

23 February 2024

Our Ref Planning Control Committee 7 March 2024  
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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,  
LETCHWORTH GARDEN CITY**

On

**THURSDAY, 7TH MARCH, 2024 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**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2. MINUTES - 23 JANUARY 2024</b>	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 23 January 2024.	(Pages 5 - 10)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chair will decide whether any item(s) raised will be considered.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	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.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	
<b>6. 21/00541/OP LAND BETWEEN 134 AND 148 HIGH STREET, KIMPTON, HERTFORDSHIRE, SG4 8QP</b> <b>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>	Residential development comprising of 15 dwellings (all matters reserved except means of access).	(Pages 11 - 30)

7. **23/00523/OP LAND EAST OF ASHMILL POULTRY FARM, HIGH STREET, BARKWAY, HERTFORDSHIRE** (Pages 31 - 50)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline planning permission for the erection of 6 no. dwellings with access, parking and associated works (all matters reserved except for access)(as amended by plans received on 22 May 2023).
8. **22/02205/FP LAND ADJACENT TO ARNOLDS FARM, CHAMBERS LANE, ICKLEFORD, HERTFORDSHIRE, SG5 3YE** (Pages 51 - 74)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 9 dwellings (3 x 2-bed, 4 x 3-bed and 2 x 4-bed) including parking, landscaping and installation of vehicular access off of Chambers Lane (as amended by plan nos. PL003D, PL009A, PL108A \_ L01A received 02/01/2024).
9. **23/02802/LBC 26 - 28 HIGH STREET, GRAVELEY, HITCHIN, HERTFORDSHIRE, SG4 7LA** (Pages 75 - 80)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Relocation of an existing stud wall between the kitchen and bathroom.  
Creation of a new doorway from the dining room to the bathroom.  
Replacement of the kitchen window.
10. **APPEALS** (Pages 81 - 86)  
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 TUESDAY, 23RD JANUARY, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Ian Mantle, Michael Muir, Louise Peace, Phil Weeder and Dave Winstanley.*

**In Attendance:** *Sadem Amegashie-Duvon (Trainee Solicitor), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Kerrie Munro (Locum Planning Lawyer) and Sjanel Wickenden (Committee, Member and Scrutiny Officer).*

**Also Present:** *At the commencement of the meeting approximately 5 members of the public, including registered speakers were present.*

#### 162 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 30 seconds*

Apologies for absence were received from Councillors Sean Nolan, Nigel Mason and Ian Moody.

Having given due notice Councillor Ian Mantle substituted for Councillor Nolan, Councillor Dave Winstanley substituted for Councillor Mason and Councillor Michael Muir substituted for Councillor Moody.

Councillor Terry Tyler was absent.

#### 163 MINUTES - 16 NOVEMBER 2023, 30 NOVEMBER 2023 AND 7 DECEMBER 2023

*Audio Recording – 1 minute 58 seconds*

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

**RESOLVED:** That the Minutes of the Meetings of the Committee held on the 16 November 2023, 30 November 2023 and 7 December 2023 be approved as true records of the proceedings and be signed by the Chair.

#### 164 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 55 seconds*

There was no other business notified.

**165 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 59 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

**166 PUBLIC PARTICIPATION**

*Audio recording – 4 minutes 13 seconds*

The Chair confirmed that the registered speakers were in attendance.

**167 22/03094/FP LAND BETWEEN HUNTSRIDGE AND ASHWELL HOUSE 5, HIGH STREET, ASHWELL, HERTFORDSHIRE**

*Audio recording – 4 minute 31 seconds*

The Chair advised that Councillor Tyson was to speak as a Member Advocate against this item and would therefore move to the public gallery and not take part in the debate or vote.

*N.B Councillor Tom Tyson moved to the public gallery at 19:40*

The Senior Planning Officer provided the following update:

- Due to staffing changes, it was unclear if the site notice had been erected in 2022 as no photograph of the notice had been attached to the file. To ensure proper legal notice had been given, a notice was erected on Friday 5 January 2024.
- This did not affect consideration of the application. However the decision notice could not be granted until the required 21 day notice period had expired.
- An email had been received from the Parish Council, with a proposed Section 106 (S106) provision for a pavilion project and the gifting of public open space should the application be granted planning permission.
- An addendum to the original report had been issued which clarified the sections of the NPPF referred to in the report.

The Senior Planning Officer presented the report in respect of Application 22/03094/FP supported by a visual presentation consisting of photographs and plans.

In response to a question from the Locum Planning Lawyer, the Development and Conservation Manager stated that:

- They believed that the site notice was erected however as there was no photograph of the notice on file, a decision was made to erect a notice on the 5 January 2024.
- The notice had been advertised in the local press and neighbours had been informed of the application shortly after the application was received in 2022.
- Ashwell residents had previously made comments on the planning application and any new comments would be actioned.
- A decision notice could not be issued until the 21 day notice period had expired.

- If the Committee resolved to grant planning permission, the delay in erecting the notice would not affect this application as negotiations on S106 money would still be ongoing.
- If the Committee accepted the recommendation of the Senior Planning Officer, then a decision notice would be issued after the 26 January 2024.

The Locum Planning Lawyer was reassured by the confirmation of the Development and Conservation Manager that the agenda item would return back to the Planning Committee if there were any material planning consideration representation made by the deadline of 26 January 2024 that the decision makers would need to be made aware of to review the decision they had made on the planning application. This would be possible as the planning permission would not have been published. This way forward was decent, to protect the Members decision from legal challenge.

In response to a question from Councillor Daniel Allen, the Development and Conservation Manager stated that the delay in erecting the site notice did not prevent the Committee from considering the application.

The Chair invited Parish Councillor Norton Mahy to speak against the application. Parish Councillor Mahy thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The Parish Council were objecting to this application. The rejection reasons were the same as the previously rejected application on this site in 2020.
- There were concerns regarding the access onto the site, particularly from the junction of Kingsland Way and Ashwell Street.
- Should the application be granted the Parish Council would like to be involved with the S106 negotiations.

The Chair thanked Parish Councillor Mahy for his presentation and invited Councillor Tom Tyson to speak against the application. Councillor Tyson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Planning for this site had been refused in 2020 and this application did not resolve the policy conflicts highlighted in the previous application.
- The new application had reserved some land for public use and would gift this to Ashwell Parish.
- The policies were in place to protect the heritage assets, namely the Ashwell Conservation Area and the last remaining open space on the southern side of Ashwell Street, often referred to as the Ruddery.
- The proposed access road was not currently used for motorised vehicles and would need upgrading.
- The application would not preserve the heritage assets, which could be traced back to the medieval period.
- From the slope of the site the sight lines to the Ruddery would be significantly impacted as detailed in the report of the Planning Officer.
- The application was not compliant with the NPPF, the Local Plan or the Ashwell Neighbourhood Plan, and the harms would outweigh the benefits of the application.
- There was a lack of S106 money.
- The application should be refused as recommended by the Senior Planning Officer.

The Chair thanked Councillor Tyson for his presentation and invited Mr Sav Patel to speak against the application. Mr Patel thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The site would comprise 14 dwellings, 5 of which would be affordable, and the site would have substantial open public space.

- Since the 2020 application the number of dwellings had been reduced and this new application incorporated the key heritage views.
- There was a housing need in Ashwell which this application sought to address.
- The site was located in the extended settlement boundary of Ashwell, a sustainable location for development with the Local Plan and Neighbourhood Plan supporting development.
- Any new housing in Ashwell was to be provided within the extended settlement boundary.
- This development was close to the village centre and allowed future growth of the established boundary.
- The report of the Planning Officer stated that this application was acceptable in principle and would meet the housing needs for the resident of Ashwell.
- To mitigate the heritage objections this scheme had reduced the dwellings to 14 and included 2 bungalows.
- The dwellings would be sited on the eastern side of the site with the western side of the site being saved as open public space with views. This area would be saved from development in perpetuity.
- The site was only mentioned in the updated Ashwell character appraisal for having views and not for any specific heritage value.
- This development would publicly open up accessible views to the west towards the church of St Mary which would be an additional heritage benefit.
- The dwellings would be 1.5 stories high and in keeping with local architectural features, they would not be intrusive to the character of the conservation area.
- The Conservation Officer stated that the application had less than substantial harm to the character and appearance of the Conservation area. Section 208 of the NPPF stated that harms should be weighed against public benefits.
- Ashwell would benefit from sustainable, mainly small, dwellings in accordance with the housing mix policy ASH2 of the Neighbourhood Plan.
- The development would be delivered by a local builder and be built above policy requirement.
- The site would have 35% of affordable housing and produce a 25% biodiversity net gain.
- All of the dwellings would have EV charging points.
- There would be a public access link from Ashwell Street to Lucas Lane.
- The development was sustainable and sympathetic to the housing needs of Ashwell.

