreed by the Council's Strategic Sites Project Board in March 2022 and endorsed by Cabinet in June 2022

	<p>8. The relationship with the adjoining reserve school land that forms the remainder of the BK3 allocation has been clarified insofar as is possible in the current circumstances with additional hedgerow planting.</p> <p>9. The site is at the interface between the village edge and the rural countryside and this is reflected in the design response. Barkway has a strong historic landscape setting – including the prominent ridge immediately west of the site and the adjoining Newsells and Cokenach estates. This has informed the use of setbacks and edge treatments which will assist in sensitively knitting the new development into the existing and mitigating the inevitable impacts that significant residential use of the site will have through good design.</p>
2. IDENTITY	
NDG Criteria	Comment
<p>I1 Respond to existing local character and identity.</p> <p>I2 Well-designed, high quality and attractive</p> <p>I3 Create character and identity.</p>	
SP9 Criteria	
Create buildings and streets which positively reflect and respond to the local landscape, townscape and historical character	<p>10. The updated Design and Access statement (DAS) accompanying the planning application includes consideration of local character, context and precedents and uses this to inform the proposed layout.</p>

11. The scheme is, in summary, suitably responsive to the site's landscape setting. Existing landscape features, on and off-site trees, hedge lines/vegetation and public rights of way have been used as structuring elements. The application provides the basis of a scheme that can be successfully embedded into its locality.
12. The DAS has been revised and updated to include historic mapping better showing the evolution of the village and site surrounds. Additional information has been provided (p.9 of the DAS) on the post-war development of the northern areas of Barkway in closest proximity to the site. The south-western portion of the application site in particular will have a relationship with this part of the village.
13. The previous plans / design response are now included as an additional iteration in the design evolution of the site which aids in telling the story of the current scheme.
14. Key elements of this contextual analysis including the constraints and opportunities plan are replicated in the Masterplan Summary Report (MSR).
15. There are a few minor points that it would be beneficial to clarify or amend.
 - The list of constraints in both the DAS (Section 3.3) and MSR (Section 2.3) would ideally reference the absence of clear plans or intent for the adjoining reserve school site which forms part of the BK3 allocation as well as the limited opportunities in practical terms for journeys by modes other than the private car.
 - The second bullet point in opportunities might benefit from defining the 'points of interest' – presumably facilities such as the recreation ground and village hall and wider Rights of Way networks.
 - On the constraints map / key the symbols and colour for both the rights of way and the potential pedestrian school access are very similar and would ideally be more easily differentiated.

	<ul style="list-style-type: none"> • The vision makes reference to “drawing on the vernacular architecture and urban form of Barkway’s Conservation Area”. It is suggested that this reference should now be to “Barkway” more generally and the specific reference to the Conservation Area should be removed. This would reflect the broader emphasis of the design analysis in the DAS/MSR in response to the masterplan evolution and the Council’s feedback. • Remove reference to “grander” properties in design principle #3 (p.15) and Key Feature L (p.24). Lower density is a sufficient descriptor alongside the character guidance. The detailed design and general disposition of the layout (including the distribution of affordable housing within the site) remains to be determined through reserved matters application(s).
3. BUILT FORM	
NDG Criteria	Comment
B1 Compact form of development B2 Appropriate building types and forms B3 Destinations	
SP9 Criteria	
Create buildings and streets which positively reflect and respond to the local landscape, townscape and historical character	16. The broad approach of a primary street through the site with secondary streets and development blocks to its north and south is supported, as is the proposed differentiation between the character of the western and eastern fields and the central street.

17. The masterplan and parameter plans have been updated to remove lengths of street which previously had no active frontage and to better address, in particular the north/south green corridor. This amendment is particularly welcomed as it embeds this central corridor as a key feature of the development, aiding legibility and encouraging walking, cycling (and horse riding) within, across and beyond the site.
18. The DAS identifies three broad character areas:
- The village street fronting the primary route;
 - Residential lanes – formed by the secondary and tertiary routes in the west of the site; and
 - Wooded lanes – a lower density area formed by the secondary and tertiary routes in the east of the site.
19. This is supported as a sensible basis for differentiation. The character guidance recognises there may be scope for further subdivision or distinction between the northern and southern elements of the ‘residential lanes’ given their relationship to northern Barkway / the Newsells estate respectively, though it is considered this is something that can be considered further in the development of reserved matters proposals.
20. As reflected in the site-specific policy, the western area of the site lends itself to a slightly higher intensity of development than the east.
21. An urban design parameter plan has been submitted. This is rather simplistic in that it identifies the significant majority of the site simply as the “urban block structure”. Some distinction around (e.g.) density or building heights might assist. However, when the DAS/MSR and supporting plans are read as a whole – particularly having regard to the ‘illustrative character area guidance’ – there appears to be adequate material against which to judge future applications and secure the intended outcomes.

	<p>22. Deletion of the word “illustrative” would provide some more comfort in this regard. The urban design parameter would ideally also show frontages facing the internal streets of the development blocks – reflecting the illustrative masterplan and guarding against any reversion to areas of ‘dead frontage’ in any final scheme.</p> <p>23. The reference to using design cues from northern Barkway in the southern ‘residential lanes’ area is welcome. This should help provide a legible townscape and coherent variations in character when moving across northern Barkway as a whole (e.g. from Windmill Close through the development to the community and recreation facilities).</p>
4. MOVEMENT	
NDG Criteria	Comment
M1 Integrated network of routes for all modes of transport M2 A clear structure and hierarchy of connected streets M3 well considered parking, servicing and utilities infrastructure for all users	
SP9 Criteria	
Create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive	<p>24. The primary route across the site accords with the policy requirement to explore options for a connecting road between Royston Road and Cambridge Road. This street and its alignment across the southern-central area of the site provides the opportunity to deliver clear gateways and a legible hierarchy of movement and block structure to its north and south.</p>

forms of transport and effectively linking into the surrounding areas

Provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrated with the wider built and natural environment and communities

25. Following feedback on the original plans, the amount of hedgerow to be removed from the frontages to create the access points has been minimised, along the western frontage in particular.
26. The importance of the key node at the intersection of the bridleway corridor and primary street is clearly recognised in the plans and commentary.
27. The secondary street network has been revised through the masterplan process addressing a number of concerns that were raised in the Council's consideration of the original submitted plans. The revised alignments help create a significantly more coherent and integrated scheme and these amendments are welcomed. Any limited departures from the recommendations of the Council's February 2022 feedback are clearly explained in the applicant's commentary.
28. Pedestrian and cycle routes (including recreational routes) are shown aligning to both the street network and the green infrastructure providing edge to edge connectivity plugging into the key access points provided by the primary street and the bridleway.
29. The realignment of the secondary street to the east of the bridleway now provides an opportunity to also allow for walking and cycling along this side of the hedgerow and – potentially through the use of different surface treatments to the bridleway on the west side – provide appropriate environments for both day-to-day and leisure uses of this key axis whilst reducing potential conflict between users (e.g. horse riders and dog walkers / pedestrians). It is agreed that further design resolution can be delivered through the reserved matters process.
30. The (former) pedestrian access shown at the south-west corner has been amended to also cater for cyclists with safe access / egress from Royston Road allowing for access to / from the centre of site by the quieter secondary street and

	<p>connectivity to the wider village and right of way network including the byway route to Reed approximately 200m away.</p> <p>31. Locating the potential pedestrian access to the adjoining reserve school land at the rear of the central square is considered the best option in the current circumstances (i.e. without an allocation-wide masterplan). It allows for connectivity should that land be brought forward in the future but also allows the square to operate as a coherent space in its own right that does not rely upon the adjoining land for its success.</p> <p>32. Additional pedestrian connections through the northern and eastern boundaries are supported in principle subject to a more detailed understanding of any impacts on trees, hedgerows and biodiversity net gain.</p> <p>33. The Access and Movement Plan details proposed improvements in the vicinity of the site including measures to facilitate safe pedestrian and cycle movements along and across Cambridge Road to access the key adjoining social infrastructure facilities (village hall / recreation ground).</p> <p>34. Car parking is currently shown mainly to the side and rear of plots including in courtyard arrangements.</p> <p>35. A high-level specification and cross-section for routes is included in the MDS. There is some inconsistency in references to “residential street” and “residential lanes” between the commentary on the movement framework and character guidance which should be resolved.</p>
5. NATURE	
NDG Criteria	Comment

<p>N1 Provide high quality green open spaces with a variety of landscapes and activities including play</p> <p>N2 Improve and enhance water management</p> <p>N3 Support rich and varied biodiversity</p>	
SP9 Criteria	
<p>Create an accessible multi-functional green infrastructure network that provides</p> <ul style="list-style-type: none"> • a key structuring and functional place-making feature supporting healthy lifestyles, sport, play and recreation linking into the wider green infrastructure network • a high-quality integrated network to support ecological connectivity, biodiversity net gain, climate adaptation and mitigation linking into the Ecological Network <p>Ensure the effective use of sustainable urban drainage and sustainable water management</p>	<p>36. A baseline Biodiversity Net Gain calculation has been provided using the Biodiversity Metric 3.0. This should be appraised by relevant consultees, along with the existing ecological and arboricultural baseline. There is presently no response to the application from either Herts Ecology or the wildlife trust.</p> <p>37. The BNG report identifies a gain of just of 1% for non-linear (area based) habitat types and nearly 58% for linear habitats (hedgerows).</p> <p>38. The latter figure is well in excess of emerging requirements for 10% net gain. The 1% gain for non-linear habitats feels a little disappointing for a greenfield development site, though it is noted that the existing ecological value of the site has increased through the accretion of further grass species and shrub since the completion of the previous ecological study, raising the baseline figure.</p> <p>39. Furthermore, 10% net gain has not yet been implemented as a statutory requirement. Although the Council encourages new development to aspire towards this target, the policy position in both NPPF and the emerging Local Plan presently require the securing of (an unspecified level of) net gains. In that context, the scheme would be policy compliant subject to technical ratification of these figures and appropriate management measures and regimes to secure the habitat typologies relied upon to achieve these scores.</p>

40. Importantly, the BNG calculation (as well as the updated Phase 1 survey) appear to have been completed by reference to the previous / original plans as shown in the appendices of each document. The revised parameter plans potentially allow for higher net gain given the increased width of the central corridor, the retention and reinstating of more hedgerow along the western frontage and the addition of a new strip of green space running south from the western site access to support the realignment of the secondary street.
41. Furthermore, the habitat area figures for the proposed scheme in the BNG assessment are inconsistent with the public open space figure provided on the land use parameter plan. Table 6 of the BNG assessment (p.18) totals to approximately 2.75 hectares (ha) (excluding vegetated gardens) while the land use parameter plan states 1.96 hectares of public open space are to be provided including play and SUDs.
42. The relationship between public open space including play (see below), habitat for BNG purposes and SUDs needs to be clarified and reconciled to ensure the proposed uses and outcomes are compatible, there is consistency between the various reports, documents and plans and there is no double-counting of spaces or areas for uses or functions that are incompatible. The input of consultees will be important in informing this.
43. These matters should be clarified and, if necessary, the BNG calculation re-run to allow accurate figures to be reported.
44. The ecological survey identifies that two hedgerows meet the NERC Act definition of habitat of principle importance but are unlikely to be important hedgerows under the hedgerow regulations. The applicant's commentary on the Council's February 2022 feedback states these are now identified on the DAS constraints plan but this does not appear to be the case. From Appendix 1 of the ecological survey it might

be inferred that these are the hedgerows along the northern and western edges of the western field but this requires clarification.

45. A 6m buffer is provided either side of the central, north-south hedgerow. This is considered an appropriate and proportionate way to apply the 12m buffer requirement in emerging policy given the assessed ecological value of this feature

46. Subject to the additional information and consultee input referenced above, the broad structure of, and rationale for, the proposed green infrastructure network within the site is supported. It responds to key opportunities and constraints within and around the site including:

- The ecological, landscape and heritage importance of the woodland and trees around the northern and eastern boundaries of the site in particular;
- The bridleway corridor through the site including the existing hedgerow;
- Other hedgerow boundaries; and
- The sensitivity of the adjoining Newsells Park Stud in operational, heritage and landscape terms

47. A Green Infrastructure parameter plan has been provided. This, along with the accompanying commentary in the MDS reflects the Council's request for a clear explanation of the proposed GI provision with high level coding for each area setting out the purpose and approach (e.g. formal & public recreation vs. ecological & naturalistic etc.). Subject to resolution of issues set out in these comments, the general approach is supported.

48. A proposed hedgerow has been introduced along the southern interface with the reserve school land.

49. The site is located close to the existing recreation ground and Cokenach Cricket Ground. The Council's Playing Pitch Strategy identifies spare capacity at these

	facilities and recommends appropriate pitch maintenance to ensure their continued quality. Appropriate contributions should be secured towards this and the existing play provision which will cater for older ages than the on-site LAP.
6. PUBLIC SPACES	
NDG Criteria	Comment
P1 Create well-located high quality and attractive public spaces P2 Provide well-designed spaces that are safe P3 Make sure public spaces support social interaction.	
SP9 Criteria	
Ensure a hierarchy of linked, high quality and attractive public spaces and public realm that is safe, attractive and supports social interaction for all age groups	<p>50. Further information is now provided on key spaces within the development.</p> <p>51. In July 2021, the Council resolved to use <i>Fields in Trust</i> standards and guidelines to inform its approach to open space provision on development sites</p> <p>52. The proposed 1.96ha of open space shown on the land use parameter plan, at face value, exceeds the total requirements arising from applying the <i>Fields in Trust</i> standards and guidelines to a scheme of this scale. A breakdown of requirements for this application by typology are shown in the calculation below based upon a scheme of 140 homes.</p> <p>53. It is envisaged that contributions towards some forms of provision, such as pitch sports, will be made off site (see paragraph 48 above). This reflects the scale of the</p>

site – towards the lower end of the Council’s definition of ‘strategic and significant development’ in Policy SP9 – which means some forms of provision would not be practicable at the sizes shown while existing facilities, such as the recreation ground, are within the accessibility standards recommended by *Fields in Trust*.

54. This gives further comfort that the necessary requirements can be met and that, in broad terms, there will be an appropriate level of green space on site. There are clearly defined areas of amenity space and natural & semi-natural space and a play area shown on the landscape parameter plan and described in the MSR.

55. However, as per paragraph 42, a short clarification or addendum which clearly sets out the proposed relationship between public open space provision, biodiversity net gain and SUDs would be helpful in demonstrating how the various requirements – which can sometimes be complementary and can sometimes conflict – can or will be accommodated.

Open space

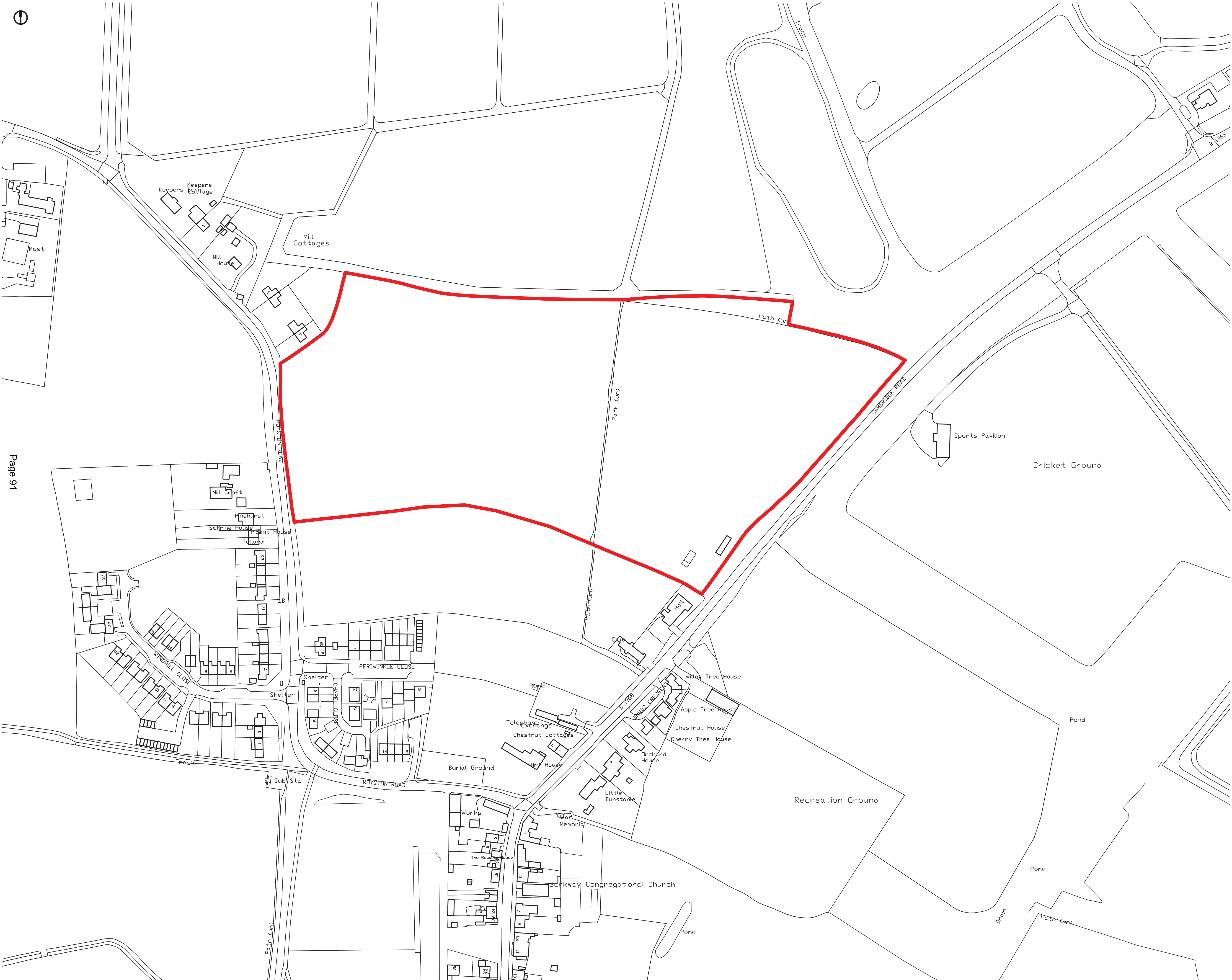
Policy		
Development population	336	
Playing pitches	0.40	hectares
Other outdoor sports	0.13	hectares
Equipped / designated play	0.08	hectares
MUGAs / skateboard etc	0.10	hectares
Parks and Gardens	0.27	hectares
Amenity Green Space	0.20	hectares
Natural and semi-natural	0.60	hectares
Allotments	0.10	hectares
Total open space	1.88	hectares

7. USES	
Criteria	Comment
U1 A mix of uses U2 A mix of house tenures, types and sizes U3 Socially inclusive	
SP9 Criteria	
<p>Plan for integrated and mixed-use communities with walkable locally accessible community, employment and retail facilities</p> <p>Provide a diverse and distinctive range of flexible and adaptable house types and tenures and building forms to meet the needs of the population</p>	<p>56. Through the application and masterplanning process, it has been determined that there is no present need to deliver a school on the adjoining reserve site and this has been excluded from the current application / masterplan.</p> <p>57. A plot is identified for a potential village store. This is located at the south-eastern boundary and provides the opportunity for a local community hub alongside the traditional village hall and recreation ground. The emerging Neighbourhood Plan for Barkway (Policy BNL3) expresses support for the creation of a multi-functional community hub in the village.</p> <p>58. The Planning Statement accompanying the application states that 40% affordable housing and an appropriate housing mix would be delivered in accordance with plan requirements. Although these are to be dealt with in further detail at reserved matters stage, the illustrative masterplan and character area guidance suggest this should be the case.</p> <p>59. The applicant does not wish to identify or provide self-build plots within the site to diversify the housing offer and address the need identified by the Council's Self Build</p>

	Register. There is no specific policy requirement but the Council's latest monitoring shows insufficient plots have been permitted and any provision would be a positive consideration in the planning balance.
8. HOMES AND BUILDINGS	
NDG Criteria	Comment
H1 Healthy, comfortable and safe external and internal environment H2 Well related to external amenity and public spaces H3 Attention to detail, storage, water, servicing and utilities	
SP9 Criteria	
Adopt the Governments additional technical standards for the size of new homes, water efficiency and in specified circumstances accessibility	60.The DAS and MSR provide guidance on detailed architectural cues and materials that should inform detailed proposals subject to the comments set out in this appraisal.
9. RESOURCES	
NDG Criteria	Comment
R1 Follow the energy hierarchy. R2 Selection of materials and construction techniques	61.High-level sustainability principles and concepts have been added to the DAS and MSR. This recognises, among other matters, that the orientation of the site and

R3 Maximise resilience	<p>proposed street structure provides the opportunity for a significant proportion of either house fronts or gardens to be south facing.</p> <p>62.The approach to flood risk needs to be reconciled with the approach to BNG and open space. Some shallow basin features may be appropriately defined as part of the public open space; significant / fenced off engineering solutions would not.</p>
10. LIFESPAN	
NDG Criteria	
L1 Well-managed and maintained. L2 Adaptable to changing needs and evolving technologies	63.No information provided at this stage.
SP9 Criteria	
Design to last with clear stewardship, management and maintenance strategy	

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notes

Application Boundary

issues	DDMMYY	Description	XXX
-			

job

BARKWAY

title
LOCATION PLAN

drawn GZ	checked CC
date 23.05.18	scale (original - A1) 1:1250

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<u>Location:</u>	20 High Street Baldock Hertfordshire SG7 6AX
<u>Applicant:</u>	Mr Sabahipour
<u>Proposal:</u>	Temporary change of use for three years of ground floor hotel restaurant to residential sheltered housing accommodation to provide 10 en-suite rooms and ancillary facilities, with internal and external alterations.
<u>Ref. No:</u>	22/00927/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 30.06.2022

Reason for delay

Time taken waiting for responses from all consultees.

Reason for referral to committee

This application has been called into Planning Control Committee by Cllr Weeks on the basis of public interest and Cllr Weeks has elaborated this point by stating:

“There are almost 70 lodged objections to these applications and many more post the consultation closing date. Further, at a public meeting earlier this week there were 80 plus Baldock Residents showing their opposition to the applications. If you take this to the silent majority one will find the majority of Baldock do not want this”.

Plan numbers

Location plan; 2075/01K; 2075-03B; 2075-03E.

Supporting documents

Planning, design, access and heritage statement.

1.0 Policies

1.1 National Planning Policy Framework February 2019:

1.2 In general and with regard to:

Section 2 – Achieving sustainable development;
Section 4 – Decision-making;
Section 5 – Delivering a sufficient supply of homes;
Section 6 – Building a strong, competitive economy;
Section 11 – Making effective use of land

Section 16 – Conserving and enhancing the historic environment

1.3 **North Hertfordshire District Local Plan 2011-2031**

SP1 - Sustainable development in North Hertfordshire;
SP2 - Settlement Hierarchy;
SP8 - Housing;
SP9 - Design and Sustainability;
SP10 - Healthy Communities;
SP13 - Historic Environment;
T2 – Parking;
HS2 - Affordable housing;
D3 - Protecting living conditions;

1.4 **Supplementary Planning Document.**

SPD – Vehicle Parking at New Developments;

2.0 **Site History**

2.1 There is an extensive planning history for this building. Of relevance to this proposal are:

20/00957/FP – Change of use from hotel and restaurant to one retail unit and 14 residential apartments – conditional permission.

20/00958/LBC – Internal and external alterations to facilitate the change of use from hotel and restaurant to one retail shop and 14 residential apartments - conditional consent.

22/00928/LBC – Internal and external alterations to facilitate the temporary change of use of building (proposed ground floor works and retention of use at first and second floor) to residential sheltered housing accommodation to provide 29 en-suite rooms and ancillary facilities – pending.

22/01498/FP – Retention of change of use of first and second floors to residential housing accommodation to provide 19 en-suite rooms and one office for a temporary period of three years. This application is also being presented to PCC for determination.

3.0 **Representations**

3.1 **Crime Prevention Advisor** – I have done a scan of the crime figures / our records for 20 High Street and there is only one result which is not either crime or anti-social behaviour related.

3.2 I have a substantive concern regarding this proposal. The reason for this is that there is an accessway, on the southern aspect of the property that leads to another business. The ground floor rooms on this aspect all appear to have doors opening onto this accessway. This is a concern because the service users of the hostel are all vulnerable and include recovering drug addicts and this style of arrangement will let drug dealers etc. to approach the rooms without having to enter the building. To prevent this happening all these doors should be fitted with a rim lock (Yale Style lock), a five-lever mortise lock that is third party certified to BS 3621 or suitable equivalent, the door would also benefit from being fitted with hinge bolts. These locks can then be

kept in the locked position and the keys kept in a secure location. Alternatively, these doors should be replaced with ones that are third party certified to PAS 24:2016, again they should be locked, and the keys kept in a secure location. In addition to these works a suitable CCTV system should be fitted so that it covers this accessway, an 'Operation Requirement' should be written to cover this matter. It would also be advisable for the applicant to contact the Fire Service Building Inspection Department to ensure that these doors are not part of the escape route.

3.3 **NHDC Environmental Health Noise** – no objection subject to noise conditions and an informative.

3.4 **NHDC Housing Officer** – supports the proposal and sets out background in support of the proposal. Key point from this include:

1. The applicant was approached by Haven First to use the first and second floors for residential accommodation as the shelter in Hitchin is not fit for purpose. Covid 19 social distancing measures could not be achieved in the current dormitory type of accommodation.
2. The Government also introduced policy guidelines to accommodate rough sleepers and homeless applicants in hotels to ensure people were not living on the streets or in unsuitable accommodation during the pandemic.
3. Haven First is a registered provider and has secured planning permission to provide a homeless shelter providing rented housing and support for single homeless applicants.
4. This application is to extend use of the ground floor accommodation for 10 ensuite rooms and ancillary facilities to meet the needs and provide support to this client group until the new purpose-built hostel can be completed.
5. The services provided by Haven First include the provision of a "pathway" out of homelessness including support and independent living skills to prevent homelessness recurring, not just provision of emergency accommodation.
6. The council has a statutory duty to secure accommodation for unintentionally homeless households who are in priority need and a duty to work with people to prevent and relieve homelessness.
7. The Council has a duty to review homelessness in the district and to formulate a homelessness strategy based on the results of that review. The government's Rough Sleeping Strategy published in August 2018 further introduced the requirement that all local authorities explicitly consider how to tackle the problem of rough sleeping, producing homelessness and rough sleeping strategies by winter 2019."
8. The provision of this accommodation would specifically help the Council to meet our stated priority of improving accommodation provision for single homeless people, especially those with complex support needs.
9. The 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) update identified a need for additional accommodation for single homeless people with support needs, people in need due to alcohol misuse and people with mental health problems. The latter two groups being a primary reason for homelessness.
10. There is a great need in the district for this type of accommodation; the SHMA indicates that the number of vulnerable people is expected to grow over the period of the emerging Local Plan. By 2031 in Stevenage and North Herts there will be approximately 360 (220 North Herts.) single homeless people with support needs, 740 (440 North Herts.) people aged 18-64 in need due to alcohol misuse and a further 470 (290) people aged 18-64 in need due to mental health problems.
11. The pandemic revealed a large, previously hidden cohort of single people in the district who are living unstable, often chaotic lives. Many are moving in and out of informal accommodation arrangements including enduring spells of 'sofa surfing' with friends or relatives or periods of rough sleeping. The Council placed over 150 single households into temporary accommodation over 2021/22, the majority approaching from unsettled

accommodation arrangements. Almost one-third were of no fixed abode, whilst 13% were sleeping rough and a further 8% were homeless on departure from prison or hospital. 10% had been living in temporary or supported accommodation, highlighting a core of clients who have repeatedly lost placements made for them by the Council due to challenging behaviours and unmet support needs.

12. Support needs amongst this cohort are extremely high. Of the single households placed in temporary accommodation over the past year, 80% had at least one identified support need with over 60% having two or more. Poor mental health was by far the most common, with over half of households reporting this. Almost one-third had poor physical health, with a similar proportion being at risk of or having experienced some form of abuse, including domestic abuse. Alcohol and/or drug dependency was also prevalent (23% of households) whilst 18% had an offending history. Over one-third of households had a history of repeat homelessness or rough sleeping, again reflecting the instability of individuals' lives and entrenched, unmet support needs."
13. All units will be let via North Herts Council's referrals process.

3.5 **NHDC Conservation Officer** – no objection subject to conditions being imposed on the listed building application.

3.6 The application has been advertised with site and press notices and neighbour notification letters. The application has generated significant public interest and 77 replies have been received. 1 in support the rest objecting. Key points raised include:

1. There is far more anti-social behaviour in the town now than there was before this use started.
2. There has been a large increase in begging in the town over the last two years.
3. Resident's ask for cash back on electronic equipment in local shops.
4. There is a constant flow of police and ambulances attending this building which makes the town centre feel unsafe.
5. The town centre is an affluent area for business and coffee shops that will be affected by these plans.
6. The building is looking shabby and is visual pollution.
7. The lack of upkeep and maintained of this building, given it is listed, is criminal.
8. Since Templars has accommodate homeless people there has been a change in the town. Individuals and groups are now hanging around in the town all day long, sitting on benches or on the steps of Templars which is not good for nearby cafes.
9. People sit and drink on the public benches.
10. We have witnessed drug taking and dealing, drinking alcohol, smoking, swearing and urinating in the alleyways from the groups of people who sit on the benches outside the building. We do not want this in the town for another three years.
11. We fear there will be increased crime in the town.
12. There is a lowering of the feeling of the town centre in the evenings and at weekends.
13. The owner is not considerate of the appearance of the building or the impact on the town.
14. This is not the correct location for this facility.
15. To locate a hostel in Baldock is not beneficial to those it is supposed to serve as Baldock offers almost nothing in terms of supportive local voluntary or public sector support.
16. Placing homeless people into a building, people who are very likely suffering from significant psychological issues and substance abuse problems, without a local

supportive context in many cases is likely to amplify their problems and is bordering on being, if not actually being, irresponsible.

17. These people need to be looked after in a kind and caring way.
18. It is wishful thinking to think this will be a temporary use.
19. The Council has a duty of care for the homeless and whilst solutions like this must be seen as a godsend it should not be at the cost of the residents who live here and whose environment has changed for the worse.
20. Who will live here? Will they be checked? Are they criminals or sex offenders or drug dealers or users?
21. To put the stain of this building on the local police who are already over stretched is intolerable.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 Templars is a detached, two storey building located on the west side of the High Street which has a range of accommodation extending rearward and an open side access passageway leading to a courtyard area at the rear. It is located fairly centrally within the High Street, with a wide pavement area in front of the building. The building is a Grade II listed building and is located within the Baldock Conservation Area.

4.2 Proposal

- 4.2.1 This is a full application of the temporary change of use of the ground floor of the building from pub / restaurant use to use as a sheltered accommodation with 10 en-suite rooms with a communal kitchen, communal toilet facilities and space for management offices.
- 4.2.2 Submitted in support of the application is a Planning, design, access and heritage statement. Key points from this include:
 1. The permission is sought on a temporary planning permission for three years.
 2. The accommodation is sought due to the significant cost and time delays of a purpose built site in the local area, to be operated by the same sheltered housing provider of Haven.
 3. Access to the rooms would be via the main front entrance as existing. Refuse and recycling would be provided in the current general store at the rear of the side courtyard of the site
 4. To facilitate the conversion works, internal alterations are required to the listed building, which are very similar to the extant approved scheme for conversion to 14 residential apartments. In this case, the only external alterations required is the insertion of side and rear elevation windows which are consented and conditioned for details under the extant planning permission.
 5. It is considered the residents would not be at all reliant upon the private vehicles to access everyday needs, with the site being in a highly sustainable location and a short walk to the plentiful local facilities and amenities.
 6. Being for sheltered housing means the occupiers are unlikely to own private vehicles and will instead have easy access to facilities in this town centre location.
 7. The NPPF encourages planning authorities to protect community facilities such as pubs. This broad policy intention is reflected in Policy ETC 7 of the Local Plan, where there are no similar uses within an 800m walking distance. In this case there are many other similar facilities available within this radius, all within the town, of mainly pubs and restaurants. Accordingly, there is no conflict with this policy.
 8. The proposal would provide a high standard residential amenity and living conditions for its occupiers. All proposed rooms would be single occupancy, with en-suite facility

to each. Ample circulation space would be provided throughout, with communal lounge and kitchen areas. A high standard of natural light and outlook would be provided to all rooms and the communal areas of the ground floor layout. Amenity space will be use of the existing courtyard area, located to the side of the building.

9. With regard to any impact of the development upon the living conditions of neighbouring occupiers, there would be no adverse impact compared to the current use as hotel restaurant. As such, no harm would be caused to the living conditions of any properties in terms of loss of light, outlook, privacy or dominance.
10. In regard to the external design and appearance, minor external alterations are required to facilitate the conversion works to provide the accommodation. These are the same as the previous planning permission for conversion to self-contained residential apartments.
11. It is considered that the sensitive internal conversion of this building to ground floor, together with minor external alterations and repairing existing facades, is entirely acceptable and would cause no harm to the significance or setting of the host listed building, any nearby listed buildings, nor the character and appearance of the Baldock Conservation Area.
12. In regard to parking provision, the occupiers would not own a private vehicle, being for sheltered housing accommodation only. Moreover, the extant planning permission accepted zero parking on site due to the highly sustainable town centre location with ease of access to the train station.
13. A secure cycle store would be located to the side courtyard. This would provide at least 14 cycle spaces.
14. Occupiers would store waste and recycling in the proposed refuse store located at the end of the side courtyard area. The current hotel and restaurant use has an external bin store located adjacent this rear store building proposed to be used. The current open air store would therefore be removed and would enhance the appearance of the courtyard. This is also required to allow access to the flats here.

4.2.3 Additional information has been sought from the agent with the following questions and answers provided:

1. What is the management at the building for the residents. Is there staff there 24/7? What sort of supervision is there?

Dedicated staff team provided by Haven First & supported by OneYMCA and yes there is 24/7 staff present.

2. Can the residents be in the building all day long or is it closed for certain times of the day?

Yes all day.

3. Are any facilities for residents provided in the building such a counselling or any other care?

Yes support & counselling.

4. How long do people tend to live in the building for once there? A few nights or is it semi-permanent accommodation?

Temporary accommodation but can be as long as 18 months.

4.3 Key Issues

- 4.3.1 The main issues to be addressed in the determination of this planning application are:

1. The principle of development.
2. Living conditions.
3. Anti-social behaviour concerns.
4. Police comments.
5. Heritage.
6. Consideration of both applications
7. Other considerations

The Principle of the development

- 4.3.2 Policy SP8(g) of the Local Plan sets out that over the plan period provision will be made for at least 350 bed spaces in suitable, supported accommodation to meet the needs of those who cannot live in their own home. This proposal is in support of this Local Plan aspiration and no objection is raised to the principle of this application on this basis.
- 4.3.3 With regards to the loss of the pub / restaurant use, there no objection to this for two reasons. These are:
1. Policy ETC7 seeks to protect local community shops and services in towns and villages. However, protection is only given to the loss of a facility if there are no other such facilities within an 800m walking distance. Within Baldock there are other existing pub and resultant uses so this policy protection does not engage.
 2. There is an extant permission to change the use of the building into self-contained flats. Given that this also results in the loss of the pub and restaurant use, and that this proposal could still be implemented, this outweighs any concerns over the loss of the pub/ restaurant use as its loss was supported when permission was granted to change the building into flats.
- 4.3.4 Therefore there is no objection to the principle of this proposal.

Living Conditions

- 4.3.5 In terms of the frequency of activity in and around the site, the volume of visitors, residents, staff and deliveries coming and going from the building, it can be concluded that this would be broadly similar to the comings and goings if the pub and restaurant were in full use and no objection is raised to the application on this on basis. This is a High Street location, where there are pedestrians up and down the road and therefore the extra people movements to and from the building is not out of context with either the former use of the building or the High Street in general.
- 4.3.6 In terms of living conditions, the building provides for a good standing of accommodation and amenity for residents, with individual en-suite rooms, communal kitchen and lounge facilities, on site support and counselling and 24/7 staff support and supervision. There is also an outdoor courtyard for amenity space purposes.
- 4.3.7 With regards to internal noise transmission, the Environmental Health officer has recommended noise conditions to protect noise levels inside the building. Given this is a listed building and a temporary use, I do not consider it appropriate to recommend these conditions which may require for fixtures and fittings to be added to the fabric of the building. It is not clear if the works are necessary or that they could be fitted to the building. As a result, these conditions are considered to fail to comply with the tests of Circular 11/95 which requires for planning conditions to be necessary, relevant to

planning, relevant to the development, enforceable and reasonable in all other respects so these conditions are not recommended.

- 4.3.8 Given the previous use of the site and that this is a town centre location where there is a degree of activity and noise in the daytime and evening, it is not considered that this use, which is in a 24/7 supervised building, would generate adverse noise and disturbance over and above the activity level already in the locality. As a result, the use is not considered to represent harm to the amenity of the neighbouring occupiers.

Anti-Social Behaviour Concerns

- 4.3.9 The National Planning Policy Framework (NPPF) (July 2021) and the National Planning Practice Guidance (NPPG) (November 2019) together set out the Government's position on planning for safe communities through design considerations.
- 4.3.10 Paragraph 92 of the NPPF states that planning policies and [development management] decisions should aim to achieve 'safe and inclusive places' which, inter alia, should ensure that places: 'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;'
- 4.3.11 Local Plan Policy D1 'Sustainable Design' includes a requirement to 'design out crime and anti-social behaviour'.
- 4.3.12 This planning application is for the change of use of the ground floor of an existing building alongside application 22/01498/FP for the retention of 19 rooms on the first and second floors for a temporary period of three years. It does not and cannot include proposals for off-site infrastructure changes to alter the built environment outside the site. Furthermore, Members must also note that the current authorised pub and restaurant use is not restricted in terms of hours of operation and that this use could have spill over noise and activity impacts that would have an impact on the immediate vicinity around the site.
- 4.3.13 The policy guidance referenced above is more applicable to wider development schemes that include new road layouts and pedestrian facilities and spaces with the aim to ensure such developments create spaces that are safe for all members of the community as far as is possible through design and new development. This application only relates to the change of use of a building so on this basis the policy guidance is not wholly applicable. Nonetheless, the principles set out in the policy guidance include reference to anti-social behaviour and designing out crime which, in my opinion, is therefore a material consideration in the determination of this planning application insofar as it relates to design and physical alterations to the building.
- 4.3.14 On this basis, consideration needs to be given to whether concerns about anti-social behaviour apply to a change of use planning application? The planning system regulates land use, not land users and therefore does not have the ability to regulate all aspects of an applicant's operation. In this context the change of use is from a hotel / pub / restaurant to a non-specific Sui Generis use for residential accommodation with support. Any change of use planning permission runs with the land, would not be personal to the current / proposed operator of the facility and moreover would not discriminate between the profile of residents who may need care and support at this facility. On this basis in my view it would be very difficult to sustain an argument against

the grant of planning permission based on an objection to the use of the building without personalising the refusal to the current operator rather than the maintaining an objective view of the planning use that is presented within the application. Such an argument would not be successful on appeal in my opinion.

4.3.15 Furthermore as set out above, there are no objections to the physical change of use of the building and several local residents have expressed concern that the building has not been recently maintained. Therefore, having a use in the building will result in welcome investment back into the maintenance of the building. The objections raised are to the presence of individuals and groups of residents sitting on the public benches in the street, and to some of the behaviour undertaken by these people which has been witnessed by passing members of the public.

4.3.16 I understand local perception is that if the building were not being used for this use then individuals and groups of residents would not be sitting in the street undertaking this sort of behaviour. However, as set out above, planning regulates land use, and whether there are any physical building works that can be undertaken to 'design out crime', thus planning is not the management of the users of the land use. An appeal decision (APP/Z1775/W/16/3159492) for a site in Southsea where the change of use of hotel to a multiple occupation 25 bedroom house (HMO) was allowed considers the planning response to uses that may cause anti-social behaviour. This states:

"I note the concerns of the Council and some local residents that the proposed use would result in a local concentration of anti-social behaviour. I have also noted the evidence before me of incidents of anti-social behaviour and disturbance at the appeal site and the concern of neighbours that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and has resulted in a fear of crime in the locality. However, such matters are influenced by considerations such as the management of the HMO and the behaviour of the occupants. Such matters are not controlled under the planning regime. They are controlled by other legislation and I am making a decision on the planning merits of the appeal alone. The proposed development could, in principle, therefore, contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or cohesion as set out in paragraph 69 of the Framework".

4.3.17 Whilst some of the behaviour reported as objections to the application (such as groups of people sitting drinking, smoking and swearing on the public benches outside the building) is behaviour that people passing by would prefer not to see this is not anti-social behaviour that is law breaking nor is limited only to those who occupy this building. Whilst other behaviour, such as drug dealing and taking are matters that should be reported to the Police and the Haven operator, in my view this is not behaviour that can or should be controlled via the land use proposal of the planning application as these matters are controlled by other legislation.

4.3.18 The consideration of anti-social behaviour does not extend to the principle of the change of use in this location as the above referenced appeal decision makes clear, these matters are controlled by other agencies. As a result, in my view, no objection can be raised to the application on the basis of anti-social behaviour.

Police comments

4.3.19 As set out above, the Police response is not objecting to the change of use but is requiring changes to the building to design out potential crime for the future occupiers. The Police response recommends locks to the doors to prevent drug dealers from being able to sell drugs to the occupiers of the rooms directly from the side passage

way and for this area to be monitored by CCTV. Whilst it is noted this is a listed building, the side doors which require the locks appear to be fairly modern style doors and thus there is no objection in principle to locks being fitted to these doors as these works will not harm the fabric of the listed building. A condition is therefore recommended to cover these issues.

Heritage

- 4.3.20 The building is a Grade II listed building and the proposed internal and external alterations required to allow this change of use are considered to be minor alterations that do not harm the fabric of the building and are very similar to the works approved to allow the conversion of the building into flats. The associated Listed Building application has not been called into PCC for determination and will be determined under delegated powers following the determination of this case. There will be conditions imposed on the listed building consent regarding the works to the fabric of the building.
- 4.3.21 Due to the change of use of the building not having a material impact on the external appearance of the building, this change of use is not considered to have harm on the character or context of the Conservation Area or any undue harm on the setting of any nearby neighbouring listed buildings.

Consideration of both applications

- 4.3.22 This application is proposing the change of use of the ground floor of the building to 10 en-suite self-contained rooms, whilst application 22/01498/FP (also on this agenda for determination) is seeking the retention of the change of use of the first and second floors to 19 en-suite rooms. Given this is one building and operator the two applications need to be assessed together as one proposal for 29 en-suite rooms in my view. I do not consider that the approval of a further 10 rooms and the additional number of residents at the building would result in a demonstrably adverse impact in the locality to justify the refusal of this application for the reason of the intensity of the use.
- 4.3.23 Whilst I am sympathetic to local concern, bearing in mind this is a temporary use for three years whilst the permanent facility is being built, taking into account that anti-social behaviour is a matter for the Police and building operator and bearing in mind that the Council has a legal duty to provide accommodation for the those in need and the Local Plan has a policy objective to deliver such accommodation, I can see no reason to refuse this application that could be supported and substantiated in an appeal situation.

Other Matters

- 4.3.24 There is no off street parking for this building, and no objection is raised to this. This is due to historically the building has not provided parking for its use, there is public parking along the High Street and the occupiers of the building will not have cars. Staff may do, but the public parking availability is sufficient to meet this need. The building also has good access to public transport links which staff may also utilise.
- 4.3.25 A benefit of this use being in this location is that there are shops and facilities within immediate proximity of the building for occupiers to use as this is highly sustainable location.

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 The agent has agreed the pre-commencement conditions regarding the door locks and CCTV.

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 use hereby permitted is for a temporary period only and must cease and fully vacate the building on or before the 31/12/25.

Reason: There is a permanent facility to be opened and this site will no longer be required.

3. Prior to any works other works undertaking the change of use hereby permitted, full details of a lock system to be added to the ground floor bedroom doors that access on to the side passageway are to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site before the first use is implemented and is thereafter be retained for the duration of this use.

Reason: To design out the potential for crime.

4. Prior to any works other works undertaking the change of use hereby permitted, full details of a CCTV system monitoring the side passageway is to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site before the first use is implemented and is thereafter retained for the duration of this use.

Reason: To design out the potential for crime.
















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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/00927/FP 20 High Street, Baldock, Hertfordshire, SG7 6AX

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbd.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
Prgrnrbtt.shp
-  Health & Safety Consultation Zone
Prjnzzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prfipm.shp



Scale 1:750

Date: 15/11/2022

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<u>Location:</u>	20 High Street Baldock Hertfordshire SG7 6AX
<u>Applicant:</u>	Mr Sabahipour
<u>Proposal:</u>	Retention of change of use of first and second floors to residential sheltered housing accommodation to provide 19 en-suite rooms and one office for a temporary period of three years.
<u>Ref. No:</u>	22/01498/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 30.08.2022

Reason for delay

Time taken waiting for responses from all consultees.

Reason for referral to committee

This application has been called into Planning Control Committee by Cllr Weeks on the basis of public interest and Cllr Weeks has elaborated this point by stating:

“There are almost 70 lodged objections to these applications and many more post the consultation closing date. Further, at a public meeting earlier this week there were 80 plus Baldock Residents showing their opposition to the applications. If you take this to the silent majority one will find the majority of Baldock do not want this”.

Plan numbers

Location plan; 2075/01K; 2075-03B; 2075-03E.

Supporting documents

Planning, design, access and heritage statement.

1.0 Policies

1.1 National Planning Policy Framework February 2019:

1.2 In general and with regard to:

Section 2 – Achieving sustainable development;
Section 4 – Decision-making;
Section 5 – Delivering a sufficient supply of homes;
Section 6 – Building a strong, competitive economy;
Section 11 – Making effective use of land;
Section 16 – Conserving and enhancing the historic environment

1.3 North Hertfordshire District Local Plan 2011-2031

SP1 - Sustainable development in North Hertfordshire;
SP2 - Settlement Hierarchy;
SP8 - Housing;
SP9 - Design and Sustainability;
SP10 - Healthy Communities;
SP13 - Historic Environment;
T2 – Parking;
HS2 - Affordable housing;
D3 - Protecting living conditions;

1.4 Supplementary Planning Document.

SPD – Vehicle Parking at New Developments;

2.0 Site History

2.1 There is an extensive planning history for this building. Of relevance to this proposal are:

20/00957/FP – Change of use from hotel and restaurant to one retail unit and 14 residential apartments – conditional permission.

20/00958/LBC – Internal and external alterations to facilitate the change of use from hotel and restaurant to one retail shop and 14 residential apartments - conditional consent.

22/00927/FP – Temporary change of use for three years of ground floor hotel restaurant to residential sheltered housing accommodation to provide 10 en-suite rooms and ancillary facilities with internal and external alterations. This application is also being presented to PCC for determination.

22/00928/LBC – Internal and external alterations to facilitate the temporary change of use of building (proposed ground floor works and retention of use at first and second floor) to residential sheltered housing accommodation to provide 29 en-suite rooms and ancillary facilities – pending.

3.0 Representations

3.1 **Crime Prevention Advisor** – I have done a scan of the crime figures / our records for 20 High Street and there is only one result which is not either crime or anti-social behaviour related.

3.2 I have a substantive concern regarding this proposal. The reason for this is that there is an accessway, on the southern aspect of the property that leads to another business. The ground floor rooms on this aspect all appear to have doors opening onto this accessway. This is a concern because the service users of the hostel are all vulnerable and include recovering drug addicts and this style of arrangement will let drug dealers etc. to approach the rooms without having to enter the building. To prevent this happening all these doors should be fitted with a rim lock (Yale Style lock), a five-lever mortise lock that is third party certified to BS 3621 or suitable equivalent, the door would also benefit from being fitted with hinge bolts. These locks can then be kept in the locked position and the keys kept in a secure location. Alternatively, these doors should be replaced with ones that are third party certified to PAS 24:2016, again they should be locked, and the keys kept in a secure location. In addition to these

works a suitable CCTV system should be fitted so that it covers this accessway, an 'Operation Requirement' should be written to cover this matter. It would also be advisable for the applicant to contact the Fire Service Building Inspection Department to ensure that these doors are not part of the escape route.

3.3 **NHDC Environmental Health Noise** – no objection subject to noise conditions and an informative.

3.4 **NHDC Housing Officer** – supports the proposal and sets out background in support of the proposal. Key point from this include:

1. The applicant was approached by Haven First to use the first and second floors for residential accommodation as the shelter in Hitchin is not fit for purpose. Covid 19 social distancing measures could not be achieved in the current dormitory type of accommodation.
2. The Government also introduced policy guidelines to accommodate rough sleepers and homeless applicants in hotels to ensure people were not living on the streets or in unsuitable accommodation during the pandemic.
3. Haven First is a registered provider and has secured planning permission to provide a homeless shelter providing rented housing and support for single homeless applicants.
4. This application is to extend use of the ground floor accommodation for 10 ensuite rooms and ancillary facilities to meet the needs and provide support to this client group until the new purpose-built hostel can be completed.
5. The services provided by Haven First include the provision of a "pathway" out of homelessness including support and independent living skills to prevent homelessness recurring, not just provision of emergency accommodation.
6. The council has a statutory duty to secure accommodation for unintentionally homeless households who are in priority need and a duty to work with people to prevent and relieve homelessness.
7. The Council has a duty to review homelessness in the district and to formulate a homelessness strategy based on the results of that review. The government's Rough Sleeping Strategy published in August 2018 further introduced the requirement that all local authorities explicitly consider how to tackle the problem of rough sleeping, producing homelessness and rough sleeping strategies by winter 2019."
8. The provision of this accommodation would specifically help the Council to meet our stated priority of improving accommodation provision for single homeless people, especially those with complex support needs.
9. The 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) update identified a need for additional accommodation for single homeless people with support needs, people in need due to alcohol misuse and people with mental health problems. The latter two groups being a primary reason for homelessness.
10. There is a great need in the district for this type of accommodation; the SHMA indicates that the number of vulnerable people is expected to grow over the period of the emerging Local Plan. By 2031 in Stevenage and North Herts there will be approximately 360 (220 North Herts.) single homeless people with support needs, 740 (440 North Herts.) people aged 18-64 in need due to alcohol misuse and a further 470 (290) people aged 18-64 in need due to mental health problems.
11. The pandemic revealed a large, previously hidden cohort of single people in the district who are living unstable, often chaotic lives. Many are moving in and out of informal accommodation arrangements including enduring spells of 'sofa surfing' with friends or relatives or periods of rough sleeping. The Council placed over 150 single households into temporary accommodation over 2021/22, the majority approaching from unsettled accommodation arrangements. Almost one-third were of no fixed abode, whilst 13% were sleeping rough and a further 8% were homeless on departure from prison or hospital. 10% had been living in temporary or supported accommodation, highlighting

a core of clients who have repeatedly lost placements made for them by the Council due to challenging behaviours and unmet support needs.

12. Support needs amongst this cohort are extremely high. Of the single households placed in temporary accommodation over the past year, 80% had at least one identified support need with over 60% having two or more. Poor mental health was by far the most common, with over half of households reporting this. Almost one-third had poor physical health, with a similar proportion being at risk of or having experienced some form of abuse, including domestic abuse. Alcohol and/or drug dependency was also prevalent (23% of households) whilst 18% had an offending history. Over one-third of households had a history of repeat homelessness or rough sleeping, again reflecting the instability of individuals' lives and entrenched, unmet support needs."
13. All units will be let via North Herts Council's referrals process.

3.5 **NHDC Conservation Officer** – no objection subject to conditions being imposed on the listed building application.

3.6 **Baldock Museum and Local History Society** – object to the application for the following reasons:

1. At a time when it is Government and Council policy to regenerate town centres it would be a retrograde step to remove the possibility of Baldock's last remaining hotel from re-opening. The town needs a hotel for visitors and business men, otherwise it is yet another step towards the destruction of the town centre. We have already lost all our banks, we cannot afford to allow other facilities to deteriorate or disappear.
2. Also the possibility of regenerating Baldock town centre is not helped by the deterioration in the condition of the building since it has ceased to be used as a hotel and become a lodging house. It is now the major eyesore of the High Street and the recent planting of flowers in planters at the front is a superficial attempt to disguise that condition and should not be allowed to influence any decisions, especially as there had not been any flowers there for the previous two years.
3. This was supposed to be a temporary arrangement for the duration of Covid, now we have the situation in which a wealthy absentee landlord has apparently found that it is easier and more profitable to accommodate tenants at public expense rather than run the place as a hotel. If he does not wish to re-open the property as a hotel or restaurant then he should sell it and let someone else take it on.
4. There is a very strong feeling in this town that the problems of the area are being dumped on us because we are the smallest town with the least power to prevent it. We already have several hostels and other types of accommodation for problem people around the town; we do not want them in the town centre as well. We want the town to look inviting and to be attractive to visitors. The shops, the cafes, restaurants and pubs and our own Arts & Heritage Centre need these visitors in order to keep going. We do not want tourists and shoppers to be deterred by begging or drug taking (as is, we understand, already happening around the site in question) and we do not want our own residents, especially elderly ones, feeling unsafe because of these places.
5. We hope that the Council, having spent a great deal of money on the enhancement of Baldock town centre, will see that this is a totally unsuitable use of this formerly attractive Grade II listed building.

3.7 The application has been advertised with site and press notices and neighbour notification letters. The application has generated significant public interest and

replies have been received. 1 in support the rest objecting. Key points raised include:

1. There is far more anti-social behaviour in the town now than there was before this use started.
2. There has been a large increase in begging in the town over the last two years.
3. Resident's ask for cash back on electronic equipment in local shops.
4. There is a constant flow of police and ambulances attending this building which makes the town centre feel unsafe.
5. The town centre is an affluent area for business and coffee shops that will be affected by these plans.
6. The building is looking shabby and is visual pollution.
7. The lack of upkeep and maintained of this building, given it is listed, is criminal.
8. Since Templars has accommodate homeless people there has been a change in the town. Individuals and groups are now hanging around in the town all day long, sitting on benches or on the steps of Templars which is not good for nearby cafes.
9. People sit and drink on the public benches.
10. We have witnessed drug taking and dealing, drinking alcohol, smoking, swearing and urinating in the alleyways from the groups of people who sit on the benches outside the building. We do not want this in the town for another three years.
11. We fear there will be increased crime in the town.
12. There is a lowering of the feeling of the town centre in the evenings and at weekends.
13. The owner is not considerate of the appearance of the building or the impact on the town.
14. This is not the correct location for this facility.
15. To locate a hostel in Baldock is not beneficial to those it is supposed to serve as Baldock offers almost nothing in terms of supportive local voluntary or public sector support.
16. Placing homeless people into a building, people who are very likely suffering from significant psychological issues and substance abuse problems, without a local supportive context in many cases is likely to amplify their problems and is bordering on being, if not actually being, irresponsible.
17. These people need to be looked after in a kind and caring way.
18. It is wishful thinking to think this will be a temporary use.
19. The Council has a duty of care for the homeless and whilst solutions like this must be seen as a godsend it should not be at the cost of the residents who live here and whose environment has changed for the worse.
20. Who will live here? Will they be checked? Are they criminals or sex offenders or drug dealers or users?
21. To put the stain of this building on the local police who are already over stretched is in tolerable.
22. We are the neighbouring business and we object we our use generates noise and disturbance that is in conflict with a residential use.
23. There is rubbish being left in the passageway and thrown out of the windows into our premises and we have to report this to the management company.
24. There are already two other shelters in the town and Baldock is being over whelmed by such residents.
25. We are disturbed by screaming and vile language from the residents and residential look in our windows and have attempted to intercept our mail and one residential used our address fraudulently to set up a mobile phone contract, and we were contacted by the bailiffs stating they would be attending our address. We have had the Police in our garden in the middle of the night looking for someone and there is often a strong smell of cannabis in our house and garden, outside our front door and glass and alcohol bottles are left outside our house.
26. The management company are not interested when we report these concerns to us.
27. This should be converted into housing for young families.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Templars is a detached, two storey building located on the west side of the High Street which has a range of accommodation extending rearward and an open side access passageway leading to a courtyard area at the rear. It is located fairly centrally within the High Street, with a wide pavement area in front of the building. The building is a Grade II listed building and is located within the Baldock Conservation Area.

4.2 **Proposal**

- 4.2.1 This is a full application of the retention of the change of use of the first and second floor of the hotel to 19 rooms being used as sheltered accommodation and the continuation of the use for a further temporary period of three years.

- 4.2.2 Submitted in support of the application is a Planning, design, access and heritage statement. Key points from this include:

1. The permission is sought on a temporary planning permission for three years.
2. The accommodation is sought due to the significant cost and time delays of a purpose built site in the local area, to be operated by the same sheltered housing provider of Haven.
3. Access to the rooms would be via the main front entrance as existing. Refuse and recycling would be provided in the current general store at the rear of the side courtyard of the site
4. To facilitate the conversion works, internal alterations are required to the listed building, which are very similar to the extant approved scheme for conversion to 14 residential apartments. In this case, the only external alterations required is the insertion of side and rear elevation windows which are consented and conditioned for details under the extant planning permission.
5. It is considered the residents would not be at all reliant upon the private vehicles to access everyday needs, with the site being in a highly sustainable location and a short walk to the plentiful local facilities and amenities.
6. Being for sheltered housing means the occupiers are unlikely to own private vehicles and will instead have easy access to facilities in this town centre location.
7. The NPPF encourages planning authorities to protect community facilities such as pubs. This broad policy intention is reflected in Policy ETC 7 of the Local Plan, where there are no similar uses within an 800m walking distance. In this case there are many other similar facilities available within this radius, all within the town, of mainly pubs and restaurants. Accordingly, there is no conflict with this policy.
8. The proposal would provide a high standard of residential amenity and living conditions for its occupiers. All proposed rooms would be single occupancy, with en-suite facility to each. Ample circulation space would be provided throughout, with communal lounge and kitchen areas. A high standard of natural light and outlook would be provided to all rooms and the communal areas of the ground floor layout. Amenity space will be use of the existing courtyard area, located to the side of the building.
9. With regard to any impact of the development upon the living conditions of neighbouring occupiers, there would be no adverse impact compared to the current use as hotel restaurant. As such, no harm would be caused to the living conditions of any properties in terms of loss of light, outlook, privacy or dominance.
10. In regard to the external design Page 112, minor external alterations are required to facilitate the conversion works to provide the accommodation. These are

the same as the previous planning permission for conversion to self-contained residential apartments.

11. It is considered that the sensitive internal conversion of this building to ground floor, together with minor external alterations and repairing existing facades, is entirely acceptable and would cause no harm to the significance or setting of the host listed building, any nearby listed buildings, nor the character and appearance of the Baldock Conservation Area.
12. In regard to parking provision, the occupiers would not own a private vehicle, being for sheltered housing accommodation only. Moreover, the extant planning permission accepted zero parking on site due to the highly sustainable town centre location with ease of access to the train station.
13. A secure cycle store would be located to the side courtyard. This would provide at least 14 cycle spaces.
14. Occupiers would store waste and recycling in the proposed refuse store located at the end of the side courtyard area. The current hotel and restaurant use has an external bin store located adjacent this rear store building proposed to be used. The current open air store would therefore be removed and would enhance the appearance of the courtyard. This is also required to allow access to the flats here.

4.2.3 Additional information has been sought from the agent with the following questions and answers provided:

1. What is the management at the building for the residents. Is there staff there 24/7? What sort of supervision is there?

Dedicated staff team provided by Haven First & supported by OneYMCA and yes there is 24/7 staff present.

2. Can the residents be in the building all day long or is it closed for certain times of the day?

Yes all day.

3. Are any facilities for residents provided in the building such a counselling or any other care?

Yes support & counselling.

4. How long do people tend to live in the building for once there? A few nights or is it semi-permanent accommodation?

Temporary accommodation but can be as long as 18 months.

4.3 **Key Issues**

4.3.1 The main issues to be addressed in the determination of this planning application are:

1. The principle of development.
2. Living conditions.
3. Anti-social behaviour concerns.
4. Police comments.
5. Heritage.
6. Consideration of both applications
7. Other considerations

The Principle of the development

- 4.3.2 Policy SP8(g) of the Local Plan sets out that over the plan period provision will be made for at least 350 bed spaces in suitable, supported accommodation to meet the needs of those who cannot live in their own home. This proposal is in support of this Local Plan aspiration and no objection is raised to the principle of this application on this basis.
- 4.3.3 With regards to the loss of the pub / restaurant use, there is no objection to this for two reasons. These are:
1. Policy ETC7 seeks to protect local community shops and services in towns and villages. However, protection is only given to the loss of a facility if there are no other such facilities within an 800m walking distance. Within Baldock there are other existing pub and resultant uses so this policy protection does not engage.
 2. There is an extant permission to change the use of the building into self-contained flats. Given that this also results in the loss of the pub and restaurant use, and that this proposal could still be implemented, this outweighs any concerns over the loss of the pub/ restaurant use as its loss was supported when permission was granted to change the building into flats.
- 4.3.4 Therefore there is no objection to the principle of this proposal.

Living Conditions

- 4.3.5 In terms of the frequency of activity in and around the site, the volume of visitors, residents, staff and deliveries coming and going from the building, it can be concluded that this would be broadly similar to the comings and goings if the pub and restaurant were in full use and no objection is raised to the application on this basis. This is a High Street location, where there are pedestrians up and down the road and therefore the extra people movements to and from the building is not out of context with either the former use of the building or the High Street in general.
- 4.3.6 In terms of living conditions, the building provides for a good standing of accommodation and amenity for residents, with individual en-suite rooms, communal kitchen and lounge facilities, on site support and counselling and 24/7 staff support and supervision. There is also an outdoor courtyard for amenity space purposes.
- 4.3.7 With regards to internal noise transmission, the Environmental Health officer has recommended noise conditions to protect noise levels inside the building. Given this is a listed building and a temporary use, I do not consider it appropriate to recommend these conditions which may require for fixtures and fittings to be added to the fabric of the building. It is not clear if the works are necessary or that they could be fitted to the building. As a result, these conditions are considered to fail to comply with the tests of Circular 11/95 which requires for planning conditions to be necessary, relevant to planning, relevant to the development, enforceable and reasonable in all other respects so these conditions are not recommended.
- 4.3.8 Given the previous use of the site and that this is a town centre location where there is a degree of activity and noise in the daytime and evening, it is not considered that this use, which is in a 24/7 supervised building, would generate adverse noise and disturbance over and above the activity level already in the locality. As a result, the use is not considered to represent harm to the amenity of the neighbouring occupiers.

- 4.3.9 The National Planning Policy Framework (NPPF) (July 2021) and the National Planning Practice Guidance (NPPG) (November 2019) together set out the Government's position on planning for safe communities through design considerations.
- 4.3.10 Paragraph 92 of the NPPF states that planning policies and [development management] decisions should aim to achieve 'safe and inclusive places' which, inter alia, should ensure that places: 'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;'
- 4.3.11 Local Plan Policy D1 'Sustainable Design' includes a requirement to 'design out crime and anti-social behaviour'.
- 4.3.12 This planning application is for the change of use of the ground floor of an existing building alongside application 22/01498/FP for the retention of 19 rooms on the first and second floors for a temporary period of three years. It does not and cannot include proposals for off-site infrastructure changes to alter the built environment outside the site. Furthermore, Members must also note that the current authorised pub and restaurant use is not restricted in terms of hours of operation and that this use could have spill over noise and activity impacts that would have an impact on the immediate vicinity around the site.
- 4.3.13 The policy guidance referenced above is more applicable to wider development schemes that include new road layouts and pedestrian facilities and spaces with the aim to ensure such developments create spaces that are safe for all members of the community as far as is possible through design and new development. This application only relates to the change of use of a building so on this basis the policy guidance is not wholly applicable. Nonetheless, the principles set out in the policy guidance include reference to anti-social behaviour and designing out crime which, in my opinion, is therefore a material consideration in the determination of this planning application insofar as it relates to design and physical alterations to the building.
- 4.3.14 On this basis, consideration needs to be given to whether concerns about anti-social behaviour apply to a change of use planning application? The planning system regulates land use, not land users and therefore does not have the ability to regulate all aspects of an applicant's operation. In this context the change of use is from a hotel / pub / restaurant to a non-specific Sui Generis use for residential accommodation with support. Any change of use planning permission runs with the land, would not be personal to the current / proposed operator of the facility and moreover would not discriminate between the profile of residents who may need care and support at this facility. On this basis in my view it would be very difficult to sustain an argument against the grant of planning permission based on an objection to the use of the building without personalising the refusal to the current operator rather than the maintaining an objective view of the planning use that is presented within the application. Such an argument would not be successful on appeal in my opinion.
- 4.3.15 Furthermore as set out above, there are no objections to the physical change of use of the building and several local residents have expressed concern that the building has not been recently maintained. Therefore, having a use in the building will result in welcome investment back into the maintenance of the building. The objections raised are to the presence of individuals and groups of residents sitting on the public benches in the street, and to some of the behaviour undertaken by these people which has been witnessed by passing members of the public.

- 4.3.16 I understand local perception is that if the building were not being used for this use then individuals and groups of residents would not be sitting in the street undertaking this sort of behaviour. However, as set out above, planning regulates land use, and whether there are any physical building works that can be undertaken to 'design out crime', thus planning is not the management of the users of the land use. An appeal decision (APP/Z1775/W/16/3159492) for a site in Southsea where the change of use of hotel to a multiple occupation 25 bedroom house (HMO) was allowed considers the planning response to uses that may cause anti-social behaviour. This states:

"I note the concerns of the Council and some local residents that the proposed use would result in a local concentration of anti-social behaviour. I have also noted the evidence before me of incidents of anti-social behaviour and disturbance at the appeal site and the concern of neighbours that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and has resulted in a fear of crime in the locality. However, such matters are influenced by considerations such as the management of the HMO and the behaviour of the occupants. Such matters are not controlled under the planning regime. They are controlled by other legislation and I am making a decision on the planning merits of the appeal alone. The proposed development could, in principle, therefore, contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or cohesion as set out in paragraph 69 of the Framework".

- 4.3.17 Whilst some of the behaviour reported as objections to the application (such as groups of people sitting drinking, smoking and swearing on the public benches outside the building) is behaviour that people passing by would prefer not to see this is not anti-social behaviour that is law breaking nor is limited only to those who occupy this building. Whilst other behaviour, such a drug dealing and taking are matters that should be report to the Police and the Haven operator, in my view this is not behaviour that can or should be controlled via the land use proposal of the planning application as these matters are controlled by other legislation.

- 4.3.18 The consideration of anti-social behaviour does not extend to the principle of the change of use in this location as the above referenced appeal decision makes clear, these matters are controlled by other agencies. As a result, in my view, no objection can be raised to the application on the basis of anti-social behaviour.

Police comments

- 4.3.19 As set out above, the Police response is not objecting to the change of use but is requiring changes to the building to design out potential crime for the future occupiers. With regards to this application the CCTV surveillance of the side passageway is applicable and a condition is recommended on this basis.

Heritage

- 4.3.20 The building is a Grade II listed building and the proposed internal and external alterations required to allow this change of use are considered to be minor alterations that do not harm the fabric of the building and are very similar to the works approved to allow the conversion of the building into flats. The associated Listed Building application has not been called into PCC for determination and will be determined under delegated powers following the determination of this case. There will be conditions imposed on the listed building consent regarding the works to the fabric of the building.

- 4.3.21 Due to the change of use of the building not having a material impact on the external appearance of the building, this change of use is not considered to have harm on the character or context of the Conservation Area or any undue harm on the setting of any nearby neighbouring listed buildings.

Consideration of both applications

- 4.3.22 This application is seeking the retention of the change of use of the first and second floors with 19 en-suite rooms, whilst application 22/00927/FP is for the change of use of the ground floor of the building to 10 en-suite self-contained rooms (also on this agenda for determination) and for these rooms to be used for a temporary period of three years. Given this is one building and operator the two applications need to be assessed together as one proposal for 29 en-suite rooms in my view.
- 4.3.23 Whilst I am sympathetic to local concern, bearing in mind this is a temporary use for three years whilst the permanent facility is being built, taking into account that anti-social behaviour is a matter for the Police and building operator and bearing in mind that the Council has a legal duty to provide accommodation for the those in need and the Local Plan has a policy objective to deliver such accommodation, I can see no reason to refuse this application that could be supported and substantiated in an appeal situation.

Other Matters

- 4.3.24 There is no off street parking for this building, and no objection is raised to this. This is due to historically the building has not provided parking for its use, there is public parking along the High Street and the occupiers of the building will not have cars. Staff may do, but the public parking availability is sufficient to meet this need. The building also has good access to public transport links which staff may also utilise.
- 4.3.25 A benefit of this use being in this location is that there are shops and facilities within immediate proximity of the building for occupiers to use as this is highly sustainable location.

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 The agent has agreed the pre-commencement conditions regarding the CCTV.

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 continued use of the first and second floors hereby permitted is for a temporary period only and must cease and fully vacate the building on or before the 31/12/25.

Reason: There is a permanent facility to be opened and this site will no longer be required.

2. Within three calendar months of the date of this decision or prior to the implementation of application 22/00927/FP, whichever is the soonest, full details of a CCTV system monitoring the side passageway is to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site within one month of the date of the approval of the CCTV system or before the first use of the use permitted by application 22/00927/FP is implemented on site, whichever is the soonest.

Reason: To design out the potential for crime.

















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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/01498/FP 20 High Street, Baldock, Hertfordshire, SG7 6AX

-  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
Prfipm.shp



Scale 1:750

Date: 15/11/2022

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<u>Location:</u>	59 - 61 Walsworth Road Hitchin Hertfordshire SG4 9SX
<u>Applicant:</u>	..
<u>Proposal:</u>	Erection of mixed use building comprising of 330sq.m commercial floor space at ground floor with 10 no. residential apartments at first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings.
<u>Ref. No:</u>	21/02796/FP
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period: 29/12/2021

Extension of statutory period: 17/12/2022

Reason for referral to Committee: The application has been called in to Committee by Councillor Albert on the grounds that the application -

- Is a major, controversial, or sensitive nature; and
- has aroused significant public interest on valid planning grounds.

Concerns have also been raised about overshadowing, loss of privacy, loss of ecological habitats (including bats), possible contamination by a previous use, effect on Conservation Area, access and highways safety, and noise and disturbance from the scheme.

1.0 Policies

1.1 North Hertfordshire Local Plan 2011-2031

Strategic Policies

SP1: Sustainable development in North Herts

SP2: Settlement hierarchy

SP6: Sustainable transport

SP7: Infrastructure requirements and developer contributions

SP8: Housing

SP9: Sustainable Design

SP10: Healthy communities

SP11: Natural resources and sustainability

SP12: Green Infrastructure, landscape and biodiversity

Development Management Policies

T1: Assessment of transport matters

T2: Parking

HS3: Housing mix

HS5: Accessible and adaptable housing

D1: Sustainable Design

D3: Protecting living conditions

D4: Air quality

NE1: Landscape

NE5: New and improved public open space and biodiversity

NE7: Reducing flood risk

NE8: Sustainable Drainage systems

NE9: Water quality and environment

1.2 National Planning Policy Framework (Revised July 2021).

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

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

Section 15: Conserving and enhancing the natural environment

- NHDC SPD: Vehicle Parking at New Development September 2011
- Hertfordshire Local Transport Plan (LTP4) 2018 – 2031
- Hitchin Urban Transport Plan 2011

2.0 **Site History**

- 2.1 21/01649/FP - Erection of four storey building comprising of 9 no. 1 bedroom and 9 no. 2 bedroom apartments (18 units in total) including the creation of vehicular access, car parking, cycle and bin storage, hard/soft landscaping, boundary treatments and associated works following demolition of existing building – withdrawn
- 2.2 86/00854/1 - Change of use of boat sales and repairs to tyre and exhaust depot with extension and alterations to elevation – conditional consent

3.0 **Representations**

- 3.1 Site Notices: 12.10.2021 Expiry: 04.11.2021

Press Notice: 14.10.2021 Expiry: 06.11.2020

- 3.2 Neighbours: Six response received:
Support for:

- reduction on number of floors from previous scheme
- a gap between existing and proposed buildings (for ventilation, sound reflection, bird and bats, privacy)
- retail units to ground floor, cycle storage
- reduction in number of units compared to previous scheme
- reduction from 4 storey to 3 storey development

Objections:

- too much on site car parking and should be reduced
- dependency on motor car
- development should be car free which would help with climate emergency
- insufficient car parking spaces
- development is not environmentally sustainable
- existing Edwardian building is of heritage value due to its original occupier (Sanders Coachworks)
- the scheme does not provide any social housing
- existing power and drainage infrastructure unsuitable compromising existing properties
- recycling and reuse of waste materials from existing building has not been considered
- existing buildings have not been surveyed for bats and bird habitats
- misleading and inconsistent plans in relation to landscaping proposals
- concerns about what sort of businesses will occupy retail units
- protection of retail units so they don't get converted to flats
- retail units will encourage illegal street parking and measures should be introduced to prevent this
- the proposed building height is too high
- existing street buildings throughout are of mixed heights and styles
- tall roof will have no purpose
- the building will appear overbearing and will block light to neighbouring properties

- height of building should be reduced
- the houses opposite the proposed development will have their outlook changed beyond recognition
- windows to front will cause loss of privacy to properties opposite
- the development will cause a loss of light to houses opposite
- the orientation of the houses means that the sunlight moves from the back around to the front
- the loss of light will be worst in the afternoons and the evening
- contrary to the Human Rights Act in particular Protocol 1, Article 1, which states that a person has the right to peaceful enjoyment of their possessions; this includes the home and other land Article 8 states that a person has the substantive right to respect for their privacy and family life
- proposal is contrary to planning policy as it does not include any mitigation measures, fails to retain enhance character, protect and enhance heritage assets, overbearing character, height has no functional purpose, adverse health effects,
- proposal does not include renewable energy measures contrary to development plan policies
- lack of green/amenity space to the development and occupiers of proposed flats
- the existing building should be converted into flats
- pastiche design and absence of retained elements.

3.3 Hitchin Forum: no response received

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

3.5 Environmental Health (Noise): the noise report is satisfactory although precise details of separating floor construction and plant equipment have not yet been specified. Consequently, a total cumulative plant noise limit for nearby residents has been determined. Noise mitigation measures were found to be necessary for the residential dwellings. These are detailed in Section 8 of the Report – the specifications for acoustic rated glazing and ventilators that are required.

3.6 Strategic Principal Planning Officer: The proposal for residential development at the location is considered suitable in principle. The proposed retail units do not comply with Saved Policy 42 or Emerging Policy ETC3. However, the harm of loss of existing employment use will be off-set by the proposal for retail units. This use class is considered a more suitable within the residential area. The application proposes no affordable housing. However, the provision of 10 apartments will positively contribute towards boosting housing supply. The proposed housing mix does not comply with emerging Policy HS3. However, the proposal is for a relatively smaller unit and therefore there are no specific grounds on which to demand a different housing mix.

3.7 Waste and Recycling: the site has sufficient space for waste and recycling needs.

3.8 Lead Local Flood Authority: confirmation sought that a feasible surface water discharge mechanism and sustainable drainage scheme are available to serve the development.

3.9 Police Crime Prevention Design Advisor: not in a position to fully support this application although the inclusion of a gated entrance to the private rear parking area would address many of the concerns and reduce the opportunity for crime.

- 3.10 Anglian Water: The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.
- 3.11 Herts County Council (Archaeology): the proposed development should be regarded as likely to have a potential impact on heritage assets of archaeological interest and therefore a condition is recommended in the event that permission is granted.
- 3.12 Herts County Council (Ecology): no objections subject to conditions and informatives
- 3.13 Herts & Middlesex Wildlife Trust: no objection subject to a condition to secure mitigation proposals.
- 3.14 Environmental Health (contaminated land): no objections subject to condition requiring more investigative ground works
- 3.15 Herts County Council (Minerals): no response received
- 3.16 Growth and Infrastructure Unit: no response received
- 3.17 NHS East and North Herts CCG: no response received
- 3.18 Environment Agency: no response received
- 3.19 Herts Fire and Rescue: no response received
- 3.20 Community Development: no response received
- 3.21 Leisure Contracts: no response received

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises the existing Kwik Fit garage an altered Edwardian building fronting Walsworth Road with a more modern industrial building to the rear. The site is occupied to its full width by the garage premises and the garage buildings also extend the full depth of the site backing onto a residential site (Johnson Place). The current use on the site was authorised via planning permission in 1986. The site measures approximately 0.25 hectares in area.
- 4.1.2 The locality is characterised by a range of buildings varying in height and materials and ranging from Victorian / Edwardian villas to more recent purpose built flat accommodation. The majority of buildings are more traditional in appearance with pitched roofs, many containing projecting gables and dormer windows within the road facing roof plane. The north side of Walsworth Road from the Dacre Road junction towards the station tends to be three storey in scale whilst the south side is two to two and half stories. There are of course exceptions (such as the single storey range of shops on the corner of Dacre Road and then the three and half storey Lyon Court development close to the station entrance).
- 4.1.3 The site does not form part of the Walsworth Neighbourhood Centre but sits alongside it and within an area dominated by flats and commercial businesses. Hitchin station is located approximately 160 metres to the east along Walsworth Road. The site is

outside of the Hitchin Conservation Area. Walsworth Road is a classified B road (B656/380) maintained by Hertfordshire County Council as highway authority.

4.2 Proposal

- 4.2.1 Planning permission is sought for the 'erection of mixed use building comprising of 330 square metre commercial floor space at ground floor with 10 no. residential apartments at first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings.'
- 4.2.2 Vehicular access into a private car parking area will be provided via Walsworth Road via a new dropped kerb between the proposed building and the associate bin and cycle store. Car and cycle parking is provided in a single forecourt area adjacent to the rear boundary with Johnson Place.
- 4.2.3 The application follows an earlier withdrawn scheme for the erection of four storey building comprising of 9 no. 1 bedroom and 9 no. 2 bedroom apartments (18 units in total) including the creation of vehicular access, car parking, cycle and bin storage, hard/soft landscaping, boundary treatments and associated works following demolition of existing building (application reference 21/01649/FP).
- 4.2.4 In addition to the statutory plans, the application is supported by the following technical reports and documentation:
- Design and Access Statement
 - Ecology Report and Appraisal
 - Flood Risk Assessment and Drainage Strategy
 - Transport Statement
 - Landscape Design
 - Ground Investigation Report
 - Acoustic/Noise report
 - Sustainability Report
 - Retail and Local Centre Report

Key Issues

- 4.2.5 The key issues for consideration of this application relate to (i) the principle of development (ii) character and appearance (iii) residential amenity (iv) occupiers amenity (v) sustainable development, (vi) flooding and drainage (vii) ecology and biodiversity (viii) other material considerations (ix) the planning balance

Principle of development

- 4.2.6 The existing use of the site is a tyre and exhaust centre, located outside of Hitchin's Employment Areas. Under the recently adopted Policy ETC2 the Council will only permit the loss of existing employment uses on unallocated sites where it can be demonstrated that the land is not required to meet future employment needs. This existing use is considered to fall under the category of 'Sui Generis' Use Class so therefore policy ETC2 does not strictly apply as Sui Generis is considered employment generating rather than employment. In this case, the loss of the existing business is off-set by the employment gained with the proposed retail units. The site is not part of a designated employment area and therefore there would be no land use objection to the loss of employment at this site. Furthermore, the tyre and exhaust business is

considered to be a 'non-conforming' use in this location due to the close proximity of residential uses.

- 4.2.7 Policies SP2 - Settlement hierarchy and Spatial Distribution – and Policy SP8 - Housing - provide broad in principle support for development in Hitchin (and other towns) to meet the majority of housing needs in the District subject to the compliance with other relevant policies. Policy ETC6 - Local Centres – supports the provision of appropriate uses in urban areas to reinforce the vitality of towns. The proposed retail units would serve to complement and reinforce the vitality and viability of the Walsworth neighbourhood centre which is concentrated at this eastern end of Walsworth Road towards the station.
- 4.2.8 The site is within the urban area of Hitchin and housing development in the form of flats or houses lie adjacent to the site. The site is within a sustainable location being 0.3 mile from Hitchin railway station and bus interchange and approximately 0.5 mile from Hitchin Town Centre and market. There are bus stops serving the locality nearby. The site is immediately adjacent to the neighbourhood local centre which includes a number of shops and commercial premises. Within close proximity are other essential services including convenience shops, schools, churches and public open space.
- 4.2.9 Given the prevailing residential development of the surroundings and the sites proximity to local services, it is considered that the mixed retail and residential redevelopment of this site is appropriate in land use terms.

Character and appearance

- 4.2.10 Policy D1 of the adopted Local Plan and the Design Supplementary Planning Document, clarify the expectations for the design of buildings and places which should reflect the local character of the sites surroundings.
- 4.2.11 The existing site comprises a pleasant 1930s pitched roof building that is believed to have been built for a local coach business. It was extended in a utilitarian style with a large area of glazing and sliding metal doors to the ground floor with a painted façade and parapet roof. It is pleasant but largely unremarkable building that does not reflect the general character or appearance of Victorian development in the immediate locality. Overall, the loss of the existing buildings is not considered significant or harmful. The scale of the immediately adjacent buildings varies from two storey Victorian style housing to the south, three storey buildings Victorian and the more modern buildings immediately adjoining and two, three and four storey development to the north (rear) of the application site.
- 4.2.12 The application proposes a traditionally designed residential scheme to the upper floors with three retail units to the ground floor and a shared communal car parking, bin storage, cycle storage and some small landscaped areas to the rear. Tree planting is proposed within the site along the street frontage.
- 4.2.13 The design of the building reflects the Victorian architectural style along this part of Walsworth Road. The three storey scale matches that of the adjoining Victorian dwellings to the western boundary of the site. Materials will be a red facing brick with traditional roof tiles. Other design features referencing existing local character include sash windows, traditional stone style window cills and headers, bay windows to the first floor and a centrally located chimney. The three ground floor shop units will have traditional design with stallrisers, fascias and will also include three bay windows to mirror those at first floor. The front of the site will be hard surfaced with two street trees proposed within the site boundary. A bin store and cycle shelter area is proposed to the western boundary adjacent to the proposed vehicular access with a small rectangular landscaped areas along the street frontage. This bin and cycle storage area will be

enclosed by a 2 metre high wall along the street frontage. The rear of the site would provide parking for 10 cars, additional cycle shelter facilities and service access for the retail units. As illustrated, there is presently unrestricted access to the rear of the site. This is likely to provide opportunities for unauthorised access and potential criminal activity. In the circumstances, a pair of gates to secure the rear area of the site is considered to be necessary and reasonable and in the event that permission is granted for the proposal, this matter could be reasonably secured by condition as could the precise details of all boundary treatments and materials to the development.

- 4.2.14 Neighbouring residents have raised a number of concerns about the scale and design of the proposed building. In assessing the impact of the development on local character, it is useful to have regard to Section 12 of the NPPF - Achieving well designed places - and in particular the requirement for planning decisions to promote or reinforce local distinctiveness. In this case the local character is a mixture of both recently constructed contemporary and Victorian period architecture in the form of two, three and four storey buildings. Section 11 of the NPPF – Making effective use of land – encourages maximising the use of previously developed and brownfield land. It also confirms the importance of optimising densities and making sure that they reflect existing character. Having regard for these policies and Policy D1 of the recently adopted local plan, it is considered that the development will improve the character and quality of the area and the way it functions in accordance with national and local development plan policies. It is considered that the design, scale and layout successfully achieve the balance of making effective use of a previously developed site and create an attractive and accessible development that reflects existing local character. Given the assessment above, it is concluded that the proposed development overall will reinforce local distinctiveness and would not harm the character and appearance of the area and would be compliant with development plan policies.

Residential amenity

- 4.2.15 Policy D3 – Protecting Living Conditions – confirms that new development should protect residential amenity for existing local residents. Concerns have been raised by neighbouring properties that the proposed development will have an adverse impact on residential amenity - loss of privacy, loss of light and sunlight, overbearing and unneighbourly development. The footprint of the building and its location mirrors the linear form and depth that of the existing adjacent development. Compared to the current site layout which includes nearly 95% building coverage, the proposal will reduce this to less than 50% site coverage and in doing so will generally improve the outlook, neighbourliness, sunlight and daylight to immediately adjoining properties. In this context the building will not appear unneighbourly or cause a loss of light or sunlight.
- 4.2.16 In relation to privacy impacts on the properties opposite to the site along Walsworth Road, the window to window distances would be approximately 17 metres. The existing 1930s building located at the western end of the site includes three large windows at first floor level along this front elevation. As can be appreciated from the site layout drawing, this relationship is no different to the rest of the street and is fairly typical for most historic street layouts. Having regard for the existing window to window relationship and the prevailing privacy distances in the immediate locality, the proposal is not considered to create any unusual or harmful privacy impacts to properties fronting Walsworth Road.
- 4.2.17 In relation to privacy impacts on between the rear of the proposed building on the properties located at 1-12 (incl) Johnson Place, it is confirmed that the window-to-window distances will be approximately 20 metres. Windows to the first and second floors of the proposed building will serve, bedrooms, living rooms bathrooms and a centrally located stairwell. Having regard for the prevailing built character in the

locality this type layout and relationship is not unusual. The outlook from the rear of the aforementioned Johnson Place properties will change from the existing enclosed and built-up rear boundary to a more open and neighbourly relationship. The first floor rear elevation of the building includes a bay window to a living room which is located approximately 2.5 metres from the party boundary. The nearest narrow side unit to the bay will afford views into the garden of 58 Walsworth Road. In the circumstances, it is recommended that a condition be imposed requiring this side unit to the bay window be obscure glazed to protect privacy.

- 4.2.18 The application is accompanied by a noise report. Although the proposals do not include any specific noise generating elements, it has been assumed that the three ground floor retail units will probably install some plant or machinery for heating and cooling purposes. This being the case, a condition requiring details of such plant and machinery should be included together with an advisory setting out the noise parameters for such plant and equipment. This should adequately address any possible noise and disturbance impacts on nearby residents.
- 4.2.19 The proposed ground floor retail units would fall within use class 'E' in the recently amended Use Classes Order. This permits a range of commercial, business and service uses including -
- a) Shop other than for the sale of hot food*
 - b) Food and drink which is mostly consumed on the premises*
 - c) the following kinds of services principally to visiting members of the public i. financial services ii. professional services (other than medical services) iii. any other services which it is appropriate to provide in a commercial, business or service locality*
 - d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)*
 - e) Medical services not attached to the residence of the practitioner*
 - f) Non-residential creche, day centre or nursery*
 - g) i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)*
- 4.2.20 Due to the proximity of the proposed commercial units to existing residential properties both on the site and adjacent to it, the limited car parking at the site and parking restrictions along Walsworth Road, it is considered to be both reasonable and necessary to preclude some of the commercial uses from Use Class 'E' which of this permission to protect residential amenity and ensure the safety of highway users is not compromised. In the circumstances, any permission granted should be limited to (a) shop (b) financial and professional services which are most compatible with the location. Such a condition would not preclude other applications being made for other uses in the future which would be considered on their merits in the usual way.
- 4.2.21 The concerns of residents and other interested parties are acknowledged. It is considered that overall, the proposal delivers a balanced solution of improved outlook, light, neighbourliness and reasonable privacy for existing residents adjacent to the site.

Living conditions for new residents

- 4.2.22 Policy D1 – Sustainable Design - set out a number of criteria that should be considered when designing new development. In relation to general amenity for future occupiers of the flats, it is confirmed that the proposed residential units will meet the minimum National Space Standards for internal space. No formal on site amenity space is provided for the flats. However, the site is located within the built-up urban area and will be 0.3 miles from the Ransoms Recreation Park and 0.6 miles from Bancroft

Recreational Park. In the circumstances, the absence of private amenity space is not considered to be an obstacle to the residential development of the site.

- 4.2.23 The application includes a noise assessment which has identified and assessed a number of potential noise sources that might impact the reasonable enjoyment of the proposed living areas. These comprised - traffic from the adjoining Walsworth Road, noise from the ground floor retail units and any proposed plant and machinery to the ground floor retail units. The Council's Environmental Health Officer has assessed the noise report and confirmed that noise is not a limiting factor to prevent development in this location. However, a number of conditions and informatives are recommended to safeguard future occupier's general amenity.

Highways, access and parking

- 4.2.24 Policy T1 – Assessment of transport matters - and T2 – Parking – set out the considerations in relation to transport matters. The application is supported by a Traffic and Transport Assessment which sets out the highway and associated impacts. The Highway Authority have provided a comprehensive response to consultation on the proposals and have given detailed consideration to all aspects of the development.
- 4.2.25 The property is located along Walsworth Road that is classified as the B656 local distributor road that is subject to a speed limit restricted to 30 mph. A new access serving the rear parking area is proposed and will be a minimum of 4.1 metres wide. This is considered sufficient width to accommodate the vehicles likely to use the access and parking area for the scale of development for two-way traffic and to turn around and egress the site in forward gear. It is confirmed that pedestrian visibility will not be altered. Vehicle to vehicle inter-visibility from the new access along Walsworth Road is considered acceptable for the approaching speed of vehicles and class of the road and appropriate for the level of use it will receive. The existing garage use of the site includes an extensive dropped kerb across virtually the entire frontage of the site. This is considered to be a major source of conflict between pedestrians and vehicles with constant obstruction of the footpath. The removal of all parking at the front of the site is considered to be a major benefit to both highway safety and local/pedestrian amenity. Furthermore, new hard surfaced areas fronting the proposed building would create opportunities for improved pedestrian movement and potentially create space for cycle/scooter parking and seating areas for customers visiting the retail units. These are welcome and additional visual benefits to the public realm.
- 4.2.26 The Council's supplementary planning document on parking at new developments would require 14 car parking and 10 secure cycle parking spaces for the development normally. The development will provide vehicle parking for 10 cars and approximately 20 bicycles on the site. Within Appendix 4 of the Emerging Local Plan the Council has published supplementary guidance on parking standards and this revises the advice in relation to residential parking standards. The Appendix 4 allows for reductions in on site car parking provision for new developments and it states: *'Reductions from these standards will only be considered where applicants can demonstrate that the accessibility, type, scale, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and on-street conditions justify such variations'*.
- 4.2.27 The site is a few minutes walk from one of the busiest stations in Hertfordshire and only 10 minutes walk from Hitchin town centre with its large range of services making the site one of the most sustainable and accessible locations in the district. Whilst many of the new flatted developments in the area have allocated parking this is due to the larger area of land associated with those developments which was sufficient to provide on-site parking without affecting the viability of the schemes involved. The application site is much smaller with limited depth to provide sufficient on-site parking. The Local

Planning Authority has permitted some smaller residential developments in the locality without any on-site parking on the basis that they were accessible and in a sustainable location. In this case, the reduced on-site parking provision of 10 spaces – enough for one space for each flat – although below the standards is considered reasonable given the site's proximity to the town centre and the 10 additional secure cycle spaces provided.

- 4.2.28 The site lies adjacent to a bus route there are bus stops along the Walsworth Road one to the east plated as Tesco Express which is 75 metres away and two further bus tops to the western direction Plated as Veralum Road that are 200m from the development, the railway station is 200 m to the east.
- 4.2.29 The trip generation for the proposed development has been calculated using trips rates derived from the industry-standard. Given the proposal involves the provision of 10 units, the total peak generation of traffic would be 5 two-way vehicle movements during the morning peak travelling period (8:0 am to 9:0 am) and 5 two-way vehicle movements in the evening peak travelling period (5:0 pm to 6:0 pm) the traffic generated equates to an average of one vehicle every 12 to 15 minutes in the AM and PM peak travelling periods respectively. Taken into account that the development is located adjacent to a main distributor road the new traffic generation of vehicles is considered as an acceptable impact on the local highway network. Herts County Council Highways Unit considers the development to be acceptable in traffic generation terms. It is noted that proposed bin stores have been located adjacent to the highway and are therefore acceptable.
- 4.2.30 In summary, the traffic impact from the new proposal has been considered not to increase the number of vehicle movements onto the local highway network. The proposal would need substantial construction traffic to serve the construction phase of the development for deliveries and site staff. As the delivery route for vehicles would be along the B656 and given the potential for this to impact on the surrounding town centre network., construction traffic should be managed appropriately. A Construction Management Plan condition is recommended to deal with this matter. Other technical matters could reasonably be dealt with by conditions in the event planning permission is granted

Archaeology

- 4.2.31 The development site lies in an area of Hitchin that has received little archaeological investigation to date and lies away from its historic core. However, an evaluation 60m to the south at 89 Wandsworth Road in 2007 identified a prehistoric ditch containing debitage flint flakes. It is therefore considered that the proposed development should be regarded as likely to have a potential impact on heritage assets of archaeological interest. In this case an appropriately worded condition on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Sustainable development

- 4.2.32 The Council recently passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. New developments will be expected to take account of the Council's Climate Change Strategy and incorporate a range of carbon neutral or carbon reducing energy and emissions features. Such features typically include - EV charging infrastructure, solar or PV panels, Sustainable Urban Drainage Systems, and meeting or exceeding Building Control standards on thermal insulation.

- 4.2.33 The application is supported by a Sustainability Statement. This sets out a range of areas to deliver sustainability objectives. These cover Energy, Water, Pollution, Ecology, Design, Transport and Flooding. Many of these matters are addressed elsewhere in this report. The areas that are not relate to energy and water. The report identifies a range of aspirational technologies to deliver a sustainable development including low carbon and renewable technologies. However, these are vague and further information should be provided to ensure suitable and feasible technologies are delivered. In the event that planning permission is granted, a pre-commencement condition should be included requiring specific details of methods and technologies which will be employed as part of the project.

Flooding and drainage

- 4.2.34 The site is under 1 Ha and lies within Flood Zone 1 and therefore a Flood Risk Assessment is not required. However, a drainage Strategy has been provided and this has been the subject of consultation with Lead Local Flood Authority and Anglian Water. Anglian Water (AW) is responsible for providing infrastructure for foul water disposal for the site and if surface water is to be disposed to the mains sewer then this is also a matter for them to advise on. The Lead Local Flood Authority (LLFA) is responsible for preparing and maintaining a strategy for local flood risk management in Hertfordshire.
- 4.2.35 In relation to surface water drainage, the applicant has confirmed that the site is underlain by made ground and chalk according to the nearest borehole Data. Due to the nature of the existing site use and the previous petrol station soakaways are not considered a viable solution. The applicant also confirms that due to the nature of the development with areas largely impermeable and minimal open space there are limited options for traditional above ground sustainable drainage system (SuDS) to be located within the site. However, porous paving and attenuation tanks are forms of SuDS which are identified by the applicant as being part of the surface water drainage strategy. More specifically, it is proposed that the full amount of attenuation required will be provided by an underground attenuation tank and the 10 car parking spaces will be permeable and used to clean the water but not for attenuation purposes. The nearest watercourse is about 650m away therefore it is proposed that the site will seek to discharge to the public sewer. Anglian Water have identified that the preferred method of surface water disposal would be to a SuDS with connection to sewer seen as the last option. On site infiltration on site is the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The discharge of surface water to a combined sewer is considered unacceptable without sufficient submitted evidence to show there is no other option. The LLFA also maintain an objection to the development for similar reasons. In the circumstances and in accordance with Anglian Water's advice, officers recommend that the final surface water drainage details for the development are dealt with by condition and informative. For this reason, the drainage plan submitted with the application (drawing 2021-087-100-P2) is excluded from the approved drawing list.
- 4.2.36 In relation to foul water drainage, it is proposed that all foul drainage will discharge by gravity to the public sewer within Walsworth Road. Anglian Water have confirmed that there is capacity within the existing system for the flows associated with the proposed development and no objection is raised in relation to this aspect of the development.

Land contamination

- 4.2.37 The application is supported by a Geo-environmental risk assessment. The Council's Environmental Health Officer is satisfied that the initial assessment is appropriate and adequate and agrees that intrusive investigations are necessary. Therefore, there are no objections to the principle of this development. Given the sensitivity of the proposed residential use to contamination, and the findings of the initial risk assessment, it is

recommended that the standard contamination condition is attached to any permission given for this development.

Ecology and biodiversity

4.2.38 The site consists largely of hardstanding and buildings of very restricted ecological value. The application is supported by an ecological report. In relation to bats, a Preliminary Roost Assessment of the buildings was conducted. This found no bats or evidence of bats but did assess one of the buildings as having moderate potential for roosting bats. Any roost present was assessed as being likely to be an occasionally used non maternity roost of low conservational value for crevice and/or void dwelling bats. Consequently, following best practice guidelines, two nocturnal emergence / re-entry surveys are required to determine presence/absence, and to provide appropriate mitigation to safeguard bats if present and affected. Although Herts Ecology have indicated that such surveys can be secured by way of a condition, officer's have sought clarification on this point and a further update will be given at the meeting.

4.2.39 In relation to other Protected Species, a survey found no evidence of badger use of the site. Precautionary measures in relation to breeding birds are recommended and this can be dealt with by an informative.

4.2.40 In relation to biodiversity, it is recommended that bird and bat boxes are provided as part of the redevelopment of the site. These boxes together with details of external lighting can be secured by condition in the event of permission being granted. Subject to clarification from Herts Ecology on the timing of additional bat surveys, there are no objections to the proposals on Ecology grounds.

Other material considerations

4.2.41 If it is confirmed that in relation to affordable housing and financial contributions, the development is below adopted thresholds. In the circumstances, there are no matters that need to be secured by S106 agreement.

The planning balance

4.2.42 The site is located with the built-up area of Hitchin on a brown field site within which the principle of development is supported. The loss of the existing employment land use is compensated by the proposed retail uses to the ground floor. The proposal would deliver 10 additional dwellings in the urban area. It would make more effective use of the site as required by the NPPF. It would also remove what is considered to be an existing unneighbourly land use for a residential area. It would not give rise to any materially adverse impacts on its neighbours and has been designed such that it would be in keeping with the overall scale, character and appearance of buildings in the locality. There are no technical matters which cannot be mitigated by the imposition of conditions.

Conclusion

4.2.43 Having regard for the foregoing, it is recommended that planning permission be granted for the proposal subject to (i) conditions and (ii) confirmation from Herts Ecology on bat survey matter.

Alternative Options

None applicable

Pre-Commencement Conditions

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the 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 ground floor commercial units hereby permitted shall be limited to uses within Class E (a) and (c) within the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only and no other uses.

Reason: in the interests of residential amenity and highway safety.

4. The west facing unit in the first floor rear bay window shall be fitted with obscure glazing and thereafter shall be retained in perpetuity.

Reason: To protect the privacy of adjacent residential properties.

5. Prior to the first occupation of the proposed development, a Report detailing the noise mitigation measures (separating floor specification between ground floor and first floor, (acoustic glazing and acoustic ventilators) detailed in Section 8 of "Proposed New Development.... Revision 2 dated 7 September 2021, by Hoare Lea shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented and retained in perpetuity.

Reason: To protect the residential amenity of future residents.

6. Following the completion of the development, a report in line with relevant standards to demonstrate compliance with the requirement that the total cumulative plant noise level at any dwelling shall not exceed 38 dB LAeq (day) and 25 dB LAeq (night) shall

be submitted to and approved in writing by the Local Planning Authority. Following approval, the plant and any associated noise mitigation measures shall be maintained thereafter.

Reason: To protect the residential amenity of future residents.

7. During the construction phase of the development, 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.

Reason: To protect the residential amenity of existing residents

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

- i) hours of construction operations including times of deliveries and removal of waste;
- ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

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

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided as a vehicle cross over 4.1 metres wide and thereafter retained at the position shown on the approved plan drawing number 20-008-PL-10 revision A, (save for the removal of radii kerbs at the entrance) the existing vehicle accesses to each side of the new vehicle cross over to the development shall be stopped up and reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous

material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan

10. Prior to first occupation of the development, details of an appropriate set of vehicular and pedestrian gates to the proposed vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The vehicular gates shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6.0 metres from the edge of the highway. The gate shall thereafter be installed before the first occupation of the development and retained in perpetuity.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan. To reduce the opportunity for crime and in the interests of residential amenity.

11. 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.

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

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

13. Before any above ground works are commenced, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained in perpetuity.

Reason: In the interests of visual and residential amenity and to reduce the opportunities for crime.

14. The development shall not be first occupied until full details of the secure and covered bicycle shelters have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved shelters are installed. Thereafter they shall be retained in perpetuity.

Reason: In the interests of visual amenity and to ensure satisfactory provision of cycle storage.

15. The area to be used for car parking shall be used for the parking of motor cars by the occupiers of the approved flats only and shall be retained in perpetuity.

Reason: In the interests of highway safety and to ensure the site retains car parking for residents.

16. Prior to occupation, each on site car parking space shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained in perpetuity.

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.

17. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To ensure that adequate provisions are made to record any remains of historic interest

18. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
(ii) The results from the application of an appropriate risk assessment methodology

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

(c) This site shall not be occupied, or brought into use, until:
(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

19. Prior to commencement of any works to the roof or roof space, two dusk emergence / dawn re-entry surveys should be undertaken during May to September, with at least one surveys between May and August to determine whether bats are roosting, and should this be the case, the outline mitigation and enhancement measures (ref:

Ecological Appraisal by fcpr, report date February 2022) should be modified as appropriate based on the results. The report should then be submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in complete accordance with the approved report.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.

20. External lighting for the development shall be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost sites.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.

21. Notwithstanding the information submitted, no drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. This shall take account of the drainage informative attached to this permission. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

22. No development shall commence until details of the model, and location of 6 integrated swift boxes and 2 integrated bat boxes has been supplied to and approved by the LPA. They shall be fully installed prior to occupation and retained as such thereafter.

Reason: To conserve and enhance biodiversity in accordance with NPPF

23. Prior to the commencement of the development, a pre-construction energy and sustainability statement to be submitted to and approved in writing by the Local Planning Authority setting out specific ways in which the energy usage of the development will be reduced. Thereafter, all measures set out and agreed shall be implemented in accordance with the approved plans.

Reason: To ensure that the development is energy efficient and minimises energy use.

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

2. Prior to the commencement of demolition of the existing buildings, a survey should be

undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047
5. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway.
7. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047. AN5) Highway to remain private: The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123404

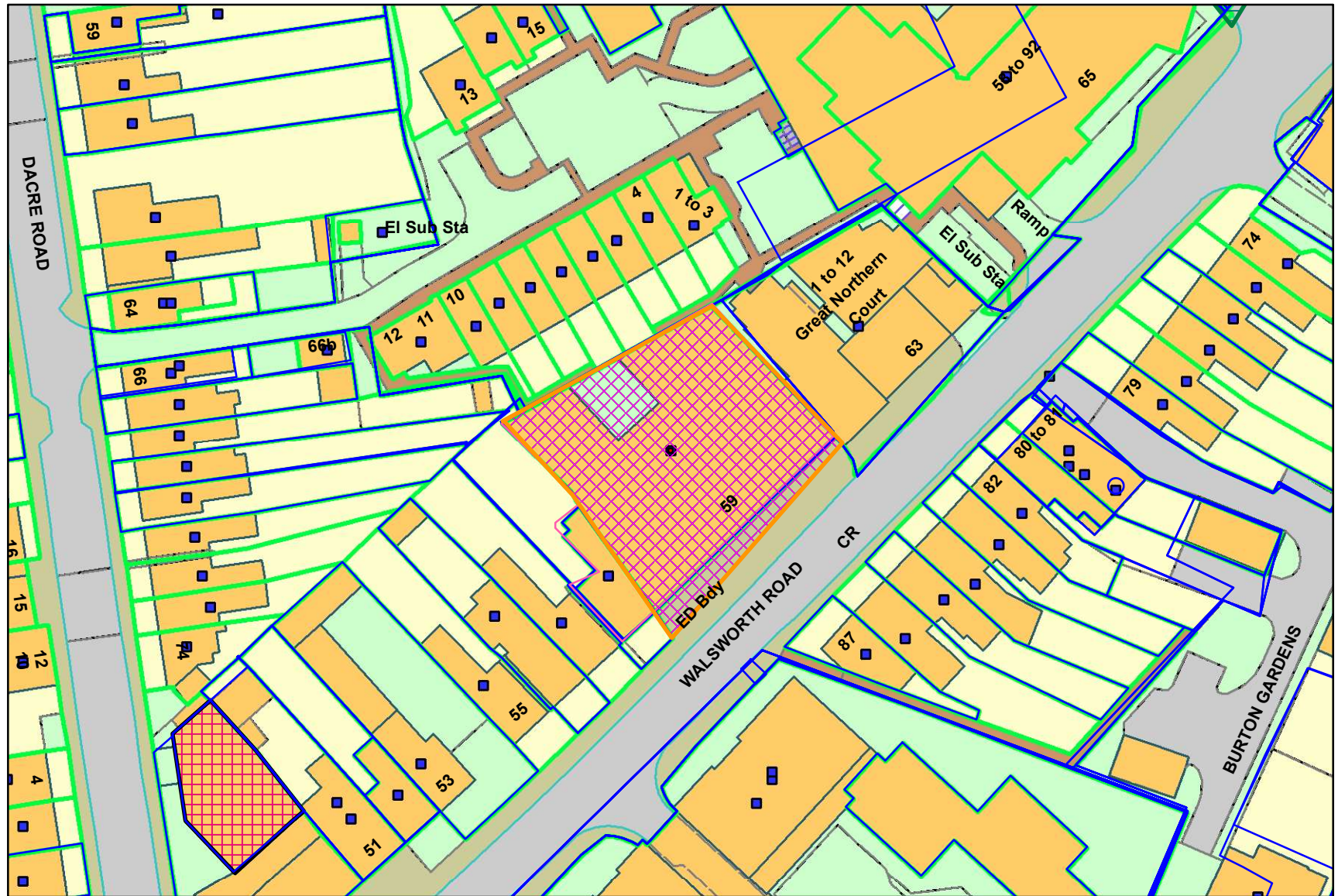
8. The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land, and I would be grateful if the applicants could be made aware of this.
9. Any demolition or vegetation 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 works by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
10. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
11. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
12. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
13. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
14. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
15. Any demolition or vegetation 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 works by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
16. The surface water management strategy shall include consideration of the following -
 - (a) the preferred method of surface water disposal would be to a sustainable drainage system (SuDS). Discharge of surface water to a combined sewer will not be unacceptable without sufficient submitted evidence to show that SuDS is not possible;
 - (b) confirmation (i) of all permeable and non permeable surface areas and either (ii) that the proposed access road and hardstanding to the rear will be levelled to drain into the permeable paving for treatment or details of an alternative appropriate treatment of surface water from these areas prior to discharge from the site.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

21/02796/FP 59-61 Walsworth Road, Hitchin, Hertfordshire, SG4 9SX



Scale 1:750

Date: 15/11/2022

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<u>Location:</u>	34 Royal Oak Lane Pirton Hitchin Hertfordshire SG5 3QT
<u>Applicant:</u>	Mr And Mrs Weatherall Morris
<u>Proposal:</u>	Enlargement of detached bungalow by the construction of an additional storey to result in an overall height of 8.48 metres (overall height reduced from 9.48 metres as amended by plan received 07/09/22)
<u>Ref. No:</u>	22/01990/PNAA
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period: 20.09.2022

Submitted Plan Nos:

2201-03, 2201-00, 2201-01, 2201-02A

Reason for referral to Committee:

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

The parish council still has concerns with the height as do other objectors and also the design using cladding rather than brick.

Has brick been discussed for the design ?

Given the parish council objections which I am sympathetic to I would like this to go to the Committee.

1.0 Policies

1.1 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020, Schedule 2, Part 1, Class AA – Amendment to Town and Country Planning (General Permitted Development) (England) Order 2015.

2.0 Site History

2.1 80/01645/1 - Erection of front extension to garages – Approved 01/12/80.

2.2 74/00230/1 - Ground floor rear extension – Approved 10/04/74.

3.0 **Representations**

3.1 **Neighbours** – Seven objections were received on the following grounds:

- Proposed roof height.
- Will look odd from the back,
- Would make the house more than likely the tallest in the village.
- Incongruous with the bungalows next to it.
- Close to the Conservation Area.
- Out of character.
- Would not comply with the Neighbourhood Plan.
- Dominant and overbearing on neighbouring properties. Adverse impacts on amenity.

Following consultation on amended plans, three objections were received on the following grounds:

- It didn't need to be 9.48m as first proposed.
- Height totally out of character with the four chalet bungalows next to it, which make a coherent group.
- They bear no resemblance to No. 36, which has a large gap to No. 34.
- The planned extension to the Conservation Area includes the verges outside of 34 to 28 Royal Oak Lane.
- No. 34 is visible from the road, the trees hide little.
- Overlook our garden and restrict privacy.
- Oppressive to No. 32.

3.2 **Parish Council:**

We object to the grant of prior approval under Class AA of the GPDO 2015 which is the first such application that we have received within our parish area..

Our main concern is the proposed roof height. At the now reduced height of 8.48 it would no longer be one the tallest building in Pirton, but certainly still amongst the “tall” end of the spectrum for both Royal Oak Lane and Pirton Village. It would remain completely out of character with the row of similar dwellings (Nos 32, 30 and 28 Royal Oak Lane), which currently form a pleasing group of “low rise” housing close to the entrance to the conservation area.

We are perhaps fortunate, that various Planning Inspectorate Appeals which went against a narrow interpretation of the Class AA rules, have been upheld in a recent High Court Case brought by a consortium of developers. The Applicant does not address the issues raised in this case. The full judgement is available by searching **Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors [2022] EWHC 208 (Admin) (03 February 2022)**.

Mr Justice Holgate heard the case and his conclusions made in January 2022 are reproduced below.

"Conclusions

☐ **Because I have rejected the claimants' construction of Class AA of Part 1 in Schedule 2 to the GPDO 2015, it follows that all three claims for statutory review must be dismissed.**

the Court's function permits this judgment to go. Individual decision-makers will make their own planning judgments applying the prior approval controls, correctly interpreted, to the materials before them. This judgment does not mean that individual decisionmakers would be bound to determine the appeals on the three properties the subject of these proceedings in the way that in fact occurred. That is always a matter of judgment for the person or authority taking the decision. I would also add that there is no evidence before the Court to show that the correct interpretation of Class AA of Part 1, along with the related Classes in Part 20, will in practice make it impossible or difficult for developers to rely upon these permitted development rights, as Mr. Streeten began to suggest at one point in his oral submissions.

☐ I summarise the court's main conclusions on the interpretation of Class AA of Part 1 of Schedule 2 to the GPDO 2015:

(i) Where an application is made for prior approval under Class AA of Part 1 of Schedule 2 to the GPDO 2015, the scale of the development proposed can be controlled within the ambit of paragraph AA.2(3)(a);

(ii) In paragraph AA.2(3)(a)(i) of Part 1, "impact on amenity" is not limited to overlooking, privacy or loss of light. It means what it says;

(iii) The phrase "adjoining premises" in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;

(iv) In paragraph AA.2(3)(a)(ii) of Part 1, the "external appearance" of the dwelling house is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations;

(v) Instead, the prior approval controls for Class AA of Part 1 include the "external appearance" of the dwelling house;

(vi) The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality."

These conclusions greatly enhance and clarify what matters may be considered under prior approval by the relevant local authority. For example, the applicants are correct in that No 34 is not in a conservation area but it is in close proximity to the conservation area; much of Royal Oak Lane and its verges are within the conservation area.

Thus we believe that its proximity to the conservation area is a relevant factor, as is the fact that there are no less than three Grade 2 listed buildings (Nos 12,14 and 21) in Royal Oak Lane. The recent Pirton Conservation Area Character Appraisal and Management Plan carried out by NHDC which places Royal Oak Lane in Character Area 3, does stress the need to respect important views and the scale of neighbouring buildings. It states;

"Further development of Pirton, either in immediate proximity to the Conservation Area, or some distance away, must be mindful of the

Conservation Area's setting. Development which will alter entrances into the Conservation Area, for example, would change how it is understood and appreciated. Similarly, the construction of uncharacteristically tall buildings or a suburban block form on the edge of the village could detract from its character, appearance or overall aesthetic value. "

There are two other dwellings of similar style and build (possibly by the same developer in the 1960s), with one single storey bungalow (as opposed to chalet bungalows) before the character of the road changes with the Royal Oak, a Victorian former public house. The street scene will be disrupted by the incongruous height of No 34 in relation to these other buildings at Nos 32, 30 and 28. It should be noted that the Royal Oak has no architectural or character association with the bungalows at 28 to 34. It has not large, green verge to its frontage. The grouping is very much, in appearance, Nos 28 to 34 inclusive.

The applicant refers to No 36 Royal Oak Lane, which is a substantial home. The line of dwellings in this direction is interrupted first by the garden to the side of No 34, and then by a road constructed to the properties behind Nos 34, 32, 30 and 28. Nor does it have the large green verge to the front that is typical of Nos 34 to 28. Thus, the relationship of No 34 is clearly to Nos.32,30 and 28, and not to No 36.

There are various Planning Inspectorate appeals that relate to a street scene (e.g. **Appeal Ref: APP/Y5420/D/21/3268817 20 Franklin Street, London N15 6QH**). To repeat one of Justice Holgate's conclusions **"The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality."**

Additionally:

We believe that neighbouring properties could validly argue that the dominant appearance and height might also constitute a loss of amenity.

Furthermore, the property will not be hidden from public view, even though the extensive green verge in front of it has trees on it which do, to a very limited extent, obscure the house during the height of summer. However, these trees are deciduous, and so the house is fully visible to the street for most of the year. We also question the proposed roof pitch. If it was necessary raise the roof to 9.48 metres in order to keep the roof pitch, as required by the regulations, we wonder how reducing the roof height could keep the same pitch?

The proposed building would not comply with PNP 2 (Design and Character) and in particular PNP 2.1. and PNP 2.8 in terms of height and scale. It should be noted that PNP 2.8. includes not only the conservation area but adjoining areas. We do not believe that the proposed building enhances or conserves the conservation area.

In summary, we object to this application for the reasons stated. Pirton is a village with no less than 55 listed buildings and 3 scheduled monuments and works hard to maintain its character and appearance. Building heights are generally moderate. Royal Oak Lane is a popular area for its sense of space, wide road, green verges, spacious gardens and mix of housing styles. The height of No 34, if prior approval were given, would be very visible and intrusive at this point in Royal Oak Lane and adversely affect this character area of Royal Oak Lane and the introduction to the Conservation Area.

Should prior approval be granted we would ask a) that any first floor should be in matching brick and not clad and b) further GPDO rights should be subject to an Article 4 Direction in respect of further development into the new roof space. We appreciate that this is not Green Belt as was the case when such an condition was put on by NHDC on a property in Gosmore (**Appeal Ref: APP/X1925/W/20/3251426 The White House, Preston Road, Gosmore SG4 7QS**). Nevertheless any such further development would increase the impact on Royal Oak Lane and would be unreasonable in all the circumstances.

On a final note, we have recently encountered reluctance to enforce the three year limit on completion under the GPDO (this in respect of a Class Q development). This is one of the few "downsides" of proceeding under the GPDO 2015, as opposed to the normal planning regime which gives greater safeguards to inappropriate development.. As a matter of policy, therefore, we would ask NHDC to not only set the completion period but to enforce it.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No. 34 is a detached chalet bungalow with a pitched roof and two front dormer windows. It is located in a residential area of detached and semi-detached dwellings, with nearby dwellings being predominantly two storey dwellings and chalet bungalows. No. 34 is in a group of four chalet bungalows.

4.2 **Proposal**

- 4.2.1 Prior Approval is sought for the addition of one storey with a pitched roof to the dwelling increasing the overall height to 8.48m.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020, Schedule 2, Part 1, Class AA – Amendment to Town and Country Planning (General Permitted Development) (England) Order 2015.

- 4.3.2 Class AA – enlargement of a dwellinghouse by construction of additional storeys

AA.1. Development is not permitted by Class AA if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

The proposal complies with this criterion.

(b) the dwellinghouse is located on—

(i) article 2(3) land; or

(ii) a site of special scientific interest;

The site is not in either, and the proposal complies with this criterion.

(c)the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

The dwelling was constructed approx. 1966. The proposal complies with this criterion.

(d)the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

The dwelling has been extended at ground floor level, and the proposal complies with this criterion.

(e)following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

The total height would be approximately 8.48m. The proposal complies with this criterion.

(f)following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

- (i)3.5 metres, where the existing dwellinghouse consists of one storey; or**
- (ii)7 metres, where the existing dwellinghouse consists of more than one storey;**

The existing dwellinghouse consists of one storey, and there would be an increase in height of 2.04m. The proposal complies with this criterion

(g)the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

The dwellinghouse is detached, therefore this criterion is not applicable.

(i)in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii)in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

Not applicable, as the house is detached.

(h)the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i)3 metres; or**
- (ii)the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;**

The floor to ceiling height of the proposed storey would measure 2.3m, matching that of the ground floor storey internally, and would not exceed the lower of (h)(i) or (ii). The proposal complies with this criterion.

(i)any additional storey is constructed other than on the principal part of the dwellinghouse;

The additional storey would be constructed on the principal part of the dwellinghouse, and the proposal complies with this criterion.

(j)the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

No visible support structures on or attached to the exterior of the dwellinghouse would be included. The proposal complies with this criterion.

(k)the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

No such works are proposed. The proposal complies with this criterion.

Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(a)the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The external materials are stated to match the existing in the Planning Statement, therefore the proposal complies with this criterion.

(b)the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

No side elevation windows are proposed. Therefore, the proposal complies with this criterion.

(c)the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

The roof pitch of the principal part of the dwellinghouse following the development would be the same as the roof pitch of the existing dwellinghouse, therefore the proposal complies with this criterion.

(d)following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

The dwellinghouse would be used as a dwellinghouse, therefore the proposal complies with this criterion.

(3) The conditions in this sub-paragraph are as follows—

(a)before beginning the development, the developer must apply to the local planning authority for prior approval

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

The closest dwelling is No. 32. No. 32 is to the south of No. 34, therefore the proposed development will not result in loss of light. The new upper storey will be behind or level with the front and rear elevations of No. 32, and will not appear overbearing. The ground floor side elevation of No. 32 facing No. 34 contains a small window that has limited outlook and is considered to serve a room such as a bathroom, therefore the proposed upper storey is not considered harmful to main habitable rooms of No. 32. Impacts on the amenity of No. 32 are considered acceptable. The upwards extension is considered sufficiently far from other nearby dwellings to avoid causing loss of amenity. As such, prior approval is not required for this issue.

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

The proposed upward storey would be of external materials matching the present dwelling, a roof pitch that would be the same as the existing, and front and rear openings similar to those of the existing dwelling. The design and architectural features are therefore considered in keeping with the external appearance of the dwellinghouse.

The assessment of the external appearance of the dwellinghouse is also considered to include how it will affect the character and appearance of the locality. The application property is part of a group of 4 chalet bungalows of similar heights, although there is some variation of the designs, features and materials of the front elevations of these bungalows. The proposal would result in No. 34 contrasting more with the other three bungalows due to its greater height. The visual impacts of this would be lessened by No. 34 being one of the end bungalows and by being next to a two storey dwelling to its north (compared to if the application property was in the middle of the group). No. 34 is also set back from the highway and benefits from screening by trees and vegetation, which would further limit the impacts of the upwards extension to the group. The 4 bungalows are not in a Conservation Area, are not listed, and the street scene is mixed with numerous two storey dwellings nearby, therefore it is not considered there is justification to object to the external appearance on these grounds.

Some concerns have been raised over the potential for impacts on the Conservation Area (CA). The CA boundary is to the south, between Nos. 28 and 26 Royal Oak Lane. When facing down Royal Oak Lane looking into the CA, the proposed increased height would give No. 34 more visibility, however as it would be set back from the highway and obscured by trees, I do not consider that the proposal will have greater impacts than that of existing dwellings, and it is not considered detrimental to its setting and significance.

Many of the objections have raised concerns over the proposed height of 8.48m, which is due to the requirement under Class AA for the same roof pitch to be used as the existing dwelling. This height would be approx. 2m higher than the other 3 chalet bungalows in its group. No. 36 Royal Oak Lane is approx. 8.3m high, with No. 38 being 8.6m high. Opposite, Nos. 45 and 43 are approx. 8.5m high, with Nos. 41 to 35 being no more than approx. 8.5m high.

The resulting dwelling would be of a height comparable to a number of other dwellings in this part of Royal Oak Lane and is not considered out of character in the street

scene. In addition No. 34 is also obscured by trees and vegetation to its front and sides.

These factors in my view would mean that the proposed increase in height would not be significantly noticeable in the context of the wider street scene and locality, as it would not appear excessively higher than other dwellings. No. 34 would be approx. 2m higher than No. 32 and the other two chalet bungalows in that group, however as it would be at one end of the group it would appear to 'bookend' the chalets in a way not dissimilar to No. 36. The visual impacts would also be limited by its siting away from the site boundaries and available screening. No. 34 also tapers away from Royal Oak Lane, which would further reduce the impacts of the proposal.

Due to the above, the proposed height and it being higher than other nearby dwellings would not be considered to be evident in the street scene to the extent that it would appear harmfully out of keeping with its character and appearance.

As such, prior approval is not required for this issue.

**(iii)air traffic and defence asset impacts of the development; and
(iv)whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;**

These would not be affected. As such, prior approval is not required for this issue.

(b)before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

The application was submitted with a Construction Management Plan, which is considered reasonable and acceptable. As such, prior approval is not required for this issue.

4.4 **Conclusion**

















- 4.4.1 Prior approval is **GRANTED** for the proposed development in relation to Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

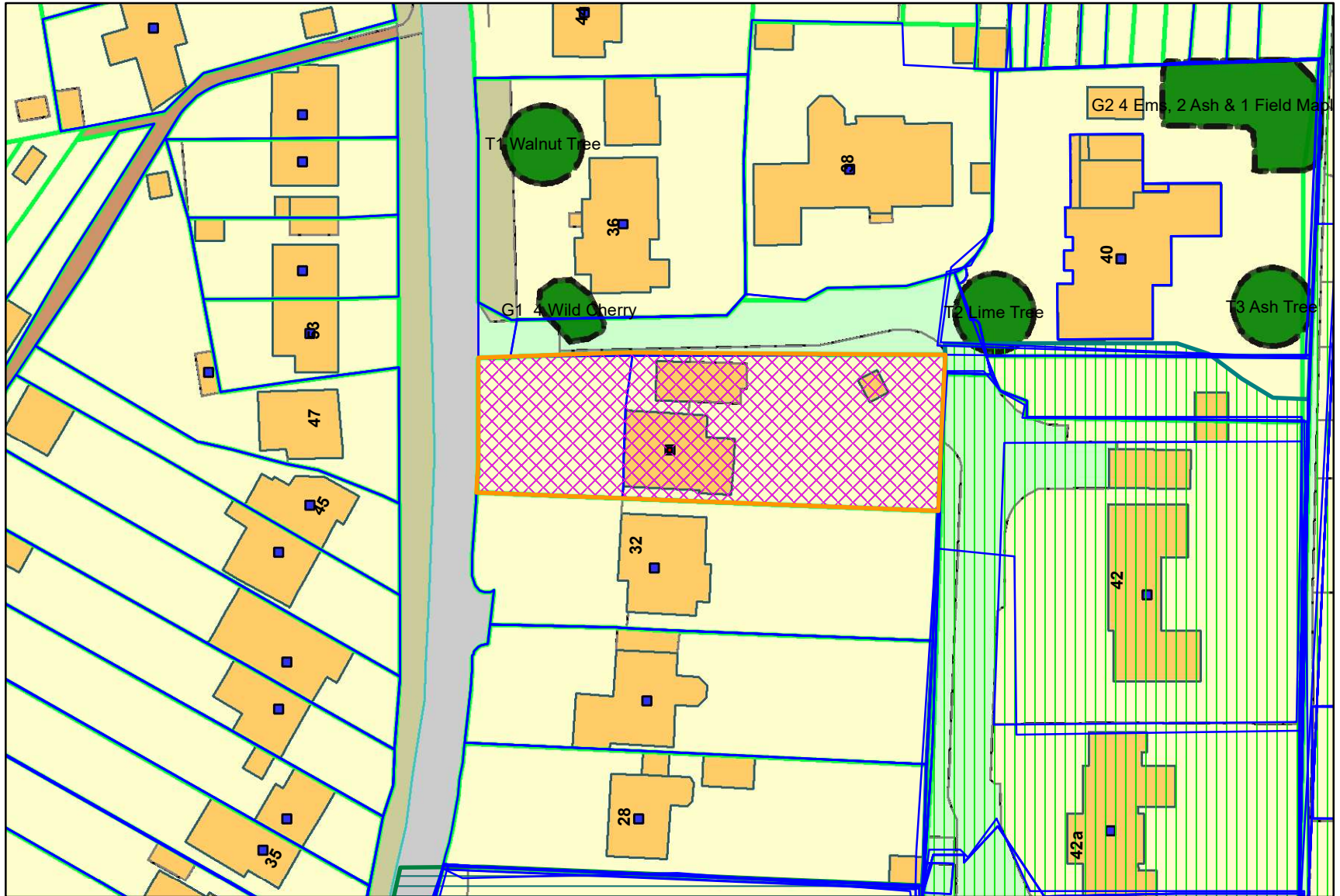
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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/01990/PNAA 34 Royal Oak Lane, Pirton, Hitchin, Hertfordshire, SG5 3QT

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapp99.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
Prconarea.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 1:750

Date: 15/11/2022

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