

17 November 2023

Our Ref Planning Control Committee 30 November
2023
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To: Members of the Committee: Councillors Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Steve Jarvis, Ian Mantle, Michael Muir and Dave Winstanley

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

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

On

THURSDAY, 30TH NOVEMBER, 2023 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>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.</p>	
<p>2. MINUTES - 26 OCTOBER 2023 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 26 October 2023.</p>	<p>(Pages 5 - 8)</p>
<p>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.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>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.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>6. 22/02871/FP LAND ON THE WEST SIDE OF, LOWER ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8NS REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Erection of six dwellings comprising of two pairs of semi-detached dwellings (2 x 2-bed and 2 x 3-bed) and two detached 3-bed dwellings with detached double garages (plots 3 and 4) including parking, landscaping and creation of vehicular access off Lower Road.</p>	<p>(Pages 9 - 22)</p>

7. **23/00334/FP BARN ADJACENT TO CHURCH FARM, WEST STREET, LILLEY, HERTFORDSHIRE, LU2 8LH** (Pages 23 - 36)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Change of use and conversion of barn to provide one 4-bed dwelling including two front extensions and one rear extension, hip to gable roof extension, alterations to openings, and installation of solar panels (amended by plans received on 29/06/23 and 30/06/23).
8. **23/01029/FP COCKERNHOE FARM, LUTON ROAD, COCKERNHOE, LUTON, HERTFORDSHIRE, LU2 8PY** (Pages 37 - 50)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Conversion of existing brick barn and stable buildings to 4 No. dwellings and erection of 4 No. dwellings and garages following demolition of 2 No. modern barns.
9. **23/01420/FP NEWSSELLS PARK WINERY, WHITELEY HILL, BARKWAY, ROYSTON, HERTFORDSHIRE, SG8 8DY** (Pages 51 - 76)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Proposed winery production, processing and storage facility including hospitality functions, service apron, car park, access road, wetland waste treatment solution and landscaping.
10. **23/02040/FPH 181 WESTON WAY, BALDOCK, HERTFORDSHIRE, SG7 6JG** (Pages 77 - 84)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of detached garage/store.
11. **PLANNING APPEALS** (Pages 85 - 92)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 26TH OCTOBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan and Louise Peace*

In Attendance:

Shaun Greaves (Development and Conservation Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Justin Price-Jones (Legal Advisor)

Also Present:

At the commencement of the meeting there was 1 member of the public, including registered speakers.

123 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 52 seconds

Apologies for absence were received from Councillors Terry Tyler and Phil Weeder.

124 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 5 seconds

There was no other business notified.

125 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 12 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 advised that Section 4.8.23(a) of the Constitution applied to the meeting.

126 PUBLIC PARTICIPATION

Audio recording – 3 minutes 40 seconds

The Chair confirmed the registered speakers were in attendance.

127 22/03040/FP LAND EAST OF, BEDFORD ROAD, HITCHIN, HERTFORDSHIRE

Audio recording – 3 minutes 55 seconds

The Chair advised that this item had been withdrawn by the applicant, so that they could resolve outstanding technical concerns with the LLFA.

128 23/01940/FP LAND AT THE SOUTH END OF ANGLIAN BUSINESS PARK

Audio recording – 4 minutes 6 seconds

The Development and Conservation Manager presented the report in respect of application 23/01940/FP supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager advised that an update had been provided as a supplementary document which contained responses from the applicant regarding certain questions asked of the applicant and had been provided in a written note.

The following Members asked points for clarification:

- Councillor David Levett
- Councillor Louise Peace
- Councillor Simon Bloxham
- Councillor Daniel Allen

In response to the points of clarification the Development and Conservation Manager stated that:

- This site was contaminated and the applicant would not be moving forward with housing on this site due to viability issues, but a temporary car park for five years would be good use of this vacant site.
- The applicant would need to apply again in five years to renew permission for housing on this site.
- After five years the area would be viable for a housing application as the gravel and mesh surface used for the car park was only temporary and the same material used by the National Trust on their sites.
- This application was proposed for five years rather than three in case there were any delays in construction.
- There would be 84 car parking spaces and 5 EV charging points, which was an adequate number for this size of temporary car park.

The Chair invited Mr Paul Atton to speak in support of the application. Mr Atton thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- In the current economic situation, the applicant cannot go ahead with the approved residential development of this area.
- Use of this vacant land at the southern end of the business park as a temporary car park was highly sustainable.

The Chair thanked Mr Atton for his presentation.

The following Members took part in Debate:

- Councillor Sean Nolan
- Councillor Simon Bloxham

Points raised during the debate included:

- The land would still be viable in five years to be returned to use for housing, as the surface is temporary and would not cause more contamination.
- Use as a car park complies with the policy of alternative use of a site that would otherwise remain vacant.

Councillor David Levett proposed and Councillor Simon Bloxham seconded and, following a vote, it was:

RESOLVED: That application 23/01940/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

129 PLANNING APPEALS

Audio recording 22 minutes 50 seconds

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

In response to a point of clarification from Councillor Daniel Allen, the Development and Conservation Manager advised that there were no costs awarded against the Council on the lost appeal.

RESOLVED: That the Committee noted the report.

130 S106 AGREEMENTS

Audio recording 27 minutes 42 seconds

The Development and Conservation Manager presented the report entitled 'S106 Agreements'.

RESOLVED: That the Committee noted the report.

131 CURRENT ENFORCEMENT NOTICE - PART 1

Audio recording – 29 minutes 30 seconds

The Development and Conservation Manager presented the report entitled 'Current Enforcement Notes – Part 1'.

RESOLVED: That the Committee noted the report.

132 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 30 minutes 37 seconds

RESOLVED: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).

133 **CURRENT ENFORCEMENT ACTIONS - PART 2**

N.B. This item was considered in restricted session and therefore no recording is available.

The Development and Conservation Manager presented the report entitled 'Current Enforcement Actions – Part 2'.

RESOLVED: That the Committee noted the report.

The meeting closed at 8.04 pm

Chair

<u>Location:</u>	Land On The West Side Of Lower Road Breachwood Green Hertfordshire SG4 8NS
<u>Applicant:</u>	Mr & Mrs Long
<u>Proposal:</u>	Erection of six dwellings comprising of two pairs of semi-detached dwellings (2 x 2-bed and 2 x 3-bed) and two detached 3-bed dwellings with detached double garages (plots 3 and 4) including parking, landscaping and creation of vehicular access off Lower Road.
<u>Ref. No:</u>	22/02871/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

2nd January 2023

Extension of time:

21 December 2023

Submitted Plan Nos:

3660 34A Proposed Site Plan (incl. refuse tracking)
35361NGUG-01 Utilities and Drainage Survey
3660 31 Plot 04 Garage Proposed floor plan; elevations
3660 30 Plot 04 Proposed Floor Plans and Elevations
3660 29A Plot 03 Proposed Floor Plans and Elevations: section
3660 27 Vehicle Tracking Fire Appliance
3660 25 Vehicle Tracking Refuse lorry
3660 15A Plots 1 and 2 Proposed floor plans
3660 11A Plot 03 Garage Proposed floor plan; elevations
3660 10B Plots 05 and 06 Proposed Floor Plans and Elevations
3660 06C Plots 01 and 02 Proposed Floor Plans and Elevations
3660 01 Location Plan

Reason for Referral to Committee:

This application is to be determined by Planning Control Committee by reason of the receipt of a valid written representation by Hertfordshire Highways contrary to the recommendation of the Development and Conservation Manager. Details of the objections from Hertfordshire Highways are included in paragraph 3.3 of this committee report.

1.0 **Site History**

1.1 No relevant history.

2.0 **Representations**

2.1 **Neighbouring Notifications:**

12x Objections:

- Highway safety issues arising from development.
- Highway survey inaccurate.
- Pedestrian safety harmed.
- Harm to heritage assets in locality.
- Loss of hedgerow along Lower Road.
- Land ownership not controlled by applicant.
- Oversubscription of nearby utilities, in particular the sewers.
- Loss of green space.
- No need for further housing development in Breachwood Green.
- Road damage from HGVs.
- Impact to structural soundness of nearby dwellings.
- Harm to biodiversity of nearby woodlands and site.
- Out of place form of development and appearance of dwellings.
- Blocking up of right of way across site.
- Lack of footpath and street lighting for pedestrians.
- Development is not in-filling.
- Woodlands causing damage from moisture, vermin, rodents and roots.

2.2 **Parish Council / Statutory Consultees:**

Parish Council: Supports But advises potential concern regarding a right of way across the site, the potential impact to the operation of the road, the access for refuse and fire lorries. Requests Construction Management Plan.

Hertfordshire Highways:

5 December 2022 – Objection – Lack of sustainable transport and lack of consideration for pedestrians, cyclists and public transport. Access width is too great.

20 June 2023 – Objection – Amended scheme does not overcome sustainability and safety concerns.

14 August 2023 – Objection – Reiterates safety concerns due to lack of shared surface suitability of nearby roads together with lack of street lighting in locality.

Waste – No Representation.

Environmental Health:

Land Contamination: Does not wish to restrict permission. Recommends condition.

Air Quality: Does not wish to restrict permission. Recommends EV charging point condition. Recommends informative related to asbestos disposal.

Noise: No objection but recommends informative related to construction hours and condition for acoustic impacts.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site comprises a parcel of land to the north of Lower Road. The site is on the fringe of Breachwood Green and is within the settlement boundary. The site is not within a Conservation Area and is outside of the Green Belt.

3.1.2 Information from the applicant and neighbour representations indicates that the site was previously used for informal parking, dog training, grazing of horses and livestock and as public amenity land.

3.2 **Proposal**

3.2.1 Permission is sought for the erection of 6x dwellings. This would comprise the following:

2x 2 bed dwellings
2x 3 bed dwellings
2x 3 bed dwellings with associated detached double garages.

3.2.2 Parking, landscaping and a vehicular access off Lower Road are also proposed.

3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

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

Principle of Development

3.3.2 Policy SP2 of the Local Plan states that general development will be permitted within the defined settlement boundaries of Category A Villages and Breachwood Green is designated as being a Category A Village.

3.3.3 The application site is within the settlement boundary of Breachwood Green and the application seeks to erect six dwellings. The erection of dwellings constitutes 'general development', permitted in this location as specified in the wording of Policy SP2 and therefore does not constitute inappropriate development.

- 3.3.4 The application site is in a sustainable rural location. Breachwood Green is a Category A Village that benefits from various amenities and the application is close to them, such as a school and a pub. Residents would not need to walk far to these amenities and would also not need to travel far from the site to access public transport links to the local area and wider district/area. This would reduce the likelihood that a private vehicle is required on short journeys and is viewed positively.
- 3.3.5 There would be social benefits arising from the delivery of housing in this sustainable rural location and there would be economic benefits from the employment of contractors during the construction of the dwellings and. In addition, local businesses and public houses would benefit from the new residents using these services. The proposed housing scheme is modest in scale, which is appropriate in this rural location, and the identified benefits are given moderate weight in the planning balance. The proposal would comply with Local Plan Policy SP1 which seeks to ensure the long-term vitality of the district's the

Design and Appearance:

- 3.3.6 One of the fundamental principles within the National Planning Policy Framework (NPPF) is the importance of good design. Paragraph 130 of the NPPF states that:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 3.3.7 Amendments to the scheme have been requested to remove a large central parking court in favour of on-plot parking to reflect existing context, which has allowed Plots 5 and 6 to be set back further from Lower Road and marginally along Lower Road to the west, which would improve the relationship of these two dwellings with the existing terraces along the northern side of Lower Road. The access off Lower Road would be large in width and would alter the character to this part of Lower Road. However, given the variety of access types nearby, including direct access driveways and bell mouth entrances, I consider that the development would not harm the appearance of the locality.
- 3.3.8 Plots 1 and 2 sit adjacent to the terrace of dwellings present along Lower Road and comprise traditional two-storey semi-detached dwellings. Plot 1 is accessed from the principal elevation facing Lower Road and No. 2 benefits from a side access adjacent to the access and shared surface within the development. Both dwellings would feature side gables, render at first floor and brickwork to the ground floor. Plot 2 incorporates a side bay window. These dwellings are considered to be acceptable and would not harm the character of the locality. On plot parking is provided to Plot 1 immediately adjacent to and accessed off Lower Road. Parking to Plot 2 is to the rear but retains its 'on-plot' nature. Plots 3 and 4 are to the rear corner of the site and are detached two-storey dwellings with on-plot parking and a detached double garage to each dwelling to their side/front. Their built form and appearance would complement the proposed semi-detached dwellings to the front of the site. Plots 5 and 6 are a pair of semi-detached dwellings facing the entrance of the site. They feature a traditional layout with access gained from this principal elevation. They feature side gables with the same materials palette as the dwellings on Plots 1 to 4. Overall, the proposed development is acceptable.
- 3.3.9 The proposal would result in the removal of a section of front boundary hedge to provide the vehicular access. However, the hedge is formed mostly of bramble and its removal would not result in significant harm to the character of the area or biodiversity. The

proposed landscaping scheme indicated on the plans with further details required by condition prior to commencement.

3.3.10 The proposal would inevitably result in a change to the character and appearance of the immediate area through the provision of housing on a currently open site. However, this site lies within the settlement boundary of the village, and relates more to the settlement than the adjacent countryside due to the presence of housing on the opposite side of the road and strong landscaped boundaries to site with Lord's Wood and open countryside beyond, which also form the defined boundary of the village in the Local Plan Proposals Map. Given the above, the proposed development is considered to be acceptable and would comply with Section 12 of the National Planning Policy Framework and Policies D1 and D3 of the Local Plan.

Impact on Neighbouring Properties:

3.3.11 A core planning principle set out in the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Local Plan Policies SP9 and D3.

3.3.12 Plots 1 and 2 are in close proximity to the terrace of dwellings along Lower Road. Site levels are broadly similar with the application site being marginally lower than this neighbour and sloping away towards the east. Given that these plots do not significantly project beyond the principal elevation of this neighbour, they are unlikely to be significantly overbearing or overshadowing. The dwellings would be in proximity to the garage/driveway area of No. 2, however, given that this is not a habitable space I consider that this is acceptable. Plot 3 would be in relative proximity to No. 2, however, given the presence of screening along the shared boundary and the presence of the garage and parking space, I consider that this dwelling would not be overbearing or overlooking this neighbour.

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

Standard of Amenity for Future Occupiers:

3.3.14 The proposed dwellings would benefit from sufficient internal floor space in accordance with the Nationally Described Space Standards. This would comply with the provisions Policies D1, D2 and D3 of the Local Plan.

Plot Number	Space Standards Criteria (sqm)	Proposed Space (sqm)
1	93	106
2	79	88
3	93	132
4	93	135
5	79	93
6	93	106

3.3.15 The dwellings would benefit from dual-aspect dwellings and large gardens. This is welcomed. Built in storage is provided within each dwelling to satisfy the requirements of the nationally described Space Standards. Amenities and services are within Breachwood Green and I consider that access to these benefits the amenity of the future occupiers to the site.

Highways and Parking:

- 3.3.16 Hertfordshire Highways initially objected to the proposed access. Objections focus on the sustainability of the site and its connectiveness with the surrounding area, predominantly due to there being a lack of footpaths and street lighting along Lower Road. Given that introducing footpaths and lighting would be outside of the red line site and would not fit within the prevailing rural character of the street, I do not agree with the Highway comments. In addition, relating to sustainable transport, paragraph 105 of the NPPF confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Two conditions are proposed to ensure that access to the site is adequate during the construction phase and when occupied. Two spaces per dwelling are proposed and two visitor parking spaces. It is considered that the proposal meets adopted parking standards as set out in the Vehicle Parking at New Development Supplementary Planning Document. Given the above, no objection is raised to the impacts this would occasion to the levels of parking locally. An email from the Highways Officer advised that the access is considered to be acceptable in safety and design terms and that their objections rested on the sustainability of the site and the safety of road for pedestrians. Given this response, I am satisfied that the access is suitable.
- 3.3.17 The proposed development would incorporate a secure bike store for each, and this is welcomed. Lighting bollards are proposed throughout the site and this is welcomed given that it would improve the visibility for pedestrians during the night when walking through the site. Therefore, it is considered that the proposal would comply with Local Plan Policy T1 which seeks to ensure that new developments do not lead to highway safety problems.

Environmental Implications:

- 3.3.18 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.
- 3.3.19 The applicant has advised of their agreement to a pre-commencement condition related to landscaping that seeks to result in a net gain in biodiversity. This seeks to meet the provisions within Policy NE4. Other provisions are made on the site plan to provide bird and bat boxes and the ecology statement indicates applicant support for the use of an appropriate landscaping scheme to provide native species of hedging and other planting to enhance the biodiversity of the site.
- 3.3.20 Policy NE4 requires the provision of a 12m buffer around the site given the presence of the ancient woodland to the north and east. A diagram has been provided that indicates a majority of the development would be at least 12m from the ancient woodland root protection zones with some modest incursions. The applicant has agreed to the submission of details to incorporate shallow foundations for the garage serving Plot 4. I consider that this suitably meets the requirements of Policy NE4 of the Local Plan.

3.4 Conclusion

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

3.5 Alternative Options

- 3.5.1 None applicable.

3.6 **Pre-Commencement Conditions**

3.6.1 The applicant has agreed to the pre-commencement conditions attached to this decision.

4.0 **Legal Implications**

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

5.0 **Recommendation**

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

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

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

2. 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.

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

6. Prior to the commencement of development, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The landscape scheme shall include:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;
- b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;
- c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
- d) details of any earthworks proposed.
- e) the location of retained ecological features and location and type of any habitat boxes / structures to be installed
- f) the areas to be sown or planted with specific seed mixes or specific species for biodiversity value

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

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

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

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

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

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

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

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

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

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

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 and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

9. Prior to commencement of the development (including ground works, vegetation clearance), a Landscape and Ecological Management Plan (LEMP) shall be prepared, detailing how biodiversity will be incorporated within the development scheme to achieve net gain. The plan shall refer to the two ecological reports dated November 2022 and prepared by Kenneth Coyne and include details of native species tree and hedgerow planting, wildflower seed mixes, and the location of any habitat boxes / structures for protected species to be installed. The plan shall be Creating a cleaner, greener, healthier Hertfordshire submitted to the LPA for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the LPA.

Reason: To demonstrate the expectations of NPPF and the Environment Act in enhancing the site and achieving overall net gains for biodiversity have been met in accordance with national and local policies.

10. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

11. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to occupation of the development hereby approved, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway / refuse collection vehicle access point [or within 15 metres]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents / occupiers and in the interests of visual amenity.

13. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Provision of sufficient on-site parking prior to commencement of construction activities.

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

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 which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements.

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

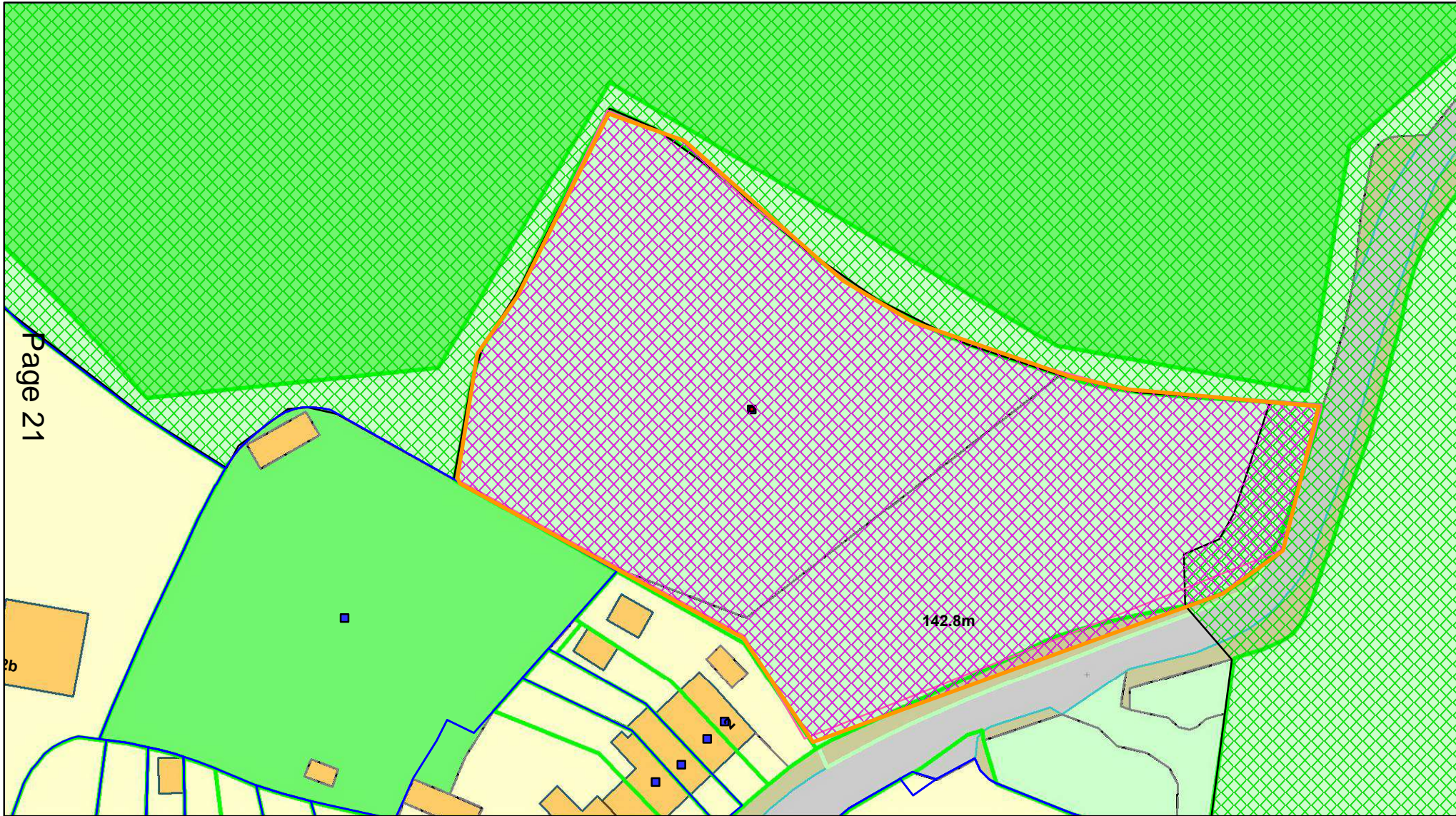
Proactive Statement

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

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/02871/FP Land on the West Side of Lower Road, Breachwood Green, Hertfordshire, SG4 8NS



Scale 1:625
Date: 14/11/2023

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<u>Location:</u>	Barn Adjacent To Church Farm West Street Lilley Hertfordshire LU2 8LH
<u>Applicant:</u>	Ms & Mr McNeill & Johnson
<u>Proposal:</u>	Change of use and conversion of barn to provide one 4-bed dwelling including two front extensions and one rear extension, hip to gable roof extension, alterations to openings, and installation of solar panels (amended by plans received on 29/06/23 and 30/06/23)
<u>Ref. No:</u>	23/00334/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

12 April 2023

Reason for delay and Extension of statutory period:

Statutory period extended to 8 December 2023. The reasons for the delay are amended plans and re-consultation and delay in receipt of consultation responses.

Reason for referral to Committee:

This application is being presented for determination on the basis that an objection has been received from the Parish Council which is supported by Councillor Strong, therefore reference to the Planning Control Committee is as required by 8.4.5 (c)(ii)B of the Council's Constitution. This is set out in detail below.

1.0 **Relevant site history**

1.1 22/00827/FP - Change of use and conversion of barn to provide one 3-bed dwelling including two separate front extensions and two separate rear extensions – Approved 14/06/22.

2.0 **Policies**

2.1 **North Herts Local Plan 2011 - 2031**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP12: Green infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)
Policy NE4: Biodiversity and geological sites
Policy HE1: Designated heritage assets

2.2 **National Planning Policy Framework**

Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 13 – Protecting Green Belt land
Section 15 - Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Neighbouring Properties:**

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, the following objections were received from Church Farm:

- Accept the broad principle of development.
- Different to the 2022 application.
- Near listed farmhouse and in Conservation Area.
- Competing visually with the listed building.
- Cramped development, and urbanising effect.
- Over-development.
- Disproportionate additions, inappropriate in the Green Belt.
- Erode the strongly rural character and appearance of the existing barns.
- Unsympathetic, particularly glazing and solar panels.
- Potential precedent for further solar panels.
- Partly open onto a driveway owned by Church Farm.
- Block light to a frosted bathroom window.

Consultees

3.2 Parish Council

Object to this amended application. The concerns are:

1. The proposed solar panels would be too prominent and out-of-keeping with the character of the area, which is in an AONB and a conservation area.
2. Impact on neighbouring amenity – a reduction of the space standards and/or privacy currently enjoyed by existing residents.
3. The potential precedent for over-development, increasing housing density and thereby altering the character of the area, especially as the property is within the conservation area.
4. The potential effect of the development on the setting of an existing neighbouring Listed Building.

3.3 Environmental Health Air Quality

No objection.

3.4 Waste Officer

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

3.5 Environmental Health Noise

No objections.

3.6 Environmental Health Land Contamination

No objections.

3.7 Conservation Officer

The latest iteration introduces a brick plinth with the vertical boarding brought forward to sit above this plinth. The flank projections are no longer evident. The small-pane windows are indicated and the solar PV array is reduced.

I raised the question previously regarding whether the solar PV array requires planning permission or not? I understand the following to be the case.

Planning Permission: Solar equipment mounted on a house or a block of flats or on a building within the curtilage.

All the following conditions must be observed:

- Equipment on a building should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.
- When no longer needed equipment should be removed as soon as reasonably practicable.

All the following limits must be met:

- Panels should not be installed above the highest part of the roof (excluding the chimney) and should project no more than 200mm from the roof slope or wall surface.
- The panels must not be installed on a building that is within the grounds of a listed building or on a site designated as a scheduled monument.
- If your property is in a conservation area, or in a World Heritage Site, panels must not be fitted to a wall which fronts a highway.

None of the above apply and I am aware that there's no specific limits on the number of panels that can be installed other than the amount of suitable roof space available. I assume that the solar panels do not need planning permission - is that the case?

Recommendation

It is considered that the proposal will not occasion harm to the host building or harm the setting to Church Farmhouse/Parish Church opposite or harm the character or appearance of the Lilley Conservation Area. Subject to the above conditions I raise **NO OBJECTION** on the basis that the proposal will satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site is a single storey L-shaped building with a pitched roof and some land around it, which was part of a range of buildings used in connection with Church Farm House to the south. The barn does not now appear to be in use for agricultural purposes. Land surrounding the barn is mainly hardstanding, with some grass and vegetation. It should be noted that while Church Farm House is a listed building, the barn the subject of this pre-application request is not curtilage listed.

4.1.2 Adjacent land uses are dwelling Church Farm House to the south, and what is considered to be an equestrian livery yard to the north-east. The site is in the built core of Lilley, a small rural village. Nearby uses are those above, other dwellings, and a church.

4.1.3 The site is within the settlement of Lilley, which is washed over by the Green Belt. Church Farm House is a Grade II listed building. The site is in a Conservation Area, and the Chilterns Area of Outstanding Natural Beauty (AONB).

4.2 Proposal

4.2.1 The change of use of the barn to a 4-bedroom dwelling. A single storey front and single storey rear extensions with pitched and flat roofs, a hip-to-gable side roof extension,

solar panels on the front roof slopes, alterations to openings and new openings, and new hard and soft landscaping. Vehicular access would be shared with an existing crossover serving Church Farmhouse, with parking spaces provided in the site.

4.3 Key Issues

4.3.1 The key material considerations are:

- Whether the development is acceptable in principle,
- Character and appearance, including impacts on designated heritage assets,
- Impacts on residential amenity,
- Future living conditions,
- Highways and parking,
- Trees and landscaping and ecology

Principle

4.3.2 The site is within the settlement of Lilley which is washed over by the Green Belt. Local Plan policy SP2 sets out the settlement hierarchy and identifies Lilley as a category B village where infilling development is allowed provided that it does not extend the built core of the village. The site is located within the village core. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. The NPPF Section 13 'Protecting Green Belt land' sets out what types of development are inappropriate.

4.3.3 The NPPF in paragraphs 149 and 150 sets out what development is not inappropriate in the Green Belt.

Paragraph 149 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the*

development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 states:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.4 There are no policy objections to the loss of the existing use, therefore this is considered acceptable in principle. Moreover, planning permission was granted in June 2022 for the change of use and conversion of this barn to provide one 3-bed dwelling including two front extensions and two separate rear extensions. This is an extant permission. The applicants have indicated in the submitted Design, Access and Planning Statement that they have purchased the barn with this previous approval and wish to alter the plans to better suit their needs and are keen to make the property highly energy efficient and sustainable with a view to meeting the Passivhaus retrofit criteria EnerPHit Plus as a minimum. This approved scheme constitutes a valid fallback position against which this revised proposal can be considered.
- 4.3.5 Therefore, the proposal should be assessed against the approved scheme and not the existing situation. There are several differences between the approved scheme and the current proposal. It is considered that the main differences in terms of impacts on the Green Belt between the extant and the proposed scheme are that the extant scheme approved a 44.6% increase in floor space with four extensions (with one replacing an existing smaller projection); and the proposed scheme would be slightly smaller in floorspace with a 43.6% increase, two main new extensions, and some smaller enlargements to the east and west of the building and small canopies.
- 4.3.6 To summarise the above, the development now proposed is considered slightly smaller than the extant permission. The proposed solar panels and alterations to openings would not materially enlarge the building or be inappropriate for other reasons. The proposed change of use element of the proposal is considered acceptable in principle under NPPF 150 d), with the use not conflicting with the five purposes of Green Belts.
- 4.3.7 The proposed enlargements will be smaller than those approved under 22/00827/FP and are considered to comply with 149 c) of the NPPF notwithstanding NPPF 149 (e) and 150 (d) are also relevant. I therefore consider the proposal acceptable in principle in the Green Belt as it would not be inappropriate development. The proposal complies with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Character, appearance, and impacts on heritage assets.

- 4.3.8 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB), where Local Plan Policy NE3 confirms that planning permission for any proposal within the AONB, will only be granted subject to six criteria, which include conserving or where possible enhancing the special qualities of the AONB and achieving high quality design that respects the traditional built character.
- 4.3.9 The barn is near and within the setting of the Grade II listed Church Farmhouse, although it is not curtilage-listed. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be had to the desirability of preserving the building or its setting. The impacts of the proposed development on the setting and significance of this listed building as a designated heritage asset is an important material consideration as set out in para. 199 of the NPPF, which stipulates that great weight should be given to the asset's conservation. The site is also in a Conservation Area, which is also a designated heritage asset, therefore the impacts of the proposed development on its significance is a material consideration too. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 4.3.10 The proposed extensions and alterations to openings and materials will be of a modest size and scale relative to the host building and will have limited impact on the character and appearance of the wider locality as they will be set back from the public highway and will also be obscured to some extent by buildings and fencing. The proposed solar panels would be the most visible part of the development, and visible to some extent in the context of the listed building.
- 4.3.11 The Council's Conservation Officer has considered the proposal and not raised any objections but has queried whether solar panels could be erected on the building under permitted development. It is confirmed that solar panels could be fitted on the existing building under the provisions of Class J of Part 14 of the General Permitted Development Order (GPDO), subject to the conditions set out in the Order and provided a roof slope does not front a highway. Permitted development rights would also allow for the addition of solar panels should the building become a dwelling (subject to all relevant criteria being complied with and subject to not removing such permitted development rights by condition). Solar panels could be fitted to the approved scheme subject to the conditions and limitations set out in Class A for Part 14 to Schedule 2 of the GPDO
- 4.3.12 The Conservation Officer (CO) has ultimately not objected to the proposed solar panels, in terms of how they would affect the setting and significance of the listed building, and the significance of the Conservation Area. There are no objections to the proposed development as a whole from the CO, therefore it is considered that the proposal is not considered harmful to designated heritage assets relevant to the site and proposal.

4.3.13 The proposed enlargements and alterations will have limited and acceptable impacts on the street scene and character and appearance of the locality as they will be of a relatively small scale and will benefit from some screening from buildings, fences, and vegetation. The solar panels on the front roof of the higher barn would be the most visible part of the development. However, the panels would provide renewable energy that would help minimise climate change through decarbonisation of electricity generation which weighs in favour of the proposal. As with the 2022 permission, Class A and Class C permitted development rights will be removed by condition in the interest of protecting the character and appearance of the area, and the setting of the nearby listed building. The proposed development is considered to be of an acceptable design. The proposal complies with Policies SP9, SP13, D1, NE3 and HE1 of the Local Plan; and Sections 12 and 16 of the NPPF.

Residential amenity

4.3.14 Church Farm House is the only dwelling near the proposed development that could be affected. The occupiers of this dwelling have submitted objections to the application, most of which have been dealt with elsewhere in this report. One of the objections relating to direct impacts on Church Farm is that the front extension would block light to a window. This window is however a small obscure glazed window to a bathroom and does not serve a main habitable room, while the extension would be approx. 1.1m from that window, therefore some light would be able to reach that window, and the overall impacts are not considered unreasonable for a bathroom. The main habitable rooms and private garden of Church Farm would be further away and would not be affected by the proposed development.

4.3.15 The objectors also refer to a workshop/store opening out onto a shared driveway. Certificate B has been served on the owner of this land; therefore, the correct procedure has been carried out. The doors would open onto only a small part of the driveway and would be unlikely to cause unacceptable obstruction or loss of amenity. It is considered that the proposal would not cause unacceptable impacts on the amenities of occupiers of nearby residential properties compared to the fall-back position offered by the approved development at this site. Therefore, it is considered that the proposal complies with Policy D3 of the Local Plan, which seeks to avoid unacceptable harm to living conditions.

Future living conditions

4.3.16 Main habitable rooms would be of an acceptable size and quality in compliance with National Space Standards, and receive adequate outlook, light and privacy. The private garden area would be large and sufficient for any potential occupants. A bin store is proposed that is considered of a suitable size and location. Future living conditions for potential occupants would be acceptable. The proposal complies with Policy D1 of the Local Plan which seeks to achieve sustainably designed developments.

Parking and highways

- 4.3.17 The dwelling would have at least two parking spaces with turning space, therefore complying with Council parking standards. Covered cycle storage would be available. The dwelling would be accessed by the existing access which would be unchanged, which does not raise any highways concerns. Parking and highways impacts are acceptable. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Landscape and trees and ecology

- 4.3.18 A tree at the front of the site is proposed to be removed. However, it is small and does not make such a contribution to the character and appearance of the locality that it must be retained, therefore there are no objections to its removal. The most notable vegetation is on the site's NW boundary, which is proposed to be retained.
- 4.3.19 The balance of landscaping appears acceptable, and the replacement of the poor-quality inner courtyard and a large rear concrete area with lawn, planting and new hardstanding will be a significant improvement in this respect. Further details of hard and soft landscaping are not considered necessary as these are shown on the Master Plan drawing.
- 4.3.20 A bat survey was carried out and submitted with the application, which did not find evidence of bats or their roosts. This is consistent with surveys submitted for previous application 22/00827/FP; therefore it is not considered that bats or other protected species would be harmed. The application includes a large amount of new planting, which is considered would provide a required biodiversity net gain in the site. The proposal complies with Policies NE2 and NE4 of the Local Plan, and Section 15 of the NPPF.

Climate change mitigation

- 4.3.21 The proposed development will include solar panels, which will help minimise climate change at this scale. An electric vehicle charging point will also be required by condition, which will encourage sustainable travel.

4.4 **Conclusion**

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

5.0 **Recommendation**

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

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

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

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

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

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

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

4. All roofs shall be covered in either reclaimed or new natural slate unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to preserving the setting of Church Farmhouse and the special character of the Lilley Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

5. A sample panel indicating brick type, bond and mortar mix for the brick plinth to the south-west gable end of the main barn shall be erected on site and made available for inspection by the Local Planning Authority, prior to the commencement of that part of the development. Once a sample panel has been approved, the works shall be undertaken in accordance with approved sample panel.

Reason: To ensure that special regard is paid to preserving the setting of Church Farmhouse and the special character of the Lilley Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

6. The two small-pane windows on the south-east side of the main barn shall be refurbished and retained in their existing position unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of Church Farmhouse and safeguarding the character and appearance of the Lilley Conservation Area under Sections

66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

7. Prior to the vertical boarding being installed, details of the external finish (if any) to the boarding shall be submitted to and approved in writing by the Local Planning Authority. Once the external finish (if any) is approved, the works shall be undertaken in accordance with approved finish.

Reason: To ensure that special regard is paid to the setting of Church Farmhouse and safeguarding the character and appearance of the Lilley Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

8. 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; 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

9. Any contamination encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; 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 the dwelling.

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.

10. The following biodiversity enhancements (unless otherwise agreed in writing with the LPA) shall be incorporated into the approved development prior to first use, and shall be retained in perpetuity:
 - A gap/hole in the rear garden fencing measuring a minimum of 13cm by 13cm to provide passage for hedgehogs;
 - A hedgehog nesting box to be sited in the rear garden at the base of boundary vegetation.
 - Two bird nesting boxes to be sited on trees or buildings at the site.

Reason: In the interests of ecology and biodiversity. To comply with Policy NE4 of the Local Plan.

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

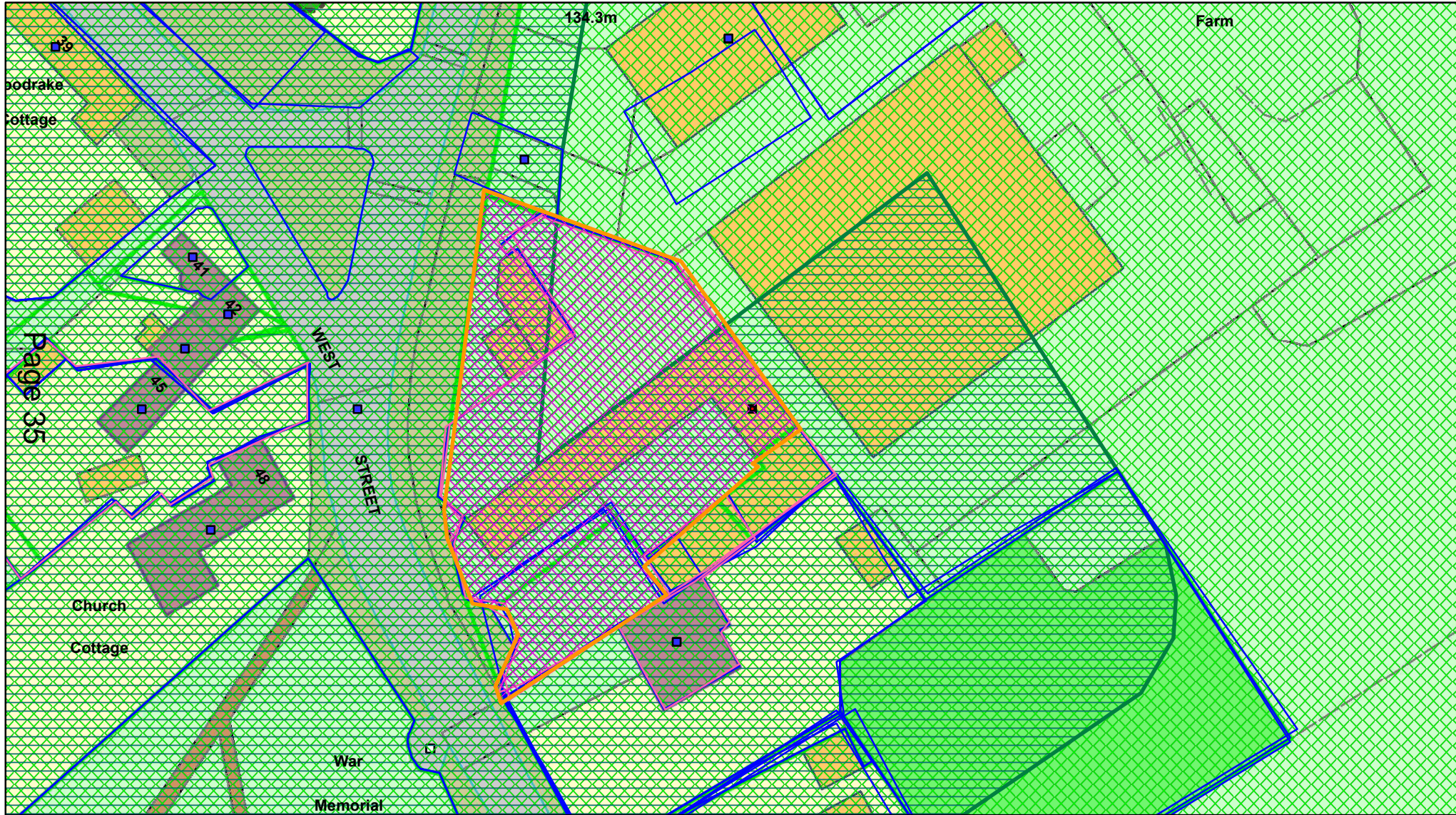
Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and of the area and impacts on designated heritage assets. To comply with Policies D1 and HE1 of the Local Plan.

Proactive Statement

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

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/00334/FP Barn Adjacent to Church Farm, West Street, Lilley, Hertfordshire, LU2 8LH



Scale 1:625

Date: 14/11/2023

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<u>Location:</u>	Cockernhoe Farm Luton Road Cockernhoe Luton Hertfordshire LU2 8PY
<u>Applicant:</u>	.
<u>Proposal:</u>	Conversion of existing brick barn and stable buildings to 4 No. dwellings and erection of 4 No. dwellings and garages following demolition of 2 No. modern barns.
<u>Ref. No:</u>	23/01029/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period: 28.06.2023

Date of expiry of statutory period:

28 June 2023

Extension of time:

21 December 2023

Submitted Plan Nos:

2238/14D Houses 5 - 6 Proposed Elevations
2238/10E Site Layout Plan
2238/17B Garages; Bin and Cycle stores Proposed Floor Plans and Elevations
2238/13B Houses 5 - 6 Proposed Floor Plans
2238/15B Houses 7;8;9 Proposed Floor Plans
2238/16A Houses 7;8;9 Proposed Elevations
2238/12B Houses 1 - 4 Proposed Elevations
2238/11A Houses 1 - 4 Proposed Floor Plans
K0119 - T Rev B Topographical Survey
2238_01B Location Plan

Reason for Referral to Committee:

This application is reported to Planning Control Committee for determination because the recommendation is contrary to the consultation response from the Highway Authority, which is asset out at paragraph 3.3 of this report.

1.0 **Site History**

1.1 Extensive planning history.

2.0 **Representations**

2.1 **Neighbour Consultation** – None received.

2.2 **Parish Council** – Concerns raised, but no formal objection received:

- Concern regarding density of dwellings.
- Queries access arrangements.
- Queries if S106 contributions are required.

2.3 **Historic England** – Advises of consultation protocols. No formal representation received.

2.4 **Highways:**

Objection (8 June) –

- Risk to highway for road users
- Lack of footpaths
- Not viable for non-car users of the road
- Asks for transport statement

Objection (8 August) –

- Submitted amended plans do not demonstrate design suitable to overcome objections.
- Risk to road and pedestrians remains.

2.5 **Environmental Health:**

2.5.1 **Noise** – No Objection regarding relationship with children's nursery within site. Provides informatives.

2.5.2 **Contamination** – No Objection. Recommends contamination condition.

2.6 **Archaeology** – Requests provision and consideration of Desk Based Assessment for site prior to determination. Further correspondence advised a pre-commencement condition may be suitable.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site comprises former stables, equestrian buildings and other barns associated with Cockernhoe Farm, Luton Road, Cockernhoe. The site is within the Cockernhoe settlement boundary and comprises approximately 0.4 hectares of land.

3.2 **Proposal**

3.2.1 Planning Permission is sought for the conversion of existing brick barn and stable buildings to create 4x dwellings and for the erection of 4x dwellings and garages following the demolition of 2x barns. A dwelling (House 6) has been omitted to enable suitable refuse vehicle turning within the site.

3.3 **Key Issues**

3.3.1 The key issues for consideration of the proposed development are:

- The principle in this location
- The acceptability of the design and resultant impact upon the character and appearance of the area.
- Impact upon the living conditions of neighbouring properties and future occupiers
- Impact upon car parking provision in the area.

Principle of Development

3.3.2 Policy SP2 of the Local Plan sets out a settlement hierarchy and spatial distribution of development and confirms that general development will be permitted within the defined settlement boundaries of Category A Villages. Cockernhoe is designated as being a Category A Village by Policy SP2.

3.3.3 The application site is within the settlement boundary of Cockernhoe and the application seeks to erect 8 dwellings. The erection of dwellings constitutes 'general development', permitted in this location as specified in the wording of Policy SP2 and therefore the proposed development in this location is acceptable in principle.

Sustainability:

3.3.4 Cockernhoe is considered to be well-connected, with public transport connections to nearby Luton. There are facilities within the village such as a primary school, inn and village hall. It is noted that Highways have objected to the sustainability of the site, particularly due to the lack of footpaths in the locality. However, the Local Plan confirms that a Category A Village is a sustainable rural location where new housing is acceptable where it will assist in maintaining existing services and facilities. Therefore, the position taken by the Highways Authority conflicts with the Local Plan. Moreover, the village is adjacent to Local Plan Policy SP19 Sites EL1, EL2 and EL3 for approximately 2100 homes. Environmental benefits would arise from the proposed landscaping of the site and by the use of renewable energy for all dwellings.

3.3.5 Policy ETC2 within the Local Plan does not permit the loss of employment uses subject to certain criteria. The supplied Design and Access statement advises that the livery business vacated the premises in May 2019. It was evident from a site visit that the site had been vacant for a long period of time and therefore, the proposal would not result in the loss of an employment use. I consider that the proximity to the nearby children's nursery and other residential dwellings in Cockernhoe would result in the previous equestrian use being a potential adverse use harmful to amenity, and its removal would be beneficial to these neighbours. Economic benefits would arise from the development by the use of local contractors during the construction and maintenance of these dwellings. Further benefits would arise from future residents using nearby businesses when the dwellings are occupied. Social benefits arise from the provision of dwellings on a windfall site, moderate weight is given to this in the planning balance.

Design and Appearance:

3.3.6 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development.

3.3.7 The layout of the development is considered to be acceptable. The agrarian use of the buildings and site would be retained by the development. Dwellings would be suitably spaced and would sit within generous plots, resulting in an acceptable density and layout

of the development. Most dwellings benefit from on-plot parking, with House 5 benefiting from parking centrally within the site and adjacent to visitor parking spaces. Plans indicate the location of bin stores, and these are set within the gardens of dwellings and behind fences, and therefore they would not be prominent within the street scene or the site. Garages would be provided to all dwellings and therefore I consider that sufficient cycle storage would be provided for each dwelling.

- 3.3.8 The existing site is accessed off a gated entrance off Chalk Hill. The track would be widened by approximately 1m and would lead into a central court with a shared surface provided parking, turning and driving space for all dwellings. In design terms I consider that this is acceptable and is not a departure from the existing grain of development found locally.
- 3.3.9 When viewed externally, from Chalk Hill and Brick Kiln Lane, the development would not result in changes to the character of the buildings and locality, with visible alterations limited to the replacement of existing windows and the widening of the access onto Chalk Hill. I consider that this is acceptable. The proposed alterations to the barns to convert them into residential use predominantly comprises the introduction of windows and doors to the inner courtyard. I consider that the quantity, materiality and overall appearance of these alterations is acceptable and would not be harmful to the character and appearance of the site and locality. The proposed dwellings would feature faced brickwork and stone/flint work together with slate roof tiles and green slimline window systems. These dwellings would comprise 2x pairs of semi-detached dwellings and would be located within generous plots to the southwestern corner of the site. They would feature projections to the rear of single and two storeys in height. I consider that these dwellings would be acceptable in design and appearance terms.
- 3.3.10 The design and appearance of the proposal is acceptable. The proposed development therefore complies with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework.

Impact upon Heritage Assets:

- 3.3.11 Hertfordshire County Council's Archaeological Advisor requested that a desk-based assessment be undertaken prior to determination given the site is within a designated Area of Archaeological Significance. However, in subsequent discussions with the Archaeological Advisor it was agreed that a pre-commencement condition was acceptable, although this may lead to changes to the scheme at a later date. It is considered that this matter can be adequately addressed by condition. The site is outside of the Conservation Area and the nearest Listed Building is between St Hughs Cottage and Parsonage Farm, to the north-west of the site. It is considered that the heritage significance of these designated heritage assets would not be harmed by this proposal due to the distance and nature of the scheme, and subject to conditions relating to archaeology the proposal complies with the provisions of Policy HE1 and HE4 of the Local Plan 2011-2031 and Section 17 of the National Planning Policy Framework.

Impact on Neighbouring Properties:

- 3.3.12 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenities of neighbouring occupiers and where necessary encourages the

use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.

- 3.3.13 The site is some distance from other residential properties and therefore would not give rise to significant impacts to the amenities of the occupiers. Cockernhoe Farmhouse is set centrally within the site and may experience some impacts from noise generation. However, given the low level of the development surrounding this dwelling, I consider that the works would not occasion a sense of dominance or overshadowing. There may be some degree of overlooking from the first-floor windows serving House 5, however, given the separation between these two dwellings and the existing and proposed window layouts, this would be acceptable. The children's nursery within the site may experience some noise impact during construction. This could be controlled by a condition requiring a construction management plan.
- 3.3.14 Given the above, it is considered that the proposed development would not result in unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

- 3.3.15 The proposed dwellings would benefit from approximately 95 sqm of internal floor area. The prescribed requirements as set out in the National Space Standards and are detailed below:

House/Plot Number	Space Standard Requirement (sqm)	Internal Floor Area (sqm)
1	93	133
2	93	133
3	93	133
4	93	133
5	124	198
7	74	81
8	61	70

Given the above, table, the proposed dwellings would benefit from sufficient internal space to meet the standards. Furthermore, sufficient storage is also provided in accordance with the prescribed space standards. Dwellings would benefit from private garden spaces and their window and room layouts would allow for single and dual-aspect dwellings. The dwellings would benefit from amenity space to the rear and amenities in the locality. This would therefore comply with Policy D1.

Highways and Parking:

- 3.3.16 The proposed development would be served by sufficient parking for dwellings 1, 2, 3, 4 and 5. Dwellings 7, 8 and 9 would be served by one space and a garage. I consider that this is acceptable on balance. Visitor parking is also provided with 4 spaces shared

between the dwelling centrally within the site. Whilst this would be below parking standards, it is considered that this is acceptable given the sustainable location. Furthermore, cycle parking would be possible for all dwellings within their curtilages. Therefore, it is considered that suitable vehicle parking would be available for future occupiers and the development would therefore comply with Policy T2 of the Local Plan 2011-2031.

- 3.3.17 It is noted that concern was raised by the Highways Authority regarding the sustainability of the site. However, given that the site is within the settlement boundary of a Category A Village, wherein there are various amenities, and the village is adjacent to a strategic housing allocation in the Local Plan, I consider that the site is suitably sustainable. Furthermore, it is acknowledged that concern is raised by the Highways Authority regarding the safety of the site for pedestrians to the locality. However, I consider that the local grain of development does not support the introduction of footpaths and street lighting and would therefore not support the objections raised by the highway's authority. A condition is attached to this permission to mitigate impacts during the construction phase.

Environmental Implications:

- 3.3.18 The existing site predominantly comprises concrete yards and other hardstanding associated with the equestrian business formerly operated from the site. Although no details have been provision relating to gains in biodiversity, I consider that replacing a barren expanse of hardstanding with landscaping would be beneficial for biodiversity on-site. A bat survey is provided advising that the structures did not house bats roosting but were previously used on a rare occasion to feed. This concluded that impact from the development was unlikely to disrupt bats. An ecological appraisal has been provided with this application advising of various site-wide ecological enhancements, and therefore a condition is attached requiring its implementation.
- 3.3.19 I consider that the site is in a suitably sustainable location to overcome concerns regarding emissions from private vehicles to and from the site. The development would therefore be generally in compliance with Section 14 of the NPPF and Policy NE4 of the Local Plan 2011-2031.

Other Matters:

- 3.3.20 Given that the site is <0.5 hectares and the development comprises 8 dwellings, this is not a major development and therefore does not qualify for affordable housing or Section 106 contributions.

3.4 Conclusion

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

3.5 Alternative Options

- 3.5.1 None applicable.

3.6 Pre-Commencement Conditions

- 3.6.1 The applicant has agreed to the pre-commencement conditions attached to this decision.

4.0 **Legal Implications**

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

5.0 **Recommendation**

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

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

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

6. Before the development hereby permitted is occupied, landscape details indicated on Plan 2238/10E shall be implemented on site.

Reason: To ensure a satisfactory appearance to the completed development is delivered in accordance with Policy NE2 and NE4 of the North Hertfordshire Local Plan.

7. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

9. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

10. 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 and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

11. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary

environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

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

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

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

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

12. Prior to occupation of the development hereby approved, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway / refuse collection vehicle access point [or within 15 metres]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

of visual amenity.

13. The gates at the entrance to the development hereby approved shall only open into the site and not out into the access way from Chalk Hill.

Reason: In the interest of highway safety.

14. Prior to first occupation, each dwelling shall be provided with a 'Sheffield Loop' within their curtilage.

Reason: In the interest of encouraging sustainable travel.

15. The development hereby permitted shall be carried out in accordance with the recommendations and enhancements set out in the submitted Preliminary Ecological Appraisal by Samsara Ecology dated January 2023.

Reason: To ensure compliance with Policy NE4 of the Local Plan.

16. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Provision of sufficient on-site parking prior to commencement of construction activities.

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

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 which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements.

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

17. No demolition or development shall take place within the site to which this permission relates until the applicant, landowner, or their successors in title, or their agents have submitted a desk based assessment which has been considered by the local planning authority. Should the desk based assessment find that the site is likely to possess assets of archaeological interest, no development shall commence until the applicant, landowner, or their successors in title, or their agents have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The requirements of this condition will only be considered to be discharged when the reports relating to the agreed archaeological work have been deposited with and approved in writing by the local planning authority.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

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

Informative/s:

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

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

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.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01029/FP Cockernhoe Farm, Luton Road, Cockernhoe, Luton LU2 8PY



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Scale 1:750

Date: 14/11/2023

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<u>Location:</u>	Newsells Park Winery Whiteley Hill Barkway Royston Hertfordshire SG8 8DY
<u>Applicant:</u>	Newsells Park Winery
<u>Proposal:</u>	Proposed winery production, processing and storage facility including hospitality functions, service apron, car park, access road, wetland waste treatment solution and landscaping.
<u>Ref. No:</u>	23/01420/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 21.09.2023

Reason for delay

Delays waiting for consultation responses. An extension of time to the statutory determination date has been sought and agreed.

Reason for referral to committee

In accordance with section 8.4.5(b) of the Constitution this application is being presented to PCC for determination due to the size of the development and the site area.

Plan numbers

22002_DC_XX_XX_DR_A_02-001 rev P01 Stage 2/3 Location Plan;
22002_DC_XX_XX_DR_A_02-005 rev P01 Stage 2/3 Existing Site Plan;
22002_DC_XX_XX_DR_A_02-006 rev P01 Stage 2/3 Proposed Site Plan;
00-E-00-200-01 rev P1 Site Lighting Layout Carpark sheet 1 of 5;
00-E-00-200-02 rev P1 Site Lighting Layout- Landscape Gardens sheet 2 of 5;
00-E-00-200-03 rev P1 Site Lighting Layout Embankment Path and Statue lighting sheet 3 of 5;
00-E-00-200-04 rev P3 Site Lighting Layout Service Yard and GRP Substation sheet 4 of 5;
00-E-00-200-05 rev P3 Site Lighting Layout Walkway lighting sheet 5 of 5;
00-M-00-700-31 rev P1 External Builders Work for Mechanical Services
2379-TFC-00-ZZ-DR-L-1001 02 Detailed Landscape plan
2379-TFC-00-ZZ-DR-L-1002 02 Landscape plan
22002_DC_XX_00_DR_A_02-100 rev P01 Stage 2/3 Proposed ground floor plan
22002_DC_XX_01_DR_A_02-011 rev P01 Stage 2/3 Building in context Proposed first floor plan
22002_DC_XX_01_DR_A_02-012 rev P01 Stage 2/3 Building in context Proposed roof plan
22002_DC_XX_01_DR_A_02-101 rev P01 Stage 2/3 Proposed First floor plan
22002_DC_XX_RF_DR_A_02-102 rev P01 Stage 2/3 Proposed roof plan
22002_DC_XX_XX_DR_A_02-200 rev P01 Stage 2/3 Proposed North West Elevations
22002_DC_XX_XX_DR_A_02-201 rev P01 Stage 2/3 Proposed North East/South West Elevations
22002_DC_XX_XX_DR_A_02-202 rev P01 Stage 2/3 Proposed South East Elevations
22002_DC_XX_XX_DR_A_02-300 rev P01 Stage 2/3 Proposed Site Sections
22002_DC_XX_XX_DR_A_02-310 rev P01 Stage 2/3 Proposed Sections

Supporting documents

1. Arboricultural Impact Assessment – rev 1.
2. Archaeological Desk Based Assessment.
3. Metric 4 Calculation Tool.
4. Drainage Strategy.
5. Magna Letter.
6. Written Scheme of Investigation for Trial Trench Evaluation.
7. Preliminary Ecological Assessment.
8. Transport Statement.
9. Ground investigation letter.
10. Planning Statement.
11. Energy Statement.
12. BRUKL output document.
13. Business Case and Plan.
14. Landscape and Visual Impact Appraisal.
15. Design and Assess Statement.
16. Bio-diversity Metric Calculation.
17. Archaeological Evaluation Report V.3 November 2023.

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 6 – Building a strong, competitive economy;
Section 9 – Promoting sustainable transport;
Section 12 – Achieving well-designed places;
Section 15 – Conserving and enhancing the natural environment;
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;
SP3 – Employment;
SP5 – Countryside and Green Belt;
SP6 – Sustainable transport;
SL7 – Infrastructure requirements and developer contributions;
SP12 - Green infrastructure, biodiversity and landscape;
SP13 - Historic Environment;
ETC3 - New retail, leisure and other main town centre development;
ETC8 – Tourism;
CGB1 – Rural Areas beyond the Green Belt;
T1 – Assessment of transport matters;
T2 – Parking;
D1 - Sustainable design;
NE1 - Landscape;
NE4 – Bio-diversity and geological areas;
NE7 - Reducing flood risk;

NE9 – Water quality and environment;
NE10 – Water conservation and wastewater infrastructure;
HE1 – Designated heritage assets;
HE4 - Archaeology.

1.4 **Supplementary Planning Document.**

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

2.0 **Site History**

2.1 Newsells has a long planning history for its use as an equestrian centre. With regards to the planning history regarding this proposal there are two items of planning history. These are:

- 22/00102/PRE – pre-application submission seeking a view on a new winery at Newsells. This provided a cautionary response with concerns raised regarding the size and scale of the building and the visual impact it would have in long range views in the countryside.
- 23/01168/SO – Screening Opinion. This concluded that an EIA was not required, and all technical matters can be dealt with in a full planning application.

3.0 **Representations**

3.1 **HCC Highways** – no objection subject to conditions, informatives, a S278 Agreement and a S106 contribution of £6000 (indexed linked) for the monitoring of the Promotional Events Management Plan and Travel Plan.

3.2 **HCC Archaeology** - The proposed development site abuts an Archaeological Area (Area of Archaeological Significance) identified in the Local Plan. The site forms part of a highly sensitive archaeological landscape that includes the remains of known prehistoric barrows of late Neolithic to late Bronze Age date, and a middle/late Bronze Age Springfield style circular enclosure on Whiteley Hill, just to the north. This is a Scheduled Monument (List Entry 1016617), and the scheduled area also contains three bowl barrows and two pond barrows. There are also numerous cropmarks of ring ditches that indicate the presence of additional plough-raised prehistoric barrows). The majority of these remains are located to the north of the proposed development site, but at least one possible ring ditch is located within the proposed development site [Historic Environment Record 11368], as are cropmarks of probable medieval ridge and furrow [HER 1136]. These have already been impacted upon by the planting of vines.

3.3 Whilst a desk based assessment has been submitted with the application, due to the size of the development there is the potential for the site to include heritage assessment with archaeological interest of sufficient scale for there to be a risk that archaeology could be a constraint on site. We therefore recommend that a trial trench evaluation is done prior to determination.

3.4 This work has been done on site and the results submitted to HCC. The HCC Archaeology team have responded stating that no significant archaeological remains were found on site and therefore they now conclude that the development is unlikely to have a significant impact on heritage assets of archaeological interest and that no further provision for archaeology is required in the granting of permission for the application.

3.5 **HCC LLFA** – no objection subject to conditions which are recommended.

- 3.6 **HCC Ecology** – no response at the time of writing.
- 3.7 **NHDC Environmental Protection** – no objection. The land is agricultural land with very low possibility of contamination.
- 3.8 **NHDC Policy Officer** – the application is considered to be in accordance with Local Plan policies.
- 3.9 **NHDC Environmental Health (Air)** – no objection subject to a condition requiring EV parking. Officer note – this is not recommended as EV parking is part of the proposal and will be secured by the imposition of condition 2.
- 3.10 **Barkway Parish Council** – support the proposal for rural diversification and job creation. Concern is raised over the safety of the proposed new access. We are of the view that either the existing access could be used, or the main gate is used with and access running around the field edge inside the site. We believe that with mature planting this service road could be screened from the stud which would protect the mares and foals which can be skittish, be we consider this could be achievable.
- 3.11 **Environment Agency** – object to the application on the basis of unknown risk to groundwaters.
- Officer note – additional information has been submitted to the EA for their review.
- 3.12 **Herts and Middlesex Wildlife Trust** – object to the application on the basis that the biodiversity matrix has not been submitted to demonstrate that a net gain in biodiversity is achieved on site.
- 3.13 Officer note – additional information has been submitted on this matter and an updated response from the HMWT is outstanding.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is part of the Newsells Stud farm, which lies between Royston and Barkway. The proposed area for the winery is on the east side of the lane and on land on Whiteley Hill which is towards the northern end of the stud farm land. The land is open countryside with trees around the boundary on its northern and western sides. Due to the land being a hill, there are clear views out from the site to the south. In terms of land designations, the land is classed as 'rural area beyond the Green Belt'. There are no listed buildings within the application site area or its immediate proximity, although there are listed buildings elsewhere within the Newsells land. A Scheduled Ancient Monument is within fairly close proximity on land to the north, outside of the application site area, north of the belt of trees that define the Newsells' land boundary.

4.2 Proposal

- 4.2.1 This is a full application for the creation of a winery production facility (processing, storage / ageing and office accommodation), hospitality space, new access road, car parking, landscaping (including a kitchen garden) and a waste water treatment solution.
- 4.2.2 The building is to be set into the landscape, so that in most views it will appear either as single or one and half storeys in height, although it is a fully two-storey building internally, and this will be apparent on the north east elevation which interacts with the service yard for the building.
- 4.2.3 At ground floor level, the building comprises of large areas for production and ageing, as well as labelling and dispatch zones, equipment stores, a club room, wine library, tasting room, staff areas and toilet facilities. At first floor level there is a large reception / tasting area with a quiet lounge at one end and a large terrace area which can be accessed from this level, as well as a servery zone and offices. The first-floor area is significantly smaller in floorspace than the ground floor as the production and aging areas on the ground floor are double storey in height internally, with viewing areas at first floor looking down into these zones.
- 4.2.4 Externally there are landscaped areas to the south and west, with two courtyard areas with sculpture / water features, a large kitchen garden, a large wetland / water treatment area and a car park with 40 spaces, including four disabled and seven EV spaces and cycle parking facilities. A service yard lies to the east, and along the east and west boundaries a dense tree belt is proposed.
- 4.2.5 Externally the buildings comprises sections of metal cladding, wooden cladding and glazing with a metal roof. Solar panels are including on the south facing roof slopes.
- 4.2.6 As listed above, many documents have been submitted in support of the application. All of these can be viewed in full on the Council's website. Given the unique nature of this proposal it is considered relevant to include significant information in terms of key points from some of the documents setting out the proposal in sufficient detail for the consideration of this application:

Planning Statement:

1. The site is 2.0244ha in area and located on a southern slope which has been assessed as being the optimum location on the Newsells Estate for growing grapes, due to soil conditions, topography and micro-climate.
2. The vines have already been planted - 40,895 in total.
3. The vineyard is adjoined to the south and east by Newsells Park Stud which is a 1,225-acre stud farm.
4. Whilst there are various listed buildings and structures located in Newsells Park, including a listed Obelisk which is located about 350 metres south / southwest of Newsells Park House these are sufficiently distant from the site to not require assessment. No buildings on or in close proximity to the site are listed.
5. Based on the Government's online flood risk map, the site is at very low risk from any source of flooding, although a localised area to the south of the site is recorded as high-medium risk from surface water flooding.
6. Following the pre-app stage, some key changes have been made to the proposals most notably in the deletion of staff accommodation from the proposed building and the rationalisation of the internal accommodation and site layout.

7. A new access road will be formed from Whiteley Hill Road. This access would be approximately 320 metres north of the main Newsells Stud Farm access. The proposed site access would be in a form of a simple priority junction.
8. Gates would be installed at approximately 25 metres from the junction with Whiteley Hill Road and thereafter an internal access road designed to a speed limit of 20mph and with a width of six metres, with localised widening along the bends to accommodate two-way traffic will provide access to the new winery.
9. The access layout has been designed to ensure that there is sufficient space on site to accommodate a large refuse truck, a delivery truck and a fire tender.
10. The Newsells Park Winery Business Case and Plan supports the planning application and confirms that once the new winery facility is completed it will coincide with the 2nd harvest which is likely to be 50% of full potential. This assumes that the new winery will be completed by Autumn 2025.
11. In terms of visitors to the new winery these will be a combination of clients and guests who are already visiting the stud and new visitors to the winery. The Business Plan assumes an average of 260 customers per month. This will be by invitation only to selected members of the racing syndicates and Newsells Park Stud customers.
12. Visits will be on a prior booking basis during set hours and tours will include the winery and stud to promote the brand, retain stud customers and attract new investors.
13. Visitors to the Stud come for a variety of reasons, international visitors come to see an example of a top UK private stud farm, potential clients and syndicate members visit before they join or send their bloodstock here, bloodstock agents and owners visit to have preview shows of the yearlings before the yearling sales and to view the stallions for clients. Students visit as part of their training.
14. The development of Newsells Park Winery is a natural progression of the Stud and offers an opportunity of exploiting an obvious synergy with visitors to the Stud able to also visit the winery which is a short ride away utilising electric carts along existing internal green ways
15. The proposed winery is necessary for the needs of agriculture which includes the growing of grapes. The new winery has been created by Newsells Park Stud as a diversification of their business model. There is a clear and unique synergy between the comparative business models of the Stud and Winery.
16. The commitment to the new winery is demonstrated by the initial investment of just over a £1m in establishing the vineyards in 2022.
17. The principle of developing a new winery for Newsells Park Winery is considered policy compliant. It will support the Newsells Park Stud, which is an important existing and established business internationally, nationally and regionally and allow it to develop and diversify; it is strictly necessary for the needs of agriculture and will enable the sustainable growth and expansion and the development and diversification of an established business in a rural area.
18. The supporting Transport Assessment demonstrates that the proposal accords with the local and national transport policies in terms of traffic impact, highway standards, parking and sustainable transport and this is a process that has been informed by pre-application with Hertfordshire County Council as the local highway authority. The design of the new access has been subject to a Road Safety Audit Stage 1 review and amended as a result.
19. The Transport Statement demonstrates that proposal would not have an unacceptable impact on highway safety. No highway reasons have been identified which would justify a refusal of the planning application
20. The planning application is supported by a Landscape and Visual Evidence and Appraisal (LVEA) which concludes that although the site is within open countryside, the site layout has been landscape-led and with mitigation this has minimised the effects of the proposals.
21. The LVEA identified that moderate adverse effects, are limited to the geology, soil and topography, the perceptual qualities of the site and any cultural connections on site

with the proposals having a moderate beneficial landscape effect on the vegetation and biodiversity on site.

22. The LVEA demonstrates that the site is well contained by the existing strong boundary vegetation with close views and possible views from the local lane and public footpath near Barley resulting in moderate/minor adverse effects.
23. Key views identified from The Joint during the pre-application stage have been assessed as having a neutral visual effect due to the distance from the site and the development being almost imperceptible.
24. Long-term mitigation of the vegetation establishing over time is expected to reduce the residual adverse effects to neutral.
25. In response to pre-application comments from Historic England, the assessment also considered the visual impact in views to and from the SAM. The LVEA states⁵ that "It is considered that there is the potential effect of having an impact on heritage with increased built-form close by and increased human activity within close proximity to the scheduled monument.
26. As a landscape receptor, it is considered there will be a nil magnitude of change due to the lack of intervisibility between the site and the scheduled monument.
27. The application is supported by a Preliminary Ecological Appraisal (PEA) which incorporates a Phase 1 Habitat Survey and Protected Species Assessment. The PEA confirmed that the site comprises an area of disturbed ground dominated by ephemeral/short perennial vegetation, with recently planted vineyards. The site encompasses a small area of species poor semi improved grassland, horse pasture, and native species poor hedgerows. An area of mixed plantation woodland was present to the western boundary. The site was evaluated to support site value on a local scale. The habitats described within the PEA have the potential to support protected and/or notable species and important measures to protect species during site clearance and recommendations to improve the biodiversity status of the site post development were recommended.
28. The PEA includes a biodiversity impact assessment based on the Biodiversity Metric 4.0 - Calculation Tool. The calculation confirms that the proposed development achieves a net gain of 15.5% in habitats and a 24.9% gain in hedgerow units.
29. The Arboricultural Impact Assessment identified that the removal of trees T7-T10, T12-T19 and sections of G1, H2 and H4, are required to facilitate the development. In addition to the formal landscaping proposals, Newsells Park Winery has planted this Spring a perimeter hedge of 1760m comprising 25% Thorn, 25% Beech, 25% Field Maple, 25% Hazel plus to the east of the central hedge a small coppice comprising 6 no. Field Maple, 6 Oak, 6 Hazel and 6 Yellow Dogwood. In addition, windbreaks have been/will be planted between the rows of vines, with the planting to date comprising 350 Italian Alder trees planted at 1.5m spacing and 540m of hedging with 25% Thorn, 25% Beech, 25% Field Maple, 25% Hazel.
30. The site is located within Flood Risk Zone 1 and therefore at very low risk of flooding.
31. The planning application is supported by a Proposed Drainage (Foul & Surface) Strategy which confirms that all surface water generated on the site will be disposed of using recycling, evapotranspiration, evaporation, and ground infiltration techniques and that the site does not pose a risk to any downstream properties or features.
32. The foul water is subject to treatment in a packaged sewage treatment plant in accordance with BS EN 12566-3. After treatment the effluent is passed through a series of wetlands that culminates in a Willow tree coppice. The winery waste is treated using an aeration plant to reduce the biological oxygen demand and not filter out solids. From there it passes through a natural biofilter and then combines with the foul wastewater and flows into the same wetlands and Willow tree coppice.
33. The planning application is supported by an Energy Statement which aims to demonstrate the low carbon approach taken in reaching the design solution and show its compliance with Part 26 L Volume 2 of the Building Regulations.

34. In response to pre-application feedback seven standard parking bays and one disabled bay will be equipped with active electric vehicle charging points (EVCP). This accounts for 20% of the total provision. The remaining bays will be passive EVCPs.

Design and Access Statement

1. Having taken professional advice on which grape varieties to plant and the wine styles to be achieved, Newsells vision is to produce very high-quality English sparkling wine at Newsells, produced using the traditional champagne method.
2. This is a high value luxury product which perfectly complements the world of horse breeding and racing.
3. The vineyard has been sympathetically planted to follow the curve of the rolling hills and to take advantage of the optimum location for a vineyard based on soil conditions, orientation and favourable climatic conditions for growing grapes.
4. The proposed integration of a hospitality venue is fundamental to the Newsells Estate achieving the following goals;
 - Increasing revenue by attracting and retaining clients and investors.
 - Improving the client experience.
 - Increasing brand awareness and gaining a competitive advantage over other stud farms and wineries.
 - Hosting private events that will form an integral role in attracting these clients, investors and syndicate members to invest in the stud and therefore secure it's long term future.
 - The creation of local employment opportunities to service the winery and to support the entertainment of our guests
5. The English wine production sector is experiencing a significant period of growth with hectareage (ha) in production having risen over 240% to just over 2500 ha between 2004 and 2017.
6. At least 70% of UK viticulture is now dedicated to English Sparkling Wine production with Chardonnay and Pinot Noir the dominant grape varieties.
7. Growth of the sector is being influenced by changing climatic conditions, investment, and improvement in vineyard and winemaking technologies. These, in tandem with a growing market demand for locally produced foodstuffs, present good business opportunities for wine production.
8. The vineyard area has been planted with suitable varieties for the local climate and a mix of sparkling and still wine varieties. Other unplanted areas have been preserved for biodiversity establishment.
9. Within the vineyard's 10.2ha over 40,895 vines are being grown which, at maturity, will yield approximately 60,000 bottles of wine per year.
10. The vines have been in the ground for over 12 months (planted in Spring 2022) and are showing good vigorous growth.
11. Newsells approach is to manage the vineyard as sustainably as possible and, with that in mind, already surrounding habitat, inter-row and headland areas are being established with a thriving mix of native plant species, beneficial flora and fauna.
12. The proposed winery building has multiple functions, with the principal purpose a winemaking production and storage facility to service the vineyard. The ancillary purposes are retail, hospitality and administration along with storage for agricultural equipment used on the vineyard and welfare facilities for staff working in the vines.
13. Its proposed location close to and within the vines is critical for both quality of the wine produced and to avoid the vineyard traffic from crossing the traffic and livestock movements associated with the stud.
14. The growing of grapes and associated wine production are considered forms of agriculture.

- 15 The luxury nature of the resulting product lends itself to wine tourism and there are clear economic benefits in providing a quality visitor experience which augments the perception of a wines provenance.
- 16 Vinescapes (wine production consultant company) estimated that Newsells Park Winery will produce between 60,000 – 75,000 bottles of wine per year.
- 17 This could increase or decrease by at least 30% on a year-to-year basis depending on seasonal weather and disease conditions.
- 18 Therefore, in developing the winery proposals we have allocated floor, tank space, and cellar space to account for such eventualities.
- 19 The aim is for a range of high-quality Traditional Method sparkling (Blanc de Blancs, Rosé and Classic Cuvée), and still wine (single varietal red/rosé Pinot Noir and white Chardonnay).
- 20 Wine storage requirements are based on 75cl standard Champagne and Burgundy bottles, with sparkling wine on ageing with within stillages and transfer to riddling cages prior to disgorging
- 21 The setting of a winery and storage facility within the vineyard enables the grapes to be delivered direct to the press without leaving site and the wine, once bottled, can be aged within the integrated cellars.
- 22 The reduction in transportation movements substantially reduces the energy required to produce each bottle of wine, reduces the potential for bottle breakage and damage to the harvested grapes, and lessens the potential to impact the local highway network
- 23 The mature trees and boundary vegetation along the northern edge of the vineyard provide a backdrop which allows the development to 'settle' into the site and reduces the risk of any adverse visual impact on the surrounding landscape. The location below the trees on the slope of the hill further helps to shield any potential for visual impact on the scheduled heritage assets situated atop Whiteley Hill.
- 24 The panoramic views afforded from this location over the vines, the existing stud, and the surrounding hills, will provide a spectacular setting from which to experience the winery and vineyard. These visual links will help to connect the history and values of the Stud with the Winery, to help reinforce the premium brands and provenance of both horses and wine
- 25 Newsells Park Stud utilise American-style Horse Barns for the construction of their stables which are found throughout the Estate.
- 26 Agricultural Barns, similar in form to American Horse Barns, are commonly utilised in viticulture to provide facilities for wineries, storage (wine ageing), vineyard equipment sheds, and tasting rooms / hospitality. Those built for viticulture greatly vary in appearance from the very basic, "agricultural shed", to award winning, purpose-built, land-marks.
- 27 An agricultural barn style building is visually appropriate to the agricultural setting of Newsells Vineyard, and construction of this style would be in keeping with the Newsells Estate and its surrounding environment
- 28 The massing formation proposed was developed to create the sense of a small group of agricultural style buildings nestled within the surrounding rolling hills. It is sited close to strong boundary vegetation which serves to contain the mass within the surrounding landscape
- 29 The natural slope of the site has been utilised by cutting the building mass into it to achieve the following:
 - Further integrate the building into the landscape
 - Further reduce the visual mass *f*
 - Form a thermal ground-coupled temperature controlled subterranean Cellar area for the Storage and Processing of the wine.
- 30 Areas of glazing which are associated with the Visitor Functions face southeast and southwest but utilise extensive roof overhangs which overshadow the glass thus preventing solar gain and potential disturbance of the local view corridors by eliminating reflections.

Newsells' Park Business Plan

- 1 The proposed winery building has multiple functions, with the principal purpose a winemaking production facility to service the vineyard. The ancillary purposes are hospitality and administration along with storage for agricultural equipment used on the vineyard and welfare facilities for staff working in the vines. Its location close to and within the vines is critical for both quality of the wine produced and to avoid the vineyard traffic from crossing the traffic and livestock movements associated with the stud.
- 2 We hope to use a hospitality area at the winery to hold private events that will form an integral role in attracting these clients, investors and syndicate members to invest in the stud and therefore secure its long term future.
- 3 We will be offering employment to service the winery and support the entertainment of these guests
- 4 The vineyard and winery, once at full production, will have six FTE's with additional seasonal (20-25 jobs), part-time local employees for critical operations such as harvest, bottling, disgorging, labelling and dispatch.
- 5 Although grape growing and wine production are essentially agricultural, the luxury nature of the resulting product lends itself to tourism and providing a hospitality suite to sell the product at the highest margin
- 6 Group visitors will be up to 15 people max, usually couples or family groups. Tasting room to be open 20 hours per week. We estimate an average of 260 customers per month, including repeat visitors. We estimate 50% of these customers will already be clients of the stud business. This will be by invitation only to selected members of our racing syndicates and Newsells Park Stud customers. Visits will be on a prior booking basis during set hours and tours will include the winery and stud to promote the brand, retain stud customers and attract new investors. These new customers may also wish to visit the stud
- 7 Promotional events will take place 4/6 per year for wine club members, racing syndicates and stud customers
- 8 An average number of stud visitors would be 500 per annum. The stud has parking for several hundred vehicles in the summer and sixty in the winter on hard standing.
- 9 There are other revenue streams that could be considered but not built into this business plan. There is potential to produce and store wines for other existing wineries from 2026 onwards whilst the operation beds in and gets up to full production.
- 10 According to Wine GB, there are approximately 500 vineyards in the UK of which 200 are open to the Public. However, there are fewer than 170 wineries offering production facilities which means that over half the vineyards in the UK send their fruit (grapes) to other locations for pressing, assemblage, fermentation, disgorgement and dosage - a process that can take up to 4 years. Furthermore, given that there are more vineyards coming into production, there is an acute shortage of wine storage (prices have risen from 10 pence to 50 pence per bottle annually for off premise storage).
- 11 The vast majority of English wine is sparkling and made in the champagne style (primarily because of the cooler climate here in the UK).
- 12 The vines selected at Newsells Park Winery have been selected for their versatility in producing sparkling or still wine depending on the weather conditions of each vintage. It is important to understand the methodology of making champagne style English wine because it explains the requirement for production, storage and distribution building capacity at Newsells Park Winery. So, as follows: grapes are harvested and pressed. Presses will hold 2-6T of grapes of which the first 75- 80% of extracted juice is the best quality. The juice is then pumped to tanks where the first fermentation takes place during which the natural sugar present in the grapes is 'fermented out'. Fermentation can also take place in barrels which we will do an element of at Newsells Park Winery. The next stage is 'assemblage' or blending where wines from different barrels, tanks and vintages are blended before bottling for the second fermentation. These bottles are capped and then laid down to 'age' for up to 5- years. Once the second fermentation

and ageing process is complete, bottles are then 'riddled' (4-8-day process) to collect the yeasts and sediment in the bottle neck, before being 'disgorged' and dosaged with sugar/liquor before the wine is corked, rested for a few more months and then released ready for consumption. The process of making sparkling wine can take up to 4 years which is why there is so much demand for building capacity across the various production processes and related storage. Newsells Park Winery is currently selling white labelled wine sourced in the UK. Wine from our own vines will produce mature fruit in 2025 and beyond and will be ready to sell from 2029.

VINEYARD TIMELINE AND INVESTMENT 2022

- 1 Planting year Total investment on vines, trellis and equipment £1.1m as per accounts filed with Companies House. 2023
 - Trunk development year Total investment expected £350k (£145k spent to 8th June 2023). 2024
 - Crown development year and 1st small harvest. Wine production will be outsourced whilst the winery is under construction 2025
 - 2 nd Harvest likely to be 50% of full potential Wine production in house assuming the building is complete by Autumn 25 2026
 - 3 rd Harvest 90% Assuming planning permission is granted in September 2023 we estimate the building could be ready for the first intake of visitors and 50% production in the autumn of 2025.

- 2 It will take a number of years for the vines to mature and 2027 is regarded as the year the winery will be in full production

Transport Statement

1. The proposed site access in terms of its location, visibility splays, approach gradient, approach angle and tracking; meets the DMRB standards. As such, the site access would be constructed by way of Section 278 Highway Agreement.
2. The internal access road will be six metres wide, with localised widening at the bends to accommodate two-way traffic. The internal access road will be designed to a speed limit of 20mph. As such, signs will be erected on site to advise motorists of this speed limit. This would be coupled with low-height speed humps at regular intervals.
3. On a daily basis, the proposed development could generate 21 vehicles in total or 42 two-way vehicular trips. On a 10-hour basis, this would equate to an average of up to four vehicular trips (two-way) per hour. This level of trip generation on a daily basis will be imperceptible in traffic engineering terms and hence not significant. The proposal will therefore not result in an adverse traffic impact on the local road network on a typical daily basis.
4. During promotional events, the trip generation would comprise 100 cars (maximum) associated with the guests and seven to 10 cars associated with the staff. These trips would occur approximately four to six times per year. These events will replace the ones that occurred at Newsells Manor and as such, there will be no net increase in traffic associated with such events on the local road network.
5. During promotional events which would be held four to six times a year, all guests will be given parking instructions in advance and will be managed between the existing Estate capacity and the parking facilities proposed at the Winery. Electric golf buggies, or similar, will be provided to ferry guests to and from their vehicles via the Estate's existing internal service roads, greenways, and tracks as required.
6. The Applicant wishes to maximise sustainable transport opportunities by encouraging staff to cycle to work, car share and providing facility to transport seasonal staff by mini-buses.

4.3 Key Issues

Principle

- 4.3.1 This is a unique application for the diversification of a local established, rural, business in the District. The application therefore needs to be considered against two key policies in the Local Plan and advice contained in the NPPF.
- 4.3.2 Local Plan Policy CGB1 states that in rural areas beyond the Green Belt planning permission will be granted for development that is *c) strictly necessary for the needs of agriculture and forestry; and e) is a modest proposal for rural economic development or diversification*. And Policy ETC8 states that (subject to the sequential approach set out in Policy ETC3) planning permission will be granted for tourism related development where it would *c) deliver sustainable tourism and visitor attractions in appropriate locations*.
- 4.3.3 Substantial information about the proposal is listed in this report above to provide clarity of the proposed works and business plan, which can be considered to comprise of two elements. These are a) a building for the production of wine from grapes grown on the land and storage of machinery needed for the growing and harvesting of the grapes, which is an agricultural operation. And b) a hospitality venue which is partly ancillary to the operations of the stud farm and partly a tourism venue in its own right where it is anticipated there will be significant sales of the wine made. In my view it can be concluded that the proposal broadly complies with the aims of Policies CGB1 and ETC8 to the extent that no objection in principle is reached, although I do have concerns that the scale of the proposal is larger than either of these policies is seeking to support. On this basis I note that whilst Policy CGB1c places no size limitation for a building strictly necessary for agriculture, Policy CGB1e does require for proposals for rural diversification to be 'modest'. There is no definition for this, and whilst it can be concluded that the proposed winery building and associated access road, parking, landscaping and drainage ponds is not modest, within the context of the overall stud operation it can be viewed as a modest element. Regarding the requirement of CGB1c that the building is strictly needed for the agricultural purposes, there is no objection to the application on this basis as the vines are planted on the land and the crop is in production.
- 4.3.4 Policy ETC8 supports sustainable tourism and visitor attractions in appropriate locations. The note to sequential test approach of Policy ETC3 is not applicable in the consideration of this proposal as this is not a town centre type use proposed. Therefore, Policy ETC8 allows for visitor attractions in appropriate locations with no reference made to a size limitation. Given this proposal on the hospitality side is to provide tours round the processing of the wine and then sell the wine to the visitors it is logical to conclude that such an attraction needs to be in the location where the grapes are grown for the wine production. The vines have been planted on south facing chalk hills, which gives them the best conditions to grow in, and therefore has also dictated the location of the winery building.
- 4.3.5 I therefore conclude that both elements, being the production centre and ancillary storage of machinery needed for the growing and harvesting of the grapes, and the hospitality function space, of the proposed winery building separately broadly comply with the relevant requirements of Policies CGB1 and ETC8.
- 4.3.6 The NPPF, specifically in paragraph 84 a-c is very supportive of rural diversification. Paragraph 84 states:

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in the rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agriculture and other land-based rural businesses;*
- c) sustainable rural tourism and leisure development which respect the character of the countryside.*

4.3.7 This policy guidance does not impose a limitation on the scale of diversification proposals and as a result it can be concluded that there is no objection to the principle of this development which is supported by both NPPF and Local Plan policy aspirations.

Layout and design

4.3.8 As set out above, this proposal has been through the pre-app stage where concern regarding the amount of glazing and the adverse impact this could have in the long-range views in the landscape from 'glinting' were raised. As a result, the design approach was changed to that of building that better reflects the existing horse barns within the stud landscape. The building therefore appears to be agricultural in style and due to the change in levels across the site, which are to be utilised with the building being set into the landscape, in most views the building will appear largely single storey in height. The change in ridge height / broken mass of the roof will result in the building presenting as a coherent group of farm buildings set into the landscape with appropriate external materials. The external materials are stated to be sections of sheet metal cladding for the walls and roof, sections of vertical timber cladding and glazing for the walls, galvanized metal gutters and rain water goods and a mix of both timber and aluminium windows. A materials condition is recommended to clarify the exact colour prior to construction. These external materials and this design approach are supported, and it can be concluded that the winery building will complement other existing buildings within the stud complex and landscape.

4.3.9 There is no objection to the proposed layout of the proposal. Considerable thought has been put into this, with the access road providing an attractive approach to the building rear of some stud paddocks and then through the vine area in front of the building. The access road then splits, with visitors access to the rear car park on the west side and service vehicles accessing the yard on the east side. The production and visitor elements of the building are kept separate, with landscaping on the south, west and north sides of the building with the visitor car park also on the north. The main visitor part of the building is the southern section with the production parts of the building within the northern and eastern 'wings'.

4.3.10 The impact the building will have in views in the landscaped has also been fully considered. The combination of utilising the slope to build into, the proposed two tree belts proposed to be planted along the east and west sides of the application site area and sections of planting on the south side would mitigate the visual impact in long range views in the landscape. The Landscape and Visual Evidence report submitted with the proposal identified that the public right of way to the east could be the most impacted in terms of being able to see the application site from the elevated parts of this route. The proposed tree belt on the east side of the site is to mitigate this, and this is supported. It is noted that the trees will take time to become established, but given the overall acceptable design and siting of the building in its own right, the amount of harm in the landscape from this proposal is considered to be low and does not justify refusal of planning permission.

- 4.3.11 Whilst some trees are proposed to be planted on the north side of the site in the drainage wetland area, there is an existing mature belt of boundary trees along the northern boundary of the stud land which is outside of this application site area and is unaffected by this proposal. Therefore, in views from north of the site southwards towards the northern boundary of the stud farm area and application site boundary, there will be no change as the existing mature, dense tree belt is retained.
- 4.3.12 In conclusion, the design approach is supported and is considered to be in accordance with the aspirations of Policy D1 which requires for developments to respond positively to a site's local context.

Sustainability

- 4.3.13 Section 2 of the NPPF requires developments to be sustainable with the three targets of achieving economic, social and environmental objectives. Local Plan Policy SP1 supports the principles of sustainable development across the District. The proposal sets out that the building is to be built to a high code level in terms of thermal efficiency and is to have solar panels fitted, use a rainwater recycling system to flush the toilets with and waste water is to be filtered via the drainage wetland pond system. 20% of the car parking spaces are to EV spaces. Furthermore, a Travel Plan is proposed seeking staff car sharing and cycling to work with a mini-bus to be provided to link with public transport connections, especially when additional temporary staff will be needed. On this basis the proposal is considered to meet environmental objectives. The development itself will provide opportunities for economic benefits, both during the construction phase and longer term providing additional local jobs and bringing tourists into the local area most likely will have additional benefits in the local economy. The building itself will also provide for a social objective with its proposed hospitality functions as well as being DDA compliant. As a result, there is no objections to the proposal on the basis of sustainability.

Access and parking

- 4.3.14 There is no objection to the proposed access road which adjoins the lane on its east side. Apart from the actual access point, much of this will be screened in views by existing and proposed trees. It is not uncommon for there to be access points and tracks across farmland, and the establishment of a new road in this location is not considered to be contrary to the wider countryside. The concern of Barkway Parish Council is noted, but the stud wish for the access road to be separate from the wider stud lands, to ensure the security of the stud horses, as foals can get easily 'spooked' if a noisy car were to pass by a paddock and they could take flight and cause injury to themselves. There is no technical highways objection to the new access in this location and once the access and new planting is established the access will have a minimal visual impact in the lane in my view. As a result, no material objection is raised to the principle of a new access or its location or appearance which is considered to be in accordance with the aspirations of Policy T1.
- 4.3.15 Policy T2 requires that developments meet their parking demand and accord with the Council's SPD Vehicle Parking a New Developments. The application proposes 40 car parking spaces including four disabled and seven EV spaces along with space for 10 bicycles. The Council's SPD Vehicle Parking at New Developments does not have a relevant section stipulating a parking requirement for this use. I therefore consider that no objection can be raised to the proposed car and cycle parking as the building will need to accommodate its own parking as there is nowhere else to park, unless cars are directed elsewhere in the stud, which will only occur at the times of the large events. As a result, the application is considered to be parking sufficient and no objection is raised on this basis.

Landscaping and wildlife / bio-diversity

- 4.3.16 Local Plan Policy NE4 requires for developments to deliver a net gain of bio-diversity on site. This application sets out that due to the ground being horse paddock land, it has a low bio-diversity matrix as existing, and the introduction of the landscaping and drainage ponds will increase bio-diversity on site. The Environment Matrix 4.0 Calculation Tool submitted with this application concludes that the proposal will result in a 15.5% increase in habitat units and 24.49% increase in hedgerow units. As a result, there is no objection raised against the application on the basis of bio-diversity.
- 4.3.17 Drawing number 2379-TF-XX-00-DR-L-1002 details the landscaping plan and proposed planting. There is no objection to this, and a condition is recommended to ensure these details are implemented on site.
- 4.3.18 As set out in the details above, some trees and a section of hedgerow are to be removed to accommodate the new access location. However, the application is proposing to plant back more trees and hedgerow than the areas to be removed, as well as planting within and around the vines. No objection is therefore lodged against the application on the basis of landscaping or bio-diversity.

Heritage

- 4.3.19 Local Plan Policy HE1 requires for applications to assess the significance of a heritage asset and the impact the proposal will have on it. Lying to the north of the application site, is the Scheduled Ancient Monument as well as there being listed buildings within the lands of the stud to the south. The listed buildings within the stud are a minimum of 350m to the south of the proposed winery building and its access and parking will not be within the setting of these buildings and will not have harm on their setting. The Scheduled Ancient Monument lies to the north of the application site and is dissected by the lane itself. This is a high point in the landscape, with the application site being on a lower ground level that continues to fall to the south. The existing tree belt on the stud land's northern boundary is a clear and well-defined landscape feature that also will act as a visual screen and barrier between this monument and the application site. As a result, the Landscape and Visual Impact Appraisals has concluded that there will be a nil impact on the setting of this Monument from the proposal. I support this finding and can conclude that the application will not have any undue harm on the nearby heritage assets and no objection against the application is raised on the basis of Policy HE1.

Hospitality

- 4.3.20 The application sets out that the hospitality function is primarily to support the stud. The agent has set out that there are currently four large scale events (with around 100 people attending) that are held at the stud each year that would be transferred to the winery. These are:
- Syndicate launch in March, daytime 11 am – 6 pm;
 - Pre-Ascot meeting in June, daytime 11 am – 6 pm;
 - Summer bbq with syndicates and trainers in August, daytime 11 am – 6 pm;
 - Annual new wine release to members in the Autumn, evening 6 pm - 11 pm.
- 4.3.21 It is anticipated that membership will be by invitation to existing customers of the stud and the racing community, block stock and new racing syndicated who would be offered a 2-year membership when they subscribe to a new syndicate. Outside of the above events, the hospitality of the building will be for members and will include

tasting, sales, promotional wine events, tours of both the winery and / or stud, education talks on wine production and bloodstock. Whilst there is no objection to this proposed use that is not considered to cause adverse impact in the locality, it is considered appropriate to impose a restrictive condition preventing the use of the winery as a wedding reception type venue without first obtaining planning permission, so the impact of such functions, if any, can be fully assessed.

4.4 Conclusion

4.4.1 The proposed winery building with its associated access, parking and landscaping is considered to represent acceptable development on the basis of being diversification of an existing rural business. The building will primarily be a wine production and storage facility, with an added hospitality function which is an integral part of the diversification business plan. The application is considered to comply with the necessary policy criteria of Local Plan Policies CGB1, ETC8, T1, T2, SP1, D1, NE4 and HE1 as well as the general aims of the NPPF and is therefore recommended for conditional permission.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to:

- A) the receiving of a 'no objection' response from the Environment Agency with any additional conditions imposed on the decision notice in agreement with the Chair of PCC;
- B) the submission and completion of the Unilateral Undertaking for the HCC Highways Travel Plan monitoring; and
- C) the following conditions and informatives:

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

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

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

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

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development progresses above slab level 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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. The hard and soft landscaping shall be carried out in accordance with the details on drawing no. 2379-TF-xx-00-DR-L-1002 unless otherwise agreed in writing by the LPA.

Reason - to ensure the effective landscaping of the development in accordance with Local Plan Policy NE2.

5. The approved details of landscaping shall be carried out before the end of the first planting season following the first use of the building and any trees or plants which, within a period of 5 years from the first use 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. Prior to commencement of the development, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy (Newsells Park Estate - Whiteley Hill Winery Proposed Drainage Strategy by Solution Consulting Civil and Structural Engineers Ref 1315 no date). The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- o Provide supporting calculations, using a CV value of 1, for all the drainage infrastructure (storage features and conveyance network) contained within the drawing "Underground drainage and externals plan" Sheets 1 of 2 and 2 of 2, drawing number 1315/100 dated 3 April 2023 by Solution Consulting Civil and Structural Engineers.

- o An infiltration rate of 1.4 m/s shall be used to design the infiltration features using appropriate safety factors in accordance with Table 25.2 of the SuDS Manual 2015.

- o Demonstrates that the proposed surface water drainage system does not surcharge

in the 100% AEP (1 in 1 year) critical storm duration, flood in the 3.33% AEP (1 in 30 year) plus climate change critical storm duration or the 1% AEP (1 in 100 year) critical storm duration.

- o Demonstrates that any flooding that occurs when taking into account climate change for the 1% AEP (1 in 100 year) critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes.
- o Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- o Show how water would be managed in the event of failure of the pumped system for 24 hours and how flood resilience and resistance will ensure that flood impacts to vulnerable parts of the development will be minimised.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts Council

7. Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phase has been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or the proposed drainage system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

8. Prior to construction, a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes).
Details submitted for any proposed culvert must demonstrate that flood risk is suitably managed for all storms up to and include the 1% AEP (Annual Exceedance Probability) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible. The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council.

9. The development hereby approved shall not be put into operation until details of the maintenance and management of the sustainable drainage scheme, watercourse and culvert have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the use of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.

II. details of SuDS features, connecting drainage structures plus the watercourse and proposed access road culvert indicating the maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts Council

10. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 6. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council.

11. Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number(s) (20-060-SK03 rev B) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

a. Construction vehicle numbers, type, routing;

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

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

13. Prior to commencement of the construction of the winery building, car park and any external areas, the site access junction, including the widening of Whitely Hill Road, shall be constructed for a minimum of 25 m from the edge of highway, and provided with a suitable running surface for construction traffic and preventing the tracking of mud and detritus onto the highway. Once constructed, the visibility splays at the junction and along the access road shall be maintained in perpetuity.

Reason: In the interests of maintaining highway efficiency and safety.

14. Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible and surfaced in accordance with the hard surfacing details as required by condition 4 to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

15. Before the development hereby approved is first used, a Promotional Event Management Plan (PEMP) shall be submitted to and approved in writing by the local planning authority, in consultation with the highway authority. It shall include the following as a minimum:

- o Details of how visitors will be allocated spaces, and how this will be monitored;
- o Details of car parking allocation for the events in terms of numbers on each of the stud and winery, and any headroom left on the winery site with drivers failing to follow instruction;
- o Details of transport to be used between the stud and winery;

- o Plans of transport routes between sites to ensure that traffic flows along Whitely Hill Road are not increased;
 - o Planned approach to 'exceptional' Events with significantly higher visitor numbers or hours of operation. Expected to be infrequent, and not requiring additional planning consents, but may require licenses or extensions.
 - o Details of discussions with the local highway authority and Hertfordshire Constabulary, along with contact numbers in case of emergency, and;
 - o Monitoring regime for the PEMP including review process.
- The Promotional Event Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the local planning authority, and thereafter retained for this purpose.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

17. The winery building, hereby permitted, shall be used for no private hire social functions including weddings, parties or corporate events (outside of the stud hospitality functions) without first obtaining planning permission from the LPA.

Reason: In the interests of local amenity in accordance with Local Plan Policy D3.

Proactive Statement:

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

Informative/s:

1. LLFA:

1. Erection of flow control structures or any culverting of an ordinary watercourse

requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

2. HCC HIGHWAYS:

1. 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

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

3. 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.

4. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

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

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

3. 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.

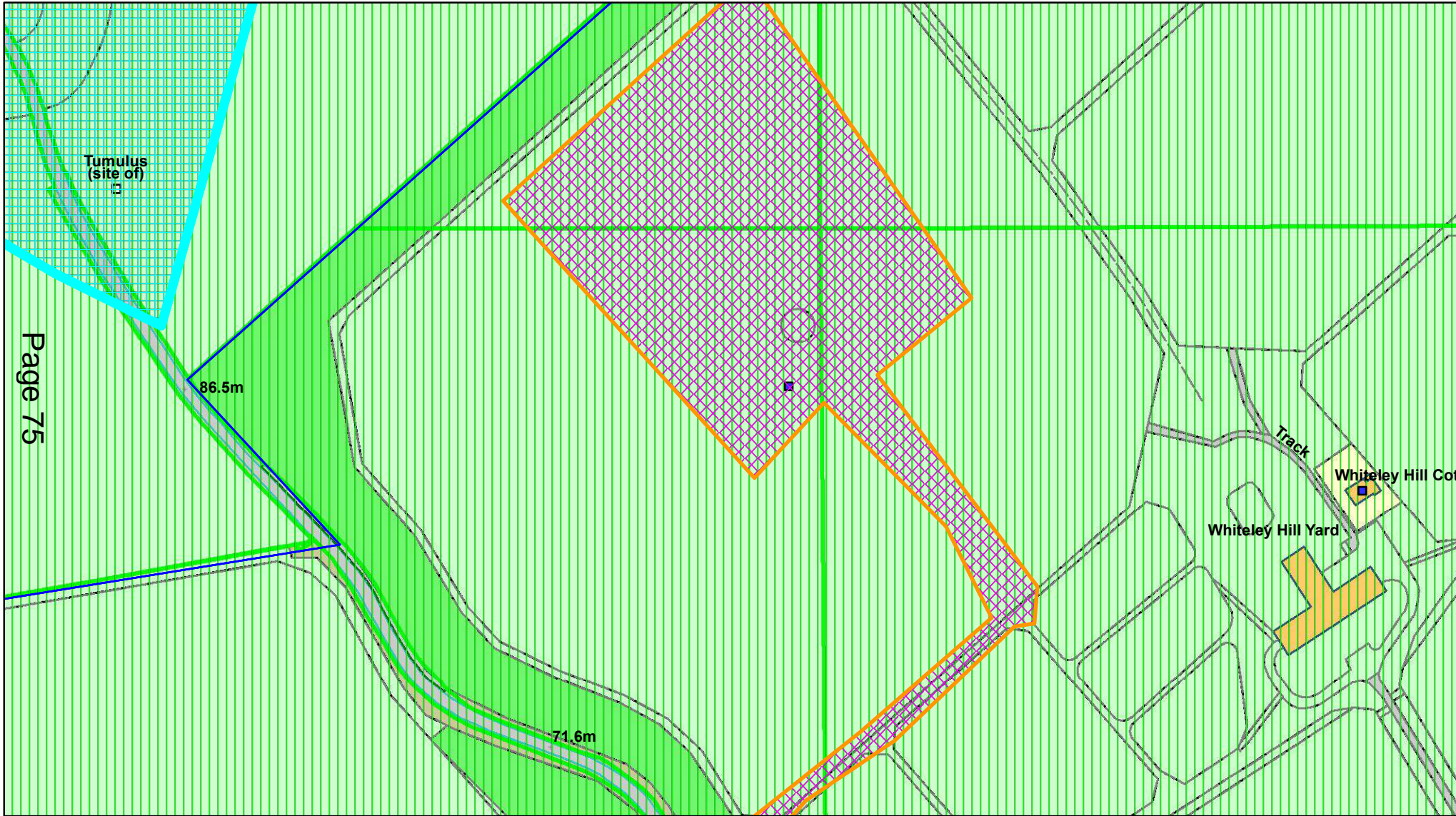
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective 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.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01420/FP Newsells Park Winery, Whiteley Hill, Barkway, Royston, Hertfordshire, SG8 8DY



Scale 1:2,500
Date: 14/11/2023

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<u>Location:</u>	181 Weston Way Baldock Hertfordshire SG7 6JG
<u>Applicant:</u>	Mr Josh Munford
<u>Proposal:</u>	Erection of detached garage/store.
<u>Ref. No:</u>	23/02040/FPH
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 08.11.2023

Reason for Delay

COMMITTEE CYCLE – extension of time agreed

Reason for Referral to Committee

Call in by Cllr Willoughby - The resident applicant was advised that this application would be refused due to the build being too close to the front boundary line which would affect the street scene. Therefore, my reason for calling this in is that I dispute this reasoning on behalf of the resident.

1.0 Policies

National Planning Policy Framework

Section 12 – Requiring good design.

Supplementary Planning Document.

Design Supplementary Planning Document 2011
Developer Contributions Supplementary Planning Document January 2023

North Herts Local Plan 2011-2031 Local Plan and Proposals Map

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy and Spatial Distribution
T2: Parking
D1: Sustainable design
D2: House extensions, replacement dwellings and outbuildings
D3: Protecting living conditions

2.0 Site History

- 2.1 **20/00969/NCS** Single storey rear extension with the following dimension:
Length as measured from rear wall of original dwelling - 4.04 metres **Prior Approval Not Required.**

2.2 **20/01020/LDCP** Front porch and insertion of two roof lights in existing front roof slope.
GRANTED

3.0 **Representations**

3.1 **Neighbour Consultation –**

179 Weston Way, Baldock – OBJECTION

I have several concerns regarding this proposed development:

The first is that the plans state that the building will be 0.7m away from the northern boundary: This boundary is formed by a privet hedge belonging to 179 and it is likely that the construction of this garage so close to it will cause damage to the roots when digging the foundations (these are likely to be wider than the walls and therefore very close to the hedge). Further potential damage is likely to be caused in the longer term by lack of light and water run off from the roof of the garage. The hedge has been there for many years and is often used by nesting birds; it would be a great shame if it were to be partially killed by this development.

The second concern is that the plans show the garage/store being screened from the road by a large hedge. The hedge and the building will make exiting from my property (and also 181) more difficult/unsafe as it reduces the visibility, particularly of pedestrians on the pavement.

These concerns could be addressed by building the garage further away from the boundary with 179, further back from the road and by keeping the front hedge to a reasonable height.

My final comment is regarding exterior lighting for the proposed garage. The plans show the access door to be facing the front of the houses. If there is to be exterior lighting for this, it should be kept to a reasonable level and not be intrusive to the neighbouring property.

81 The Spinney, Weston Way, Baldock - SUPPORT

I have lived in Weston Way for over 20 years. I would like to endorse this proposal as it is perfectly in keeping with other developments within the road. Surely any attempt to park off the road is a good thing and a garage provides security.

With the long driveways to the front of properties in Weston Way, many properties in our road have already developed the front gardens with garages or offices so this is not a new idea. The proposed garage looks sympathetic in design and I am very excited to see the green eco roof in full bloom. What a great idea this roof is to encourage wildlife and interest to the area

183 Weston Way, Baldock - SUPPORT

I have no objections and think it will help with keeping cars off a busy road. It will not cause me any difficulties and will only add to improvement. I will not even be able to see it from my house. It will be behind hedges so in my opinion will not change the view of the house from the road or my view to the road.

I write to support this application for a detached garage/store at this address. I live on an adjacent road to this property.

With the house set back at quite the distance from the busy, main road and the frontage hardstanding neatly hidden by surrounding shrubbery, this structure would not encroach on the aesthetics of the area or neighbouring properties. In my opinion, it would compliment the existing dwelling and build type whilst also making use of the large frontage space.

With the proposal of a new residential development (Knights Court), almost directly behind this property, it's already of great concern the impact this will have on traffic build up and parking along the already congested Western Way. With 3 schools located on this road (Weston Way Pre-school, St Mary's and Knights Templar), the road is already very busy and the residential development will only exasperate this.

The proposed garage/store would enable safer parking for this dwelling and will help to reduce the amount of cars on the road

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 181 Weston Way is a mid-terrace dwellinghouse located on Weston Way. The terraced properties have a consistent building line which is set back from the road (approximately 19 metres). There is an existing hedge on the front, the building line creates a largely uniform and spacious appearance to the street scene that contributes positively to the local character of the area.

4.2 Proposal

4.2.1 Planning permission is sought for the erection of a detached garage to the front driveway area along the front boundary.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

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

Design and Appearance

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

- 4.3.3 Policy D2 of the Local Plan states “*planning permission for house extensions will be granted where... the extension is sympathetic to the existing house in height, form, proportions, roof type, window details, materials and the orientation of the main dwelling*”. A detached garage would be needed to reflect similar aspect in regards to being sympathetic to the host dwellinghouse.
- 4.3.4 The garage is proposed to be 5.5 metres long and 4 metres wide located 0.75 m off the shared boundary with the neighbouring property and 1.5 metres from the front boundary located behind an existing hedge. The garage would have a flat roof with a height of 2.67 metres. Materials include a Composite cladding to match existing property and Eco wild garden roof matting.
- 4.3.5 Weston Way is approximately 1.2 km long and has a number of different character areas. Just looking at the eastern side of the road, the northern part of the road comprises of mainly Knights Templar School and then several terrace houses with small front gardens. Passing the junction with Park Drive the houses are a mix of detached, semi-detached two storey dwellings and bungalows. These properties have extremely large front gardens with a depth ranging from approximately 28 – 44 metres. A number of these properties have garages and structures in the front gardens. The section of Weston Way where the application site is, south of the Weston Way Nursery School up until Knights Court, predominantly comprises terrace dwellings with no garages to the front. Beyond Knights Court the character changes again to detached and semi-detached properties with smaller front garden approximately of a depth of 9.5 metres.
- 4.3.6 The host property and its neighbouring properties have a consistent building line which is set back from the road with front gardens with an approximate depth of 19 metres. There is an existing hedge on the front and side boundary, the building line creates a largely uniform and spacious appearance to the street scene that contributes positively to the local character of the area.
- 4.3.7 The proposed garage would be set close to the front boundary and despite the existing hedge, would be visible within the street scene. Given this proximity to the principal boundary of the site together with the uniformity of this section of the street scene, I would consider the development appear incongruous within the streetscene and harmful to the character and appearance of the immediate area. Furthermore, the proposal would set a harmful precedent for garages to the front gardens of other dwellings within the locality.
- 4.3.8 The principal elevation of the dwelling would be obscured. An important attribute to the character of the immediate area is the open front gardens to houses, the soft landscaping within them and the set-back of the houses from the highway. The proposal would diminish the open appearance of the front garden and reduce its contribution to the locality and street scene.
- 4.3.9 Given the above, the proposed development would be unacceptable in this location within the front garden to this dwelling house, which combined with scale and design would result in harm to the character and appearance of the street scene. The proposed development would fail to comply with Policy D2 of the Local plan, Paragraph 130 of the NPPF

4.3.10 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.

4.3.11 I note the concerns raised by No. 179 in regard to the proximity to the hedge and I also note the concerns in regard to light. If Committee Members are minded to approve the proposal I would recommend that any foundations must protect the root system of the existing hedge.

4.3.12 Given the distance of the garage from the windows serving No. 179 I consider the garage would not cause an unacceptable loss of light entering this neighbouring dwelling house or appear dominant within the outlook from neighbouring properties. The garage would be set on the party boundary shared with No. 179. I therefore consider the proposal would not result in unacceptable harm to the living conditions of occupiers of neighbouring residential properties.

4.3.13 Given the above, it is considered that the proposed development would comply with Policy D3 of the Local Plan.

Highways and Parking:

4.3.14 The development would not reduce parking provision on the driveway and would enable a minimum of 2 parking spaces to be provided on the driveway. I would not consider the development as occasioning harm to the operation of the highway.

Environmental Implications:

4.3.15 I note the proposed roof is to be constructed with a wild garden roof matting however, the proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

4.4 Conclusion

4.4.1 It is considered that the proposed detached garage due to its prominent location at the front of the plot would result in harm to the character and appearance of the street scene and host dwelling. The proposed development would therefore fail to comply with Policies D1 and D2 of the North Herts Local Plan 2011-2031 and Section 12 of the NPPF.

Alternative Options

None applicable

Pre-Commencement Conditions

No pre-commencement conditions recommended.

5.0 Legal Implications

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

6.0 **Recommendation**

6.1 That planning permission be **REFUSED** for the following reason:

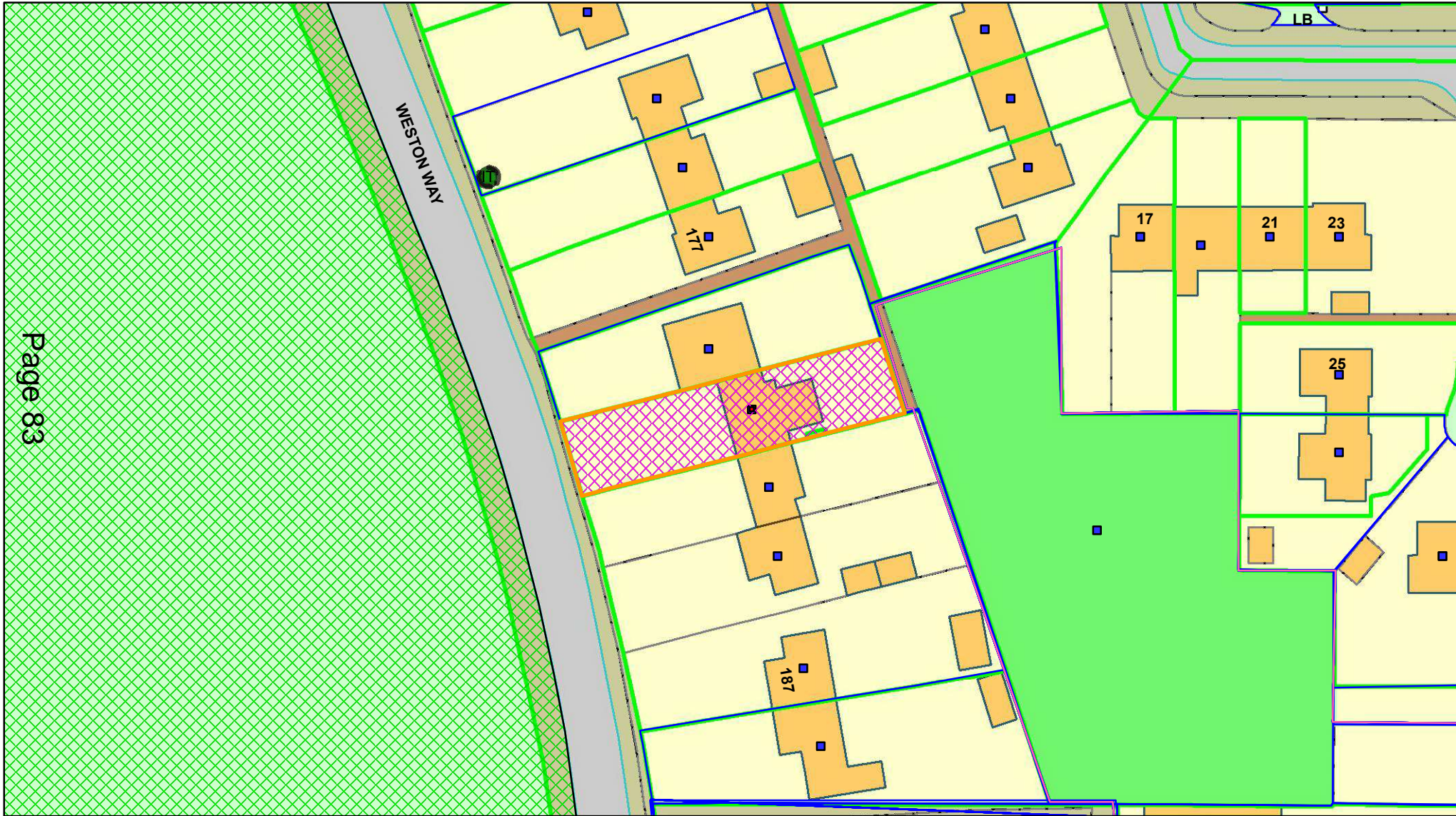
1. The proposed development, by reason of its siting within the front garden to this dwelling house, would appear as an incongruous and unacceptably dominating form of development that would be harmful to the character and appearance of the street scene and host dwelling. Furthermore, the development would set a precedent for similar development within the area that would further erode and harm the character of this section of Weston Way. Therefore, the proposed development conflicts with Policies D1 and D2 of the North Hertfordshire Local Plan and Paragraph 130 of the National Planning Policy Framework.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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

23/02040/FPH 181 Weston Way, Baldock, Hertfordshire, SG7 6JG



Scale 1:625

Date: 15/11/2023

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PLANNING CONTROL COMMITTEE

DATE: 30 November 2023

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr S Patel	<p>Development A: Erection of canopy to front elevation</p> <p>Development B: Part single storey, part two storey rear extension, replace existing pitched roof with a flat roof and raise the roof ridge height to include insertion of a rear dormer window with obscured glazed door to facilitate conversion of loftspace into habitable accommodation (as a re-submission of planning permission 22/01859/FPH, withdrawn).</p>	8 Newmarket Road Royston Hertfordshire SG8 7DY	22/03101/FPH	Appeal Part Allowed on 10 November 2023	Delegated	<p>Development A –Appeal Allowed</p> <p>Development B – Appeal Dismissed</p> <p>Development A: The Inspector concluded that the development insofar as it relates to the erection of the canopy to front elevation would have a neutral effect on the character and appearance of the house and the local area. This element would therefore comply with Policy D2 (House extensions, replacement dwellings and outbuildings) of the North Hertfordshire Local Plan 2011 – 2031.</p> <p>Development B The Inspector concluded that the dormer window, first floor extension and the replacement of the rear gable with a flat roof, would cause significant harm to the character and appearance of the house and the local area and would therefore fail to comply with Policy D2 (House extensions, replacement dwellings and outbuildings) of the North Hertfordshire Local Plan 2011 – 2031. Whilst the house is not within a conservation area nor is it subject to any design</p>

						prescriptions, this policy amongst other things, requires house extensions to be sympathetic to the existing house in form, proportions and roof type, regardless of any designation. The proposal would also conflict with Paragraph 130 of the National Planning Policy Framework, which along with other things, seeks development that is visually attractive and sympathetic to local character.
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PLANNING CONTROL COMMITTEE

DATE: 30 November 2023

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Edward McGowan	9 November 2023	Insertion of No.2 rooflights to existing front and dormer with Juliette balcony to existing rear roofslope to facilitate conversion of loftspace into habitable accommodation.	35 Rosecomb Royston Hertfordshire SG8 9FL	23/01355/FPH	Householder Appeal Service

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Appeal Decision

Site visit made on 4 October 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/X1925/D/23/3320887

8 Newmarket Road, Royston SG8 7DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Patel against the decision of North Hertfordshire District Council.
 - The application Ref 22/03101/FPH, dated 30 November 2022, was refused by notice dated 1 February 2023.
 - The development proposed is described as extension and internal/external alterations to the existing house. Conversion of the loft space to provide additional accommodation.
-

Decision

1. The appeal is dismissed insofar as it relates to the part single storey, part two storey rear extension, replacement of the existing pitched roof with a flat roof, and the raising of the roof ridge height to include insertion of a rear dormer window with obscured glazed door to facilitate conversion of loftspace into habitable accommodation.
2. The appeal is allowed insofar as it relates to the erection of canopy to front elevation and planning permission is granted for the erection of canopy to front elevation at 8 Newmarket Road, Royston SG8 7DY in accordance with the terms of the application, Ref 22/03101/FPH, dated 30 November 2022, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1181 PL01 B – Site Location Plan, 1181 PL 02 C – Site Layout (inc Roof Plan) As Existing and Proposed, 1181 PL 03 D – Floorplans and Elevations – As Proposed.

Procedural Matters

3. The description of development in the banner heading above is the original description of the development as set out on the application form. Whilst neither of the main parties has provided written confirmation that a revised description of development was agreed, the description of development from the Council's decision notice more accurately describes the development. I have therefore used that description in my formal decision.
4. In determining the planning application, the Council has issued a split decision to grant planning permission for part of the development for the erection of canopy to the front elevation and refusing planning permission for the dormer

window, rear extensions and replacement of rear gable with flat roof. Appeals following split decisions are dealt with under Section 78 of the Town and Country Planning Act 1990 (The Act) as being against the refusal of planning permission. In such cases and in accordance with Section 79(1)(b) of The Act, the whole proposal is before me to determine.

5. For the reasons that follow, I find the erection of the front canopy to be acceptable. As it is clearly severable, both physically and functionally, from the rest of the proposal, I intend to issue a split decision and grant permission for the front canopy only.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the house and the local area.

Reasons

7. The appeal site comprises a two storey detached house with two storey front and rear projections which each have a prominent gable roof. Although the house has been altered, the gable roofs are a key component of the appearance of the house. The surrounding area is residential in character and there is some diversity in the housing. Whilst houses on this side of the road vary in terms of design, there is general uniformity in scale and arrangement as houses are sat within large plots set back from the road.
8. The dormer window would extend across the majority of the width of the roof plane, despite being set in from the sides of the roof slope. Whilst it would be no higher than the roof ridge, it would create a large flat-roofed dormer at a height just below the ridge of the roof which would not be visually subservient. I accept that the depth of the dormer window would be less than the depth of the first floor extensions, however, this would not mitigate the lack of visual subservience.
9. Due to a combination of its height, width and scale, the dormer window would have an overly bulky appearance and would dominate the rear elevation and roof of the house, which would be a stark contrast with the simple form and proportions of the existing roof.
10. The flat roof design of the first floor extensions would be at odds with the pitched roof characteristics. As such, even accounting for the use of acceptable matching materials, the extensions would not integrate well with the existing architectural detailing of the house. The replacement of the gable roof with a flat roof would also result in the loss of this attractive existing feature and would therefore erode part of the house's distinctive character.
11. The design of the dormer window and first floor extensions would therefore fail to respect the established roof form of the house and would adversely change its appearance.
12. At my site visit, I saw that whilst there are differences in appearance, the properties on either side of the house have similar roof pitches with gable ends. This similarity of gable roofs produces a pleasing element of design continuity between the house and its neighbours, despite the differences. However, this shared continuity would be broken through the loss of the rear gable roof.

13. The neighbouring properties appear to have generally retained their pitched roof characteristics, and I could not see any examples of flat roof first floor rear extensions within the immediate setting of the appeal site. I accept that the absence of similarities within the immediate locality does not render an extension inappropriate. However, the presence of the flat roof extensions would appear highly noticeable and incongruous in this immediate context where there is a broad consistency of upper-floor pitched roof forms. Subsequently, given the local character, the first floor extensions would not be sympathetic additions.
14. My attention has been drawn to two sites in the area where buildings have flat roofs. One of the sites relates to a large block of flats which is a stand-alone building that has a unique appearance where flat roofs appear to be part of the original design. This site is therefore not comparable to the appeal site in terms of its characteristics. The other site relates to a terraced row of a more recent housing development which is on the other side of the road and would not be viewed in the context of the appeal site. As such, these examples do not establish a context to justify the proposed flat roof design.
15. In the context of the appeal site, the rear of the house is not visible from public views, however, it is visible from the rear gardens of the immediate neighbours. As such, the visual harm from the discordant nature of the development would be easily seen and noticed from these neighbouring garden areas.
16. For these reasons, I find that the dormer window, first floor extension and the replacement of the rear gable with a flat roof, would cause significant harm to the character and appearance of the house and the local area and would therefore fail to comply with Policy D2 of the North Hertfordshire Local Plan 2011 – 2031 (the LP). Whilst the house is not within a conservation area, nor is it subject to any design prescriptions, this policy amongst other things, requires house extensions to be sympathetic to the existing house in form, proportions and roof type, regardless of any designation. The proposal would also conflict with Paragraph 130 of the National Planning Policy Framework, which along with other things, seeks development that is visually attractive and sympathetic to local character.
17. Separately, the erection of the canopy to the front elevation would have a neutral effect on the character and appearance of the house and the local area. This element would therefore comply with Policy D2 of the LP.

Other Matters

18. I note that the appellant made changes to the proposal following advice from the Council, however this does not alter or outweigh my finding.
19. The Council has not raised any concerns regarding the proposal's impact on the living conditions of neighbouring occupants. From my site visit, I am content that the development would not result in unacceptable harm in this regard. Nevertheless, a lack of harm in this respect is a neutral consideration that does not weigh in favour of the development.

Conditions

20. I have imposed the statutory implementation condition and a condition listing the approved plans to provide certainty.

Conclusion

21. The proposed development insofar as it relates to the dormer window, first floor extension and the replacement of the rear gable with a flat roof, would conflict with the development plan, read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, I conclude the appeal should be dismissed insofar as it relates to the dormer window, first floor extensions and replacement of the rear gable with a flat roof.
22. Separately, I conclude that the development insofar as it relates to the erection of the canopy to front elevation, would comply with the development plan. Therefore, the appeal should be allowed insofar as it relates to the erection of the canopy to front elevation.

L Reid

INSPECTOR