The following Members took part in debate:

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

The following points were raised during the debate:

- This location was included in the Local Plan as a possible development site.
- From the aerial view there seemed to be other open spaces and this site looked ideal for development.
- There was a lack of S106 agreement, but this could be a condition added after granting planning permission.
- There were good and sensible reasons to refuse the application as set out in the report of the Planning Officer.
- The principle of keeping the housing and public open spaces on different areas of the sites was positive.
- Other conditions would need to be imposed should the application be granted.



- A site visit could be appropriate.
- The proposed landscaping was in keeping with the surroundings.
- Members should research applications in advance.

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

- The site was within the settlement boundary of Ashwell conservation area, and development would be acceptable there in principle.
- However, any application would be considered on its merits. In this case Historic England and the Conservation Officer have stated that there were less than substantial harm to the conservation area and this was a reason for refusal.
- An application on the site that would cause less harm to the conversation area would not automatically be granted planning permission but would be considered.
- A decision was made on this application after weighing the merits and harms, as outlined in the report.

Councillor Daniel Allen proposed and Councillor Dave Winstanley seconded and, following a vote, it was

**RESOLVED:** That application 22/03094/FP be **REFUSED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager

## 168 APPEALS

*Audio recording – 43 minutes 57 seconds*

*N.B Councillor Tyson returned from the public gallery at 20:14*

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that:

- There had been two household appeals submitted.
- The recent appeal decisions were shown at page 77 of the report.
- All of the appeals had been dismissed, although one appeal had been part allowed and part dismissed which also reflected the decision made by the Council.

**RESOLVED:** That the Committee noted the report.

The meeting closed at 8.15 pm

Chair

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<u>Location:</u>	<b>Land Between 134 And 148 High Street Kimpton Hertfordshire SG4 8QP</b>
<u>Applicant:</u>	-
<u>Proposal:</u>	<b>Residential development comprising of 15 dwellings (all matters reserved except means of access).</b>
<u>Ref. No:</u>	21/00541/OP
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

25 September 2021

**Reason for delay:**

Agreement of Heads of Terms and progressing the Section 106 legal agreement.

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.65ha), as set out in 8.4.5 (a) of the Council's 2023 Scheme of Delegation.

1.0 **Site History**

1.1 15/02963/1 - Retrospective application for temporary car park for 30 vehicles (as amended) - Approved 19/05/16.

1.2 79/01636/1 - Proposed sports ground and pavilion – Required 04/03/80.

2.0 **Policies**

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

Policies:

SP1 – Sustainable development in North Hertfordshire

SP2 – Settlement Hierarchy and Spatial Distribution

SP6 – Sustainable transport

SP7 – Infrastructure requirements and developer contributions  
SP8 - Housing  
SP9 – Design and sustainability  
SP11 – Natural resources and sustainability  
SP12 – Green infrastructure, landscape and biodiversity  
SP13 - Historic environment

T1 – Assessment of transport matters  
T2 – Parking  
HS1 – Local Housing Allocations  
HS2 – Affordable Housing  
HS3 – Housing mix  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
D4 – Air quality  
NE2 – Landscape  
NE4 - Biodiversity and geological sites  
NE6 - New and improved open space  
NE7 – Reducing flood risk  
NE8 – Sustainable drainage systems  
NE11 – Contaminated land  
HE1 - Designated heritage assets  
KM3 – Land north of High Street

## 2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed and beautiful places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

## 2.3 **Supplementary Planning Document**

Developer Contributions Supplementary Planning Document 2023

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 26/02/2021

Expiry Date: 28/03/2021

### 3.2 **Press Notice:**

Start Date: 04/03/2021

Expiry Date: 27/03/2021

### 3.3 **Neighbouring Properties:**

The following objections were received from Nos. 151, 155, 173, 130 and 88 High Street:

- Unable to see the designs of the dwellings.
- Too many houses.
- The houses that face No. 134 High Street are overdevelopment and are in front of the building line of No. 134 and below.
- Can't determine parking provision.
- The High Street can't sustain more on-road parking.
- The Luton Road should be widened.
- Won't be able to access Public Footpath 033.
- Safety issues from new junction.
- Loss of privacy.
- Detrimental to mental health and lifestyles.
- If Kimpton needs, or can sustain, the proposed houses.
- Kimpton has undergone some significant developments.
- Building on Green Belt.
- Loss of green space.
- Loss of views.
- Disruption to wildlife.
- Problems with flooding.
- Increased loads on sewers.

### 3.4 **Kimpton Parish Council:**

Kimpton Parish Council have provided detailed comments on this application, which is available to view on our website.

In summary the Parish Council considers that that there is insufficient smaller 1 and 2 bedroom units within the housing mix proposed, which should be addressed by the applicant.

A minimum of 6 dwellings should be affordable and this matter should be addressed by the applicant.

The Parish Council seek confirmation, by the stipulation of planning constraints, as to which elements of this application are to be required to be delivered as part of a future detail application.

No quantification of the maximum ridge height of buildings is stated. The Parish Council are unclear to the applicant's dimensional definition of 2.5 stories.

The site boundary to the west is a designated conservation area and also currently Green Belt.

Local Plan Policy KM3 seeks sensitive design to minimise the impacts upon the Conservation area the height of the proposed development should be in line with adjacent dwellings to the east and west. The Parish Council suggest that a maximum height from existing ground level to ridge height of 9m to be stipulated within any planning condition to avoid inappropriate construction height of dwellings to result.

The proposed parking allocations need to be improved.

Reference is made to the receipt of confirmation from Thames Water that connection of 15 dwellings to the existing system is acceptable. The Parish Council could not find this documentation within the application to ratify this statement and would request that such information should be submitted and verified prior to any planning approval.

No surface water should be discharged into the utility surface water sewer as indicated in the planning application and this must be maintained within any 'Application for approval of reserved matters'.

The current electrical infrastructure is unable to support the provision of a development of this size without reinforcement. The applicant should confirm where upon the site an additional electrical substation would be incorporated, noting that such a location upon the road frontage would be unacceptable. It may be the case that the applicant is intending an 'off grid' development and the Parish Council would be pleased to hear clarification upon such intentions.

KPC and NHDC have adopted a "climate emergency" policy. Confirmation is sought regarding the climate impact of the development. The applicant has not demonstrated how the proposal supports this requirement. These issues should be addressed by the applicant.

Policy HS1: Local Housing Allocations states:

Local Housing Allocations are listed by parish and settlement in Chapter 13 and shown on the Proposals Map. Planning permission for residential development and associated infrastructure on these sites will be granted where:

- a. Development broadly accords with the indicative number of homes shown;
- b. Proposals successfully address site specific considerations; and
- c. Unless site-specific considerations state otherwise, a variety of homes are provided in accordance with the general policy requirements of this Plan. Planning permission for other uses will be refused.

Based upon the current application there a number of significant issues, as listed above, that need to be addressed to enable a planning permission to be granted.

The applicant highlights the public rights of way that are within the area as a beneficial amenity, however currently the means of connecting to these is by an informal footpath along the east side of the site. This path has been used by the community for over 20 years. The Parish Council proposes that the applicant formalises a foot path from the north end of the new access road to the existing right of way that runs north of the site.

The Parish Council ask that the appropriate S106 contributions are made as part of any planning permission and obtained prior to any consent.

Kimpton Housing Needs survey conducted by CDA in February 2019 concluded there was a need for 24 affordable housing units in the village. Further, there was an identified need for suitable housing for the elderly and disabled to meet local requirements. Development land adjacent to land between 134 and 148 High Street has been identified for this purpose and is owned by the applicant.

The proposed housing development will increase the population of Kimpton creating a demand for the increase of fitness and play equipment and provision of an updated sports facility to provide local facilities to support the health and wellbeing of residents.

Recreational, sports and facility improvements are in the feasibility stage in consultation with the community. Once the requirements are finalised quotes are to be obtained. Kimpton Parish Council is prepared to liaise with the planning team during the s106 negotiations with the applicant and confirm their full support.

3.5 **Statutory Consultees:**

3.6 Environmental Protection Air Quality – No objections.

3.7 Hertfordshire County Council Growth and Infrastructure - Based on the information to date for the development of 15 dwellings we would seek financial contributions towards the following projects:

**Secondary Education** towards the expansion of Katherine Warrington Secondary School and/or provision serving the development (£197,176 index linked to BCIS 1Q2022)

**Special Educational Needs and Disabilities (SEND)** towards the new East Severe Learning Difficulty school and/or provision serving the development (£21,087 index linked to BCIS 1Q2022)

**Library Service** towards increasing the capacity of Hitchin Library and/or provision serving the development (£3,642 index linked to BCIS 1Q2022)

**Youth Service** towards the delivery of a new centre young people's centre serving Hitchin and the surrounding area and/or provision serving the development (£5,214 index linked to BCIS 1Q2022)

**Monitoring Fees** – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

3.8 Environmental Health Officer – No objections.

3.9 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission subject to the following conditions.

Details of the Highway Authority's comments are available on our website.

The Highway Authority concludes that the development is in accordance with both the National and local Policies and its formal recommendation is that the grant of planning permission should be subject to the attached planning conditions as well as Applicant entering into a section 278 Agreement to cover the safety requirements as part of the application, construction, implementation and adoption of highway works within the existing public highway.

It is considered that this level of traffic would not result in a substantial traffic generation on the local highway network from the proposed development. The above explains the position with the proposed development therefore Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of the above highway informatives and recommended planning conditions.

- 3.10 Housing Supply Officer - Following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 35% on sites which will provide between 15 and 24 dwellings, in accordance with the proposed submission Local Plan.

Based on the provision of 15 dwellings overall, the affordable housing requirement would be 5 dwellings; 3 rented and 2 intermediate affordable housing tenure/ shared ownership.

Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:

21% x 1 bed flats (1)  
12% x 2 bed flats (0)  
26% x 2 bed houses (1)  
35% x 3 bed houses (1)  
6% x 4+ bed houses. (0)

Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:

8% x 1 bed flats (0)  
8% x 2 bed flats (0)  
20% x 2 bed houses (1)  
54% x 3 bed houses (1)  
10% x 4+ bed houses (0)

There is higher demand for smaller homes (one and two bedroom) for rent at 59%, and a higher demand for larger homes (three and four bed+) for intermediate affordable housing tenure/ shared ownership at 64%.

Based on the information above the affordable housing should comprise 2 x 2 bed houses and 1 x 3 bed house for rent and 1 x 2 bed and 1 x 3 bed house for shared ownership/ intermediate affordable housing tenure.

The applicant's affordable housing proposals include 4 x 2 bed houses and 1 x 3 bed house and I suggest one of the 2 bed houses is changed to a three bed house to meet the council's affordable housing requirements.



- 3.11 Greenspace Service Manager - Due to the location of the development I feel that the Greenspace provision would be a question better suited to be answered by the Parish Council on this occasion. The Parish in Kimpton already maintain directly themselves the village recreation ground etc and as such I would expect them to be seeking contributions towards the play area as an off site contribution.
- 3.12 Sport England - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.
- 3.13 Lead Local Flood Authority - Following a review of the Flood Risk Assessment and Drainage Strategy carried out by TPA reference 1808-23/FRA/01 A dated April 2019. We can confirm that we have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the principles of the submitted drainage strategy.

We consider that outline planning permission could be granted to the proposed development if the following planning conditions is included as set out below.

- 3.14 County Council Archaeologist - The proposed development is of some size, and therefore has potential to impact heavily on any archaeological remains that may be present. However, the site is outside the historic core of Kimpton, there are no nearby recorded archaeological remains, and the ground is not topographically favourable for e.g. prehistoric or Roman occupation.

In this instance, therefore, I have no comment to make on the proposal.

- 3.15 Waste Officer – No objections.
- 3.16 Hertfordshire Ecology - Consistent with previous comments on this site, we have no concerns with the principle of development at this site.

Recommendations made in the current ecological assessment should be accommodated within any future full application.

A future application for Reserved Matters will need to be informed by an updated ecological assessment

A future application for Reserved Matters should be accompanied by a LEMP or similar that shows how a biodiversity net gain can be achieved

- 3.17 Herts and Middlesex Wildlife Trust - Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines. No consideration of local or national planning policy.

The draft NHLP states:

'All development should seek to deliver net gains for biodiversity'

'Ecological surveys will be expected to involve an objective assessment of ecological value. Surveys should be consistent with BS 42020 Biodiversity- Code of Practice for Planning and Development.

NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity.

In order to objectively claim that the development delivers net gain, it should employ the DEFRA biodiversity metric.

This is the most objective way of assessing net gain on a habitat basis. It assesses ecological value pre and post development and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF. Its use to determine net gain is advocated in govt planning guidance on the Natural Environment to prove net gain: <https://www.gov.uk/guidance/natural-environment>.

This score plus 10% must be exceeded by the proposal to claim net gain. If the site is incapable of achieving this score on site then offsite compensation must be provided. A biodiversity offset, or an agreement to provide one, must be provided for the requisite amount. All habitats both present and future must be fully described in accordance with technical guidance to demonstrate that net gain can be achieved and how. The full metric in its excel form should be supplied to enable verification.

BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The ecological report does not do this. It does not provide a clear, objective indication of losses and gains by reference to the metric. The application should not be approved until it does so.

The preliminary ecological report is not consistent with the requirements of NHLP, NPPF or BS 42020. The object of an ecological report should be to demonstrate compliance with local and national policy on biodiversity. This report does not do this and fails to consider the application in relation to local or national policy.

The draft local plan also contains a requirement for a 12m buffer to all hedgerows and priority habitats. This application does not do this and so is not compliant with the local plan.

Finally, the report is a preliminary survey. The CIEEM guidelines on PEA states:

'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'

3.18 Growth and Infrastructure Unit Herts CC Fire Hydrants - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.1.1 The site is undeveloped land, which is the southern part of an agricultural field. Ground levels slope up to the north. The south front boundary with the High Street is a low grass mound, which allows clear views into the site and its surroundings. The side boundaries are comprised of hedges, trees and vegetation. The north rear boundary is open and part of the wider field that extends to the north.

4.1.2 The site is on the western edge of Kimpton, and its east boundary borders the west side boundary of No. 134 High Street, a two-storey detached dwelling with a pitched roof. Detached and semi-detached dwellings continue east from No. 134 towards central Kimpton. South of the site, on the opposite side of High Street, there are semi-detached and terraced two storey dwellings, which are also part of Kimpton. The west boundary of the site is adjacent to equestrian land and buildings in association with No. 148 High Street (now undergoing development to residential).

4.1.3 The site is within the village boundary of Kimpton in the adopted Local Plan and is allocated housing site KM3. The west boundary of the site is adjacent to a Conservation Area. The north boundary is adjacent to the Green Belt, although the site itself is not within the Green Belt.

##### 4.2 **Proposal**

4.2.1 Outline planning permission is sought for the development of the site to residential, with 15 dwellings proposed. All matters are reserved except access, which is proposed to constitute one vehicular and pedestrian access onto the High Street, with a public footway extending in both directions from the access at the front of the site. Ten of the dwellings are proposed to be market housing, with the other 5 being affordable.

4.2.2 An illustrative masterplan shows a site layout with four 2 bed dwellings, five 3 bed dwellings, and six 4 bed dwellings. This masterplan is indicative and could change at the Reserved Matters stage if outline permission is granted.

##### 4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

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

- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.
- The impact of the proposed development upon infrastructure, services and facilities and resultant requirement for planning obligations.

Principle of Development:

- 4.3.2 The site is within the village boundary of Kimpton in the adopted Local Plan and not within the Green Belt. Kimpton is designated as a Category A village by Policy SP2 of the adopted Local Plan, which states that general development will be allowed within the settlement boundary. The site is also allocated housing site under Policy KM3 in the adopted Local Plan. The principle of residential development is therefore acceptable.

Character and appearance:

- 4.3.3 The site is undeveloped and part of an agricultural field, and effectively where the countryside begins at this western part of Kimpton. The proposed development would urbanise the site and would be likely to result in the development of much of it, as shown by the indicative masterplan. This would change the existing rural character and appearance of the site.
- 4.3.4 However, the site is within the defined settlement boundary of Kimpton in the adopted Plan, and is also allocated housing site KM3, therefore there is an expectation that the site will be developed for housing. As an extension to Kimpton the development is small and proportionate to the size of the village. The development would also appear as a continuation of Kimpton to the along High Street. Therefore, the proposed development would not appear out of character in this context. Furthermore, an area of land that adjoins the west boundary is being developed for 9 dwellings under planning permission 20/00667/FP and will have residential development on both sides.
- 4.3.5 The application is outline, with only the access not reserved. The access proposed is conventional and of two lanes, with a footway extending across the front of the site in both directions. The visual impacts of this are considered relatively minimal, and not dissimilar to the residential development opposite the site on the south side of the High Street. Using only one access would also minimise the number of 'breaks' through the south boundary, which could leave room for landscaping and screening of the development from the High Street. The access would be sited away from the Conservation Area and is not considered harmful to its significance, and the footways would have minimal impacts that are not considered harmful to it.
- 4.3.6 The application proposes 15 dwellings for this site, which is considered sufficiently close to the KM3 dwelling estimate of 13 to be acceptable. The housing mix on the application form is not specified, however the indicative plan and the Planning Statement refer to 4 two bed dwellings, 5 three bed dwellings, and 6 four bed dwellings. Local Plan Policy HS3 in supporting paragraph 8.21 makes an initial assumption that smaller dwellings of 1 and 2 bedrooms should be 40% of the number of dwellings of a development. The number of two bed smaller dwellings specified is considered to comply with HS3 and can be required by Condition.

- 4.3.7 The indicative layout shows that 15 dwellings with internal roads, parking areas, hard and soft landscaping, open space and SuDS areas, could be accommodated on the site. However, layout is a Reserved Matter along with scale, appearance and landscaping.

Impacts on Neighbouring Properties:

- 4.3.8 The proposed access and footways would be sited away from the closest dwellings it is considered this would not result in harm to their amenity. The development would be separated from No. 148 High Street to the west by the new residential development undergoing commencement following planning permission 20/00667/FP and would not be likely to adversely affect that dwelling based on the illustrative layout. Nevertheless, this is an issue that would be considered at Reserved Matters stage.
- 4.3.9 As above, land to the west of the site is undergoing development following 20/00667/FP. When comparing the approved plans of that permission with the indicative plan, the two westernmost dwellings would be likely to be visible to some of the new dwellings on the adjacent site. Precise impacts would however only be able to be determined at the Reserved Matters stage as details of that application should show factors that will determine the impacts on amenity such as levels, designs, heights, distances from the boundary etc. Dwellings to the south would be separated from the development by the High Street.
- 4.3.10 The development would be closest to No. 134 High Street, a dwelling that shares its west boundary with the east boundary of the site. The illustrative layout plan shows that the rear elevations of the dwellings shown facing towards No. 134 would all be approx. 15m from that property's side boundary, apart from dwelling 11 which would be 11m. The effect would depend upon the design and scale of the proposed dwellings, and this would be considered at the Reserved Matters stage if planning permission is granted.
- 4.3.11 In conclusion on this matter, the site is allocated for residential development, and it is considered that development can be accommodated on this site without unacceptably harming the residential amenities of occupiers of nearby dwellings. However, this is a matter that would be carefully assessed at Reserved Matters stage.

Amenity of Future Occupiers:

- 4.3.12 Paragraph 130 (f) of the NPPF states that "*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*". Paragraph 130 (f) is largely reflected in Policy SP9 of the Local Plan.
- 4.3.13 I consider that the uses adjacent to the site would not result in unsatisfactory living conditions for dwellings that could be built on the site.
- 4.3.14 The site also appears sufficiently large to accommodate public amenity space for the dwellings as required by Policy NE6 of the Local Plan. Acceptable future living conditions are considered achievable, and this is matter that would be carefully considered at Reserved Matters stage.

#### Highways and Parking:

- 4.3.15 The County Council highways officer has not objected to the proposed access and its impacts on the public highway; therefore, this is considered acceptable. Traffic generation is forecast as being 8 vehicles arriving and departing during the morning and evening rush hours, which would not adversely affect the local highway network.
- 4.3.16 As this application is Outline, details of bedroom numbers for each dwelling, car parking and cycle parking have not been specified and are not known. It is however considered that the indicative layout demonstrates that sufficient parking can be provided as each dwelling would have two parking spaces, which is the minimum required by Policy T2 of the Local Plan. This layout also shows that sufficient internal manoeuvring and turning space can be provided for large vehicles including refuse lorries. The proposal in respect of the access is considered to comply with Policy T1 of the Local Plan.

#### Trees and Landscaping:

- 4.3.17 There are a small number of young to maturing trees on both side boundaries. The proposed access would not affect these trees. Full impacts of the development on the trees on the boundaries would be determined at the Reserved Matters stage.

#### Ecology:

- 4.3.18 An ecological survey submitted with the application determined that the site is of modest intrinsic nature conservation interest, and would not harm protected species and their roosts, which Hertfordshire Ecology have agreed with and can be given significant weight. The survey also concluded that the biodiversity value of the site could be improved, which is considered realistic given that it is presently a managed agricultural field. The survey identified 9 recommendations to improve biodiversity and based upon advice received from Hertfordshire Ecology it is considered that these can be secured at the Reserved Matters stage. The proposal is not considered harmful to ecology and should be able to deliver a biodiversity net gain to comply with Policy NE4 of the Local Plan.

#### Drainage and flood risk

- 4.3.19 The applicant has submitted a Flood Risk Assessment and Drainage Strategy, which have been reviewed by the Lead Local Flood Authority and considered acceptable. Subject to the conditions recommended by the LLFA being imposed, the proposal is considered acceptable in this regard and complies with Policies NE7 and NE8 of the Local Plan.

#### Planning obligations

- 4.3.20 The applicant proposes a number of planning obligations. As set out in paragraph 56 of the NPPF, planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

Following detailed negotiations with the applicant, agreement has been reached on a range of matters that are included in a draft S106. All of the S106 obligations are listed in the following table:

<b>Element</b>	<b>Detail and Justification</b>
Affordable Housing (NHDC)	On site provision of 5 affordable dwellings based on 65% rented tenure (2 x 2 bed dwellings, 1 x 3 bed dwelling) and 35% shared ownership (1 x 2 bed dwelling, 1 x 3 bed dwelling)  NHDC Planning Obligations Supplementary Planning Document  Local Plan Policy HS2 'Affordable Housing'
Waste Services (NHDC)	<b>£1,065</b> (before indexing) towards the cost of providing waste collection and recycling facilities serving the Development
Secondary education (HCC)	<b>£197,176</b> (index-linked) towards expansion of Katherine Warington Secondary School and/or provision serving the development  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Special Educational Needs and Disabilities (SEND) (HCC)	<b>£21,087</b> (index linked) towards the new East Severe Learning Difficulty school and/or provision serving the development  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Library Services (HCC)	<b>£3,642</b> (index-linked) towards increasing the capacity of Hitchin Library and/or provision serving the development  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Youth Services (HCC)	<b>£5,214</b> (index-linked) towards the delivery of a new centre young people's centre serving Hitchin and the surrounding area and/or provision serving the development  Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document

Monitoring Fees (HCC)	Monitoring Fees – HCC will charge monitoring fees.  These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of <b>£340</b> (before adjusting for inflation).  HCC Guide to Developer Infrastructure Contributions (July 2021)
Fire Hydrants (HCC)	Provision of fire hydrants for the development
Open space management and maintenance arrangements (NHDC)	Open Space Management Company to secure the provision and long-term management and maintenance of the open space on-site

4.3.21 The applicant has agreed to the affordable housing requirements and waste contributions. Herts County Council Growth and Infrastructure (HCC GI) had set out planning obligations towards library service and youth service on 12 March 2021. However, on 28 June 2023 they provided revised planning obligations requests for secondary education, SEND, libraries, youth service, and monitoring fees, as set out in the above table.

4.3.22 The table below sets out the contributions sought by HCC GI on 12 March 2021, which the applicant is prepared to agree to. This is based upon the indicative housing mix and affordable housing contributions set out by the applicant. This Housing Mix is:

Overall: 4 two bed, 5 three bed, 6 four bed

Affordable Social Rent: 2 two bed, 1 three bed

Market + other: 2 two bed, 4 three bed, 6 four bed

Library Services (HCC)	£2,844 (index-linked) towards the enhancement of Hitchin Library
Youth Services (HCC)	£761 (index-linked) towards the increased provision at Harpenden Young People's Centre or its future re-provision



- 4.3.23 The parties were working on a draft S106 agreement prior to reporting this application to Planning Committee under the provisions of the previous and superseded planning obligations supplementary planning document. However, under the new adopted Developer Contributions SPD (January 2023), it is no longer a requirement that a draft S106 must be agreed before reporting the application to Committee.
- 4.3.24 The contributions now requested by HCC reflect the replacement of their planning obligations guidance toolkit of 2008 with their Guide to Developer Infrastructure Contributions document (approved July 2021). It is considered that the latest contributions sought result from changes to requirements for local services, with HCC GI stating in their 2021 letter that this “may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site”. It is considered that HCC can request new planning obligations prior to a resolution being made by Planning Control Committee on this application.
- 4.3.25 The applicant has not agreed to pay the HCC GI contributions requested in June 2023 on the basis that HCC GI have not engaged from 2022 to get the obligations requested in 2021 agreed in a draft S106. Whether this is the case or not, the present situation is that the applicant does not agree to the planning obligations requested by HCC GI.
- 4.3.26 The applicant has not set out any detailed reasoning as to why they can’t provide all the contributions now sought by HCC. The NPPF paragraph 58 states:
- Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*
- 4.3.27 A viability assessment has not been provided by the applicant, which would be required to justify a reduction in the obligations sought given that HCC considers the contributions they are seeking are justified and have provided detailed justification based on their guidance. Moreover, from the information available, I consider that the S106 obligations sought comply with the tests for planning obligations in paragraph 57 of the NPPF and as set out at in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
- 4.3.28 HCC will not therefore sign the S106 in the absence of the obligations that they are now seeking. An S106 needs all relevant parties to agree to it. Consequently, none of the other contributions requested and agreed will also be provided. Therefore, the impacts of the proposed development upon infrastructure and services will not be mitigate and the proposal does not comply with Policy SP7 of the Local Plan, and with the NPPF.

### Climate Change Mitigation:

4.3.29 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned at the Reserved Matters stage to be installed on each of the proposed new dwellings. The applicant has also submitted a Sustainability Statement demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

### 4.4 **Conclusion**

4.4.1 The proposed development is unacceptable because its impact upon services and facilities will not be mitigated in the absence of agreed planning obligations and is considered that the proposal would fail to comply with Policy SP7 adopted Local Plan and relevant policies of the National Planning Policy Framework.

### 4.5 **Alternative Options**

4.5.1 None applicable

### 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. In the absence of a completed S106 Legal Agreement or Unilateral Undertaking the proposal fails to make provision for infrastructure, services and facilities that are necessary in order to accommodate the additional demands resulting from the development and therefore fails to satisfy the provisions of Policy SP7 of the adopted North Hertfordshire Local Plan Local Plan 2011 to 2031 as supported by the Council's Developer Contributions Supplementary Planning Document January 2023.

















**Proactive Statement**

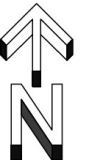
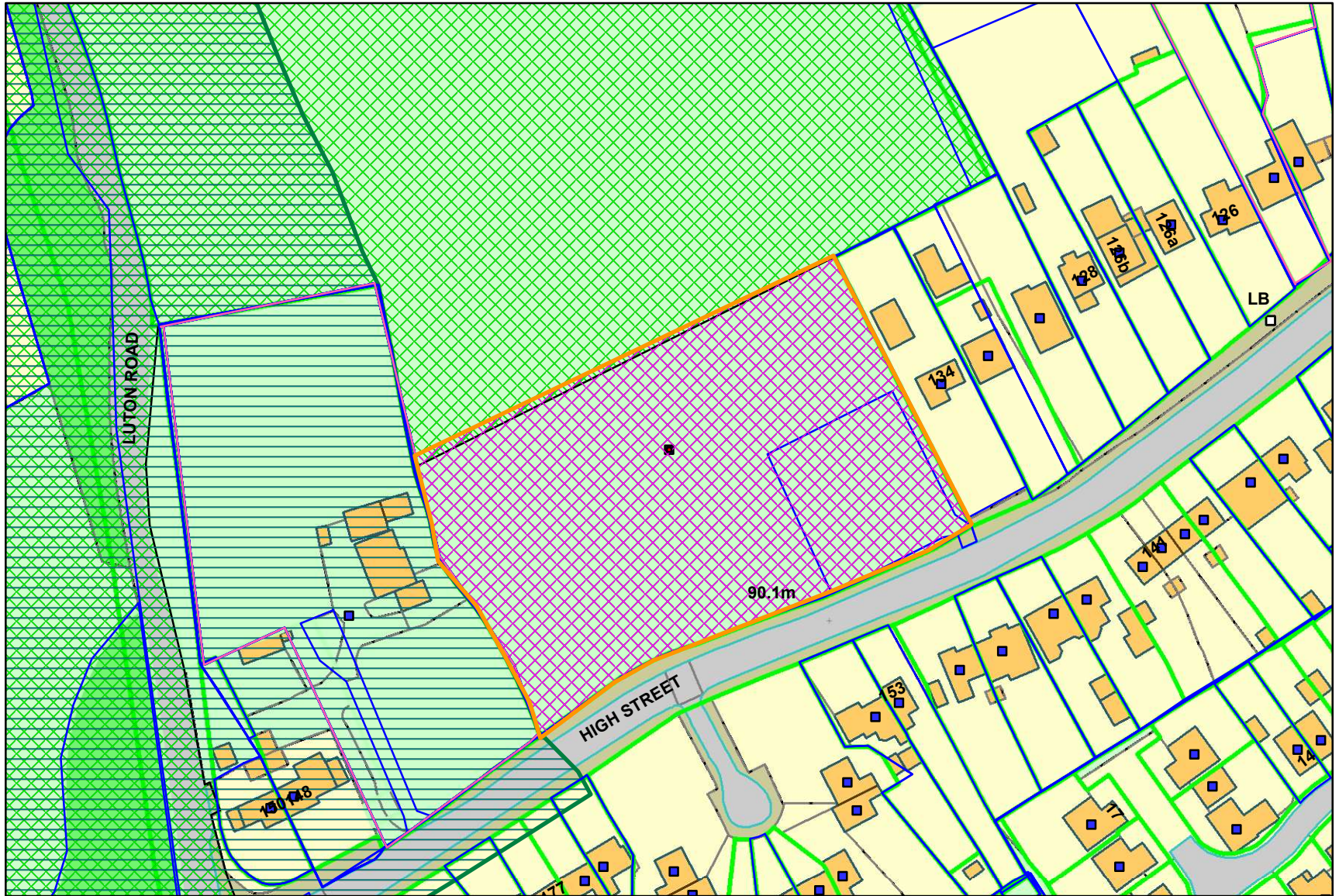
Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council 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

21/00541/OP Land Between 134 and 148 High Street, Kimpton, Hertfordshire, SG4 8QP

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



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<u>Location:</u>	<b>Land East of Ashmill Poultry Farm High Street Barkway Hertfordshire</b>
<u>Applicant:</u>	<b>Edit Residential</b>
<u>Proposal:</u>	<b>Outline planning permission for the erection of 6 no. dwellings with access, parking and associated works (all matters reserved except for access) (as amended by plans received on 22 May 2023)</b>
<u>Ref. No:</u>	23/00523/OP
<u>Officer:</u>	<b>Alex Howard</b>

**Date of expiry of statutory period:** 5<sup>th</sup> May 2023

**Extension of statutory period:** 15<sup>th</sup> March 2024

**Reason for Delay:** In order to present the application to an available committee meeting.

**Reason for Referral to Committee:** The proposal is for residential development and the site area is larger than 0.5 hectares and is presented to Planning Committee for determination, in accordance with the Council's constitution.

This application has also been called in by Cllr Gerald Morris given the objection from Barkway Parish Council, on the basis that the site is not an allocated housing site in the Local Plan.

## 1.0 **Site History**

1.1 Pre-application advice was sought on this site in 2018 for a 9-dwelling scheme.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure Requirements and Developer Contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy HS3: Housing mix

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy NE1: Landscape  
Policy NE2: Green Infrastructure  
Policy NE4: Biodiversity and geological sites  
Policy NE6: New and improved public open space  
Policy NE7: Reducing Flood Risk  
Policy NE8: Sustainable drainage systems  
Policy NE10: Water conservation and wastewater infrastructure  
Policy NE11: Contaminated land  
Policy NE12: Renewable and Low Carbon Energy Development  
Policy HE1: Designated Heritage Assets  
Policy HE4: Archaeology.

## 2.2 **National Planning Policy Framework (NPPF) (December 2023)**

Section 2: Achieving sustainable development  
Section 4: Decision making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places and beautiful places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

### **Vehicle Parking at New Development SPD**

## 3.0 **Representations**

### 3.1 **Site Notice and Neighbour Consultation** – Comments received from 9 interested parties, objecting to the proposal on the following grounds (summary):

- The land is unsuitable for development due to its proximity to the adjacent poultry farm which has existing odour issues.
- Development of this site will make existing drainage issues in the village worse, increasing risks of flooding.
- The development of this site will increase the risk of overflow at the local sewage plant and further pollute the local rivers.
- The site supports a considerable amount of wildlife which would be lost as a result of this development.
- The proposed access is a risk as traffic moves faster along the road despite its 30mph speed limit. Concerns over refuse vehicles reversing into the site and causing risks.
- Number of vehicle movements has been underestimated.
- The development would not be in-keeping with adjacent listed buildings.
- Concerns over the remaining sections of the field which could see further development in the future if permission is granted for this site.
- The site has previously been considered for housing development in the Local Plan process and was rejected.
- Disappointment that the landowner demolished an existing pillbox.
- The Local Plan has allowed for 160 new dwellings at the north end of the village.
- The proposed dwellings closest to the boundary would have a direct view into the rear windows of Clockhouse Cottage.
- The children's play area directly behind the garden at Clockhouse Cottage would be noisy and disruptive.
- The submitted ecological report is not thorough enough to be considered.



- The village does not have a usable public transport network, meaning that occupants would be reliant on private vehicles.
  - The scheme if permitted should incorporate a condition that requires integrated Swift bricks.
- 3.2 **Hertfordshire Highways** – A formal response was received on the 31<sup>st</sup> March 2023 which whilst not opposing the principle of the development indicated that the access needs to be a standard double dropped kerb.
- Further information was submitted by the applicant to overcome the concerns raised and Hertfordshire Highways were re-consulted and they now raise no objections to the proposal.
- 3.3 **Barkway Parish Council** – Objects to the proposal on several grounds. Full response can be viewed on the application portal.
- 3.4 **Environmental Health (Air Quality)** – No objection subject to conditions.
- 3.5 **Environmental Health (Land Contamination)** – No objection subject to conditions.
- 3.6 **Environmental Health (Noise/Nuisances)** – A formal response was received from the Environmental Health officer (EHO) on the 9<sup>th</sup> May 2023 recommending refusal of planning permission on the grounds of inadequate information: - i) Inadequate odour assessment by nature of the desk based assessment and no site visits. ii) High risk of odour releases, currently controlled by the existence of an odour management plan for the poultry farm iii) High sensitivity of the proposed residential dwellings by nature of the close proximity of the poultry farm.

As a result of this formal response from the EHO, the applicants commissioned a further Odour Assessment which was submitted to the Council on the 26<sup>th</sup> July 2023. Following a re-consultation with the EHO on this further information, a formal response was received on the 7<sup>th</sup> November 2023 (summary):

*“The Applicant has previously submitted a desk based survey, which involved no on site visits. I responded to this in my previous memo. Further to my previous response the Applicant has submitted a “Field Odour Survey: Barkway Near Royston Hertfordshire”. Various issues were raised e.g Section 3.17 odour nuisance from poultry facilities which was distinct; Section 3.22 Negligible to slight adverse odour effects were detected throughout the proposed development site; Section 3.25 “During the survey, multiple odour sources were identified in the local area, including odour nuisance from poultry facilities which was distinct and covered the survey area at reasonably regular intervals. Section 4.4 “The odour sources identified include poultry... The intensities of the odours included some stronger poultry odours. The main odour source was the adjacent poultry shed extracts.*

*In addition, I have reviewed Planning appeal reference APP/X1925/W/17/3173257 for the same site. This Appeal was dismissed on the following grounds – “Due to the proximity of the adjacent poultry farm, the living conditions of future occupiers of the dwellings would be affected by odour”. Section 13 of the Report states “I conclude that the living conditions of future occupiers would be **significantly affected by odours** as a result of the proximity of the existing poultry farm”.*

*In summary, based on the odour survey and the Appeal Decision, I recommend REFUSAL of planning permission due to the likely adverse impact on future residents”.*

The applicants were not satisfied with the level of detail and consideration in these two formal comments from the EHO, who has since left the Council. Therefore, it was agreed that another EHO would consider the supporting information and come to a view based on odour. This formal response was received on the 5<sup>th</sup> December 2023 and states (summary):

*“In summary this service concurs with the previous recommendation of REFUSAL of planning permission due to the likely adverse impact on future residents for the.... There is a high risk of future residents being affected by odour sufficient to cause a nuisance. The Institute of Air Quality Management – Guidance on the Assessment of Odour for Planning 2014 states that “Significant sources of odour should be separated from odour sensitive users of the surrounding land”.*

The applicants requested a further meeting with the EHO and reconsideration of the submitted information. This was considered by the EH team who decided to let a third member of their team consider the submitted information in correspondence with their team leader. It was therefore agreed by the EHO to maintain the objection from the current and previous EHOs.

3.7 **Archaeological Implications** – No objection subject to conditions.

3.8 **Waste and Recycling** – General guidance given on size of operating vehicles.

3.9 **Conservation Officer** – An initial response was received on the 26<sup>th</sup> June 2023 raising **OBJECTION** and concluding that proposal would significantly curtail and impair the countryside setting and impinge upon the former turnpike toll house and cause harm to the established character of the village. The proposal fails to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of para 130 c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm is considered ‘less than substantial’.

The applicants commissioned their Heritage Consultant to review and rebut the comments made by the Conservation Officer, which was received on the 26<sup>th</sup> July 2023. The Conservation Officer was re-consulted on this rebuttal and provided the following formal conclusion on the 7<sup>th</sup> November 2023 maintaining **OBJECTION** and recommending the following draft reason for refusal.

*“Barkway Conservation Character Statement states that “most of the Conservation Area is surrounded by pasture which is, in turn, surrounded by arable farmland.” According to the BCACS, Barkway’s special interest lies in its high concentration of listed buildings in the High Street with the feeling of being enclosed. This contrasts with the rural open character at the southern end of BCA which contributes not only to the setting of the BCA but also to the setting of Clockhouse Cottage and Barkway Cottage (both grade II). Although in outline, by reason of the number, spacing and orientation of the proposed dwellings (effectively turning its back onto the road), the suggested site layout would impact upon the rural setting of Clockhouse Cottage, Barkway Cottage (both grade II) and the BCA. The degree of harm is judged to be less than substantial and at a moderate level in heritage terms on this continuum and would not safeguard the established local character and history of the village. The proposal fails to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of para 130 c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031”.*

3.10 **Hertfordshire Ecology** – No objection subject to conditions. Full response can be viewed on the application portal.

- 3.11 **Hertfordshire Growth and Infrastructure** – No obligations sought as proposed development is below the threshold.
- 3.12 **Housing Development Officer** - Full response can be viewed on the application portal.
- 3.13 **Thames Water** – None received.
- 3.14 **The Water Officer** – a condition is required for the provision and installation of a fire hydrant, at no cost to the county council, or Fire and rescue services to ensure there are adequate water supplies available for use at all times.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The application site comprises an open field/pasture on the western side of the High Street, Barkway. The site is located on the southern edge of the village and is bounded by the highway to the east, residential properties to the north, open fields to the south and Ashmill Poultry farm to the west, with existing dense landscaping on three sides. The site is currently accessed via a field gate on Ash Mill to the north, measures 0.91 Ha and is relatively flat.
- 4.1.2 The site is located outside of the defined settlement boundary for Barkway in the Local Plan. The whole site is therefore designated within the Rural Area beyond the Green Belt. The site is also partly within the Barkway Conservation Area where it fronts the High Street. The site is within Flood Zone 1.

##### 4.2 **Proposal**

- 4.2.1 Outline planning permission is sought for the erection of 6 no. dwellings with access, parking, and associated works (all matters reserved except for access) (as amended by plans received on 22 May 2023).
- 4.2.2 The development would be facilitated via the formation of a new access onto the highway opposite No.147 High Street, which would require the removal of existing hedgerow and engineering work. The application has been supported by a proposed site plan and illustrative masterplan to identify how the proposal could be delivered on site. However, all matters are reserved for subsequent approval apart from access.

##### 4.3 **Key Issues**

- 4.3.1 The key issues for consideration are the
- The Principle of Development
  - The Impact on Designated Heritage Assets
  - Design and Layout
  - Living Conditions
  - Highways, Access, and Parking
  - Ecology
  - Archaeology
  - Surface Water Drainage
  - Waste and Recycling
  - Climate Change/Sustainability
  - Planning Obligations

- Planning Balance

#### Principle of Development

- 4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.
- 4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.4 Policy SP2 of the Local Plan sets out that the majority of the District's housing developments will be delivered in the settlement boundaries of the main towns. It further states that a smaller proportion of housing and supporting infrastructure will be delivered in the adjusted settlement boundaries of five villages, of which Barkway is one of them and is estimated to deliver 208 dwellings. It goes on to categorise the remaining villages into A, B and C based on their size and availability of services.
- 4.3.5 The supporting Planning Statement makes several points on this principal issue, setting out that Barkway is one of five villages that will support higher levels of new housing than the Category A villages and that windfall sites such as this will support the delivery of new homes over the plan period. However, the application site is outside of the defined settlement boundary of Barkway. As such, the proposed development conflicts with Local Plan Policy SP2. The proposed development is not required to maintain the vitality of the village. There are two housing sites allocated by the Local Plan in Barkway for an estimated 160 new homes and 57 homes have been built or granted within the parish since 2011.
- 4.3.6 The applicant also contends that the Council cannot demonstrate a five-year housing land supply and has a history of poor housing delivery, which would engage the tilted balance set out at paragraph 11d) of the NPPF. Paragraph 76 of the revised NPPF confirms that from 20 December 2023, the Council is not required to identify and update annually a 5-year supply of deliverable housing sites because the adopted local plan is less than five years old and identified at least a five-year supply at the time the examination concluded. However, this only applies to applications received after that date. Regarding the allegation of poor housing delivery, the Council published updated Housing Delivery Test results for 2021 in January 2022 and achieved a HDT measurement of 125%. The NPPF confirms that delivery below 85% of the housing requirement would constitute poor delivery. Therefore, housing delivery has not been poor. However, regarding housing land supply, as this application was received before December 2023 the NPPF Paragraph 76 exemption does not apply to this application. Whilst it is considered that at this point the Council has around 3.5 years supply of housing land, for the purposes of deciding on this application, for reasons set out later in this report it is considered that the tilted balance does not apply in this case.

- 4.3.7 The site is designated as within the Rural Area beyond the Green Belt, which is covered under Policy CBG1 of the Local Plan, which sets out circumstances where planning permission would be granted. The proposed development would not comply with any of the criteria for suitable development in the Rural Area beyond the Green Belt and therefore the proposed development conflicts with Policy CGB1 of the Local Plan.
- 4.3.8 The applicants have also made the case that the proposed development was a suitable candidate for residential development by the Strategic Housing Land Availability Assessment (SHLAA) (2016), with the main reason why it was not selected relating to the impact of odour caused by the poultry to the west. However, this site was not allocated for housing in the Local Plan and the fact is that the site may have been considered for housing in the SHLAA, is a material consideration that carries little weight.
- 4.3.9 On the 12<sup>th</sup> February 2024, the applicants submitted a revised proposal to the Council for consideration under this current application. The revised proposal looks to deliver 5 self-build dwellings and 1 affordable dwelling on site, instead of 6 market dwellings and an off-site affordable housing contribution of £123,000. Given the nature of these revisions in the context of this outline application, it is considered that re-consultation is not required.
- 4.3.10 The applicants contend that the Annual Monitoring Report (AMR) 2021 states “*Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by the number of entries added to the self and custom build register during a base period*”. They consider that AMR shows entries on the self and custom build register and permissions granted via private windfall schemes, where it reveals a requirement for 412 self-build homes, but only 145 permissions for such homes have been recorded. This equates to 35% of the statutory obligation which is a shortfall. Therefore, the applicants consider that delivering 5 self-build homes at this site will significantly aid NHC’s housing delivery. Furthermore, the shift from an off-site affordable housing contribution to the delivery of 1 affordable dwelling on site would be more advantageous and would meet the tests set out under paragraph 57 of the NPPF.
- 4.3.11 The recent revisions to proposal set out above is acknowledged and has benefits compared to the original submission for 6 market dwellings and an off-site affordable housing contribution, as it would contribute to the shortfall in delivery of self-build homes set out in the AMR and supply 1 affordable dwelling on site. The supporting text under Policy SP8 of the Local Plan supports the delivery of self-build homes on windfall sites, of which this would be, but where they are compatible with the policy framework of this plan. In this regard, it is considered that the proposal conflicts with Policies SP2 and CGB1 of the Local Plan. As such, whilst the self-build provision is a planning benefit to which moderate weight is attributed, as is the delivery of 1 affordable unit on-site, it is considered that these benefits do not overcome the principal objections stated above.
- 4.3.12 Overall, notwithstanding the revised provision of 5 self-build homes and 1 affordable dwelling on site, it is considered that the proposed development in this location is unacceptable in principle, due to the location of this greenfield site within the countryside outside the defined settlement boundary for Barkway. The proposal does not meet any of the criteria for suitable development in the Rural Area beyond the Green Belt and is therefore contrary to Policies SP2 and CGB1 of the Local Plan.

#### Impact on Designated Heritage Assets

- 4.3.13 Policy SP13 of the Local Plan states that “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be*

*given to the asset's conservation and the management of its setting". This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that "Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use". This is reinforced by paragraph 208 of the NPPF.*

4.3.14 Whilst only part of the site is within the Barkway Conservation Area (BCA), that is the eastern part of the site that fronts the High Street, the remainder is within its setting. The site is also due south of the grade II listed property known as Clockhouse Cottage (no.158 High Street) and opposite the grade II listed building known as Barkway Cottage (no.147 High Street) and can be considered within the setting of these listed buildings. Therefore, consideration is given to the impact of the proposal upon these heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation 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. 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*".

4.3.15 The Council's Conservation Officer was formally consulted on this application, providing an initial formal comment in June 2023 and another in November 2023, following the submission of a rebuttal from the applicant in July 2023. The Conservation Officer has provided a draft reason for refusal in his most recent formal comments, in which he considers that the proposed development would result in moderate harm on the 'less than substantial harm continuum' on the rural setting of Clockhouse Cottage, Barkway Cottage and the BCA.

4.3.16 The applicant initially submitted a Heritage Statement which considered the impact of the proposal upon these heritage assets and concluded as follows:

*"Barkway's historic development has been piecemeal and opportunistic, with infilling, linear extension, and rebuilding. This has given rise to a highly varied but informal grouping of buildings which collectively give the village its individual mark. The Proposed Development can be seen as the latest chapter in this pattern of small-scale interventions. The site does not contribute markedly to the special interest of the Barkway Conservation Area and development on the scale proposed will not disturb its character and appearance of the Conservation Area. None of the key views identified in the CACS or the draft Neighbourhood Plan would be disturbed by the Proposed Development. There is no harm to the significance of any of the designated heritage assets. None of the non-designated heritage assets identified in the CACS are affected by the proposal. The Proposal accords with the principles set out in the National Planning Policy Framework 2021 and the North Hertfordshire Local Plan".*

The subsequent rebuttal Heritage Statement submitted by the applicant in July 2023 sought to consider the Conservation Officers initial comments, concluding as follows:

*"The setting of a heritage asset is defined in the NPPF Glossary:*

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make*

*a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

*Historic England points out that setting itself is not a heritage asset, nor a heritage designation. The test is to examine how the current setting contributes to the significance of the asset and establish whether the proposed change would alter that significance.*

*Changes to the setting of the grade II Clockhouse Cottage will be modest, with no harm caused to the ability to appreciate its former role as a toll house. There will be no loss of heritage significance to the building, nor to Barkway Cottage or the wider Barkway Conservation Area”.*

4.3.17 Notwithstanding the applicant’s submissions, I consider that the proposal would give rise to moderate harm on the less than substantial harm continuum to the heritage significance of the designated heritage assets through changes to the pastoral rural setting. It is accepted that the outline nature of this planning application is such that the detailed consideration of the design, landscaping, layout, and scale of the scheme are not to be considered. However, it is reasonable to make a balanced and informed assessment based on the indicative plans submitted and considering the existing contribution of this site to the setting of nearby listed buildings and the Conservation Area, which would without doubt be impacted by the erection of buildings on it.

4.3.18 Therefore, the proposed development would conflict with Policy HE1 of the Local Plan and Section 16 of the NPPF, which requires development proposals to conserve or enhance the setting and significance of designated heritage assets. The harm to the setting and significance of the grade II listed Clockhouse Cottage and Barkway Cottage, and the Conservation Area, should attract great weight. Under the provisions of Local Plan Policy HE1 and paragraph 208 of the NPPF this harm should be weighed against the public benefits that would arise from this proposal, which is considered towards the end of this report.

#### Design and Layout

4.3.19 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site’s local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

4.3.20 As this application is for outline planning permission with all matters reserved apart from access, I am unable to comment on the layout and design of the scheme, as these details would be considered under a Reserved Matters application if outline permission was granted.

#### Living Conditions

4.3.21 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

4.3.22 In terms of neighbour amenity, given the outline nature of this application, it is difficult to fully assess the impact that the proposed development would have on neighbouring properties. The site only has one neighbour that is likely to be affected by the development at Clockhouse Cottage, as shown on the indicative site plan which shows Plot 6 right up against the shared boundary at two-storey. In my opinion, there is potential

harm to this neighbour's reasonable living conditions and amenity with respect to overdominance and overlooking from Plot 6, but this is a Reserved Matters consideration.

- 4.3.23 One of the primary considerations for development on this site is the issue of odour, given proximity to Ashmill Poultry Farm to the west of the site. As already stated, the impact of odour from the adjacent poultry farm was one of the fundamental reasons why the site was not allocated for residential development through the NHC SHLAA 2016.
- 4.3.24 The applicants commissioned Odour Consultants Kalaco Group Ltd to undertake a desk-based Odour Assessment to fully understand the areas of land at the site that are affected by the potential odours from the farm buildings. This assessment and its findings informed the final design of the indicative plan for development on this site, where the proposed dwellings were set on the eastern side of the site away from the identified odour zones which are on the western side. The Council's Environmental Health Officer (EHO) considered this desk-based assessment in the context their own records and following a site visit. On the 9<sup>th</sup> May 2023, the EHO formally objected and considered that *"the proposed residential development in very close proximity to an intensive poultry farm since. The EHO was consulted on two previous applications - 15/02761/1 in November 2015 and 16/02588/1 in November 2016 for residential development on the same site by the same Applicant(s). Application 16/02588/1, was refused and dismissed on appeal (reference APP/X1925/W/17/3173257) The Inspector stated at paragraph 13, "I conclude that the living conditions of future occupiers would be significantly affected by odours as a result of the proximity to the existing poultry farm...." The Inspector goes on to say at paragraph 16, "I have found that the proposed development would have an unacceptable impact on the living conditions of future occupiers of the dwellings through odours from the adjoining poultry farm. ....My view of the adverse effects identified ....outweigh the benefits when assessed against the Framework"*.

A sensitive use i.e residential development, is being proposed near to an existing odorous process – in this case intensive poultry rearing. Consequently, the EHO considers that there is a risk of future residents being affected by odour sufficient to cause a nuisance and significant sources of odour should be separated from odour sensitive users of the surrounding land.

The EHO's main concern is the adjacent poultry farm for 60,000 birds and in particular the odour from the poultry litter and flies to adversely affect the proposed residents which will be in very close proximity to the poultry farm. The birds are housed for 38 days then dispatched. It is at the end of this 38-day period that odours are at their worst. This is then followed by 10 days when the three empty sheds are disinfected. Then the cycle starts again.

The poultry farm has the benefit of a permit from the Environment Agency YP393OUJ where ongoing pollution control of the operations (release to air soil and water) is regulated by the Environment Agency. Even with effective operational pollution regulation in place there can remain some residual odour and these residual odour effects may make a development unsuitable for nearby sensitive receptors. The EHO understands that an Odour Management Plan has been in place since 2007, designed to prevent or where this is not practicable, to minimise odours. Any future enforcement



action would be taken by the Environment Agency – Environmental Health would have no regulatory powers to deal with any nuisance which might arise should the residential dwellings be given planning permission.

4.3.25 The EHO goes on to state *“I have reviewed the submitted “Odour Assessment Barkway”, Report reference ODCP1013A\_A2-1, Revision 2, dated 21/2/2023 by Odour Consultants Kalaco Group Ltd. I note Section 5.1/5.2 which state no odour complaints within a 3 km radius for the last 6 years however the proposed dwellings will be directly adjacent to the poultry farm. From memory I believe that the Farm Owner/Manager used to live in the property closest to the site so therefore would not complain.*

*Section 3.15 and 4.4 state only a slight to moderate adverse effect but again these are for existing or proposed residents not immediately adjacent to the poultry farm. The odour assessment submitted has been a desk based and odour modelling exercise. There is no indication that the consultants have been out on site, or that they made efforts to be aware of what state in the livestock growing process they were considering. Following contacting the site owner to determine the details of the growing cycle, I visited the site towards the end of the growing cycle on 4th May. To the east of the site odours were noticeable, so with a change in wind direction odours would therefore also be noticeable at the proposed dwellings.*

*I visited the site on 4th May 2023. The weather was sunny and warm – 18 degrees. In close proximity to the conifers that provide separation between the poultry farm and the proposed dwellings (site itself unable to be accessed due to earth mound and vegetation), flies were very abundant and I consider would cause a nuisance as for example you would not be able to sit outside and enjoy your garden or even have your windows open, i.e affecting the residential amenity of the occupiers.*

*Taking into account all the above I recommend refusal of planning permission on the grounds of inadequate information: -*

- i) Inadequate odour assessment by nature of the desk-based assessment and no site visits.*
- ii) High risk of odour releases, currently controlled by the existence of an odour management plan for the poultry farm*
- iii) High sensitivity of the proposed residential dwellings by nature of the close proximity of the poultry farm”.*

4.3.26 In respect of this formal comment, it is acknowledged that the EHO makes reference to two applications considered at Land Adjacent to Ash Mill, with the latter refused and dismissed at appeal due to the impact of odour on the living conditions of future occupiers. Whilst this appeal site is closer to the poultry farm compared to the application site and within the direction of prevailing wind, it is likely that the impacts here would be worse. In any case, the EHO has identified clear concerns that the proposal would result in the same significant adverse impacts from odour, which had not been appropriately considered by the submitted desk-based assessment.

4.3.27 In response, the applicant commissioned a further Odour Assessment which was submitted the Council on the 26<sup>th</sup> July 2023, with the author conducting sniff testing on site. This second assessment was carried out on site by a qualified expert in this field, which the Council acknowledge as well-substantiated. The agents have stated that this assessment can be summarised as follows:

*“Clarified that three visits were carried out in peak summer 30th June, 5th and 6th July 2023.*

The poultry units operate cyclically with the risk of odour emissions increasing as the birds grow. **There is also a risk of odour when the poultry sheds are cleaned and disinfected at the end of the growing cycle.** The farmer informed the Client that the last cycle would start on 27th May and finish around 5th July. The survey days were selected to represent both the most odorous parts of the cycle and the meteorological conditions most likely to cause a loss of amenity on the Proposed Development site **i.e. the worst case conditions.**

Field surveys, using sniff-tests, were undertaken over three days, near to the end of the poultry growing cycle, when odour emissions from the poultry sheds are expected to be greatest. The poultry units are cyclical and have an **approximate growing cycle length of 50 days, it is approximated there are 7 growing cycles per annum.** Information on the anticipated end of the growing cycles was provided by the farmer and coincided with the second survey day. **The field odour surveys were undertaken during the summer with temperatures ranging from 20 to 25°C on the field odour survey days. Therefore, the field odour surveys were undertaken to provide worst case exposure at the Proposed Development site."**

- 4.3.28 The same EHO was formally consulted on this new assessment, and they provided the following formal comments:

*"The Applicant has previously submitted a desk-based survey, which involved no on-site visits. I responded to this in my previous memo. Further to my previous response the Applicant has submitted a "Field Odour Survey: Barkway Near Royston Hertfordshire". Various issues were raised e.g Section 3.17 odour nuisance from poultry facilities which was distinct; Section 3.22 Negligible to slight adverse odour effects were detected throughout the proposed development site; Section 3.25 "During the survey, multiple odour sources were identified in the local area, including odour nuisance from poultry facilities which was distinct and covered the survey area at reasonably regular intervals. Section 4.4 "The odour sources identified include poultry... The intensities of the odours included some stronger poultry odours. The main odour source was the adjacent poultry shed extracts.*

*In addition, I have reviewed Planning appeal reference APP/X1925/W/17/3173257 for the same site. This Appeal was dismissed on the following grounds – "Due to the proximity of the adjacent poultry farm, the living conditions of future occupiers of the dwellings would be affected by odour". Section 13 of the Report states "I conclude that the living conditions of future occupiers would be **significantly affected by odours** as a result of the proximity of the existing poultry farm".*

*In summary, based on the odour survey and the Appeal Decision, I recommend REFUSAL of planning permission due to the likely adverse impact on future residents".*

- 4.3.29 Furthermore, in response to the aforementioned summary of the 2<sup>nd</sup> Odour Assessment submitted to the Council on the 12<sup>th</sup> February 2024 via email, the Council's EHO provided this supplementary comment:

*"I am not able to confirm that that **any** perceived odour issue from the poultry farm only arises at 7 intervals a year. Whilst it is acknowledged that there is a cyclical growing cycle and that the likelihood of odours that may be detectable on the site will fluctuate with the likelihood increasing as the birds grow in size and their waste builds, and in particular when it is cleaned out and removed up, I am not able to say that there will not be any perceived odour outside of the seven occasions quoted. Furthermore, whilst I note that that the odour field test assessments were undertaken toward the end of the growing cycle, I am not able to confirm this is 'worst case scenario' as this did not appear*

*to be done when 'mucking out' operations were being undertaken. I further note that the temperature recorded at the time of the assessment was 20-25 degrees centigrade which is not likely to be peak summer temperatures and higher temperatures may increase the intensity of odour".*

4.3.30 In respect of this 2<sup>nd</sup> formal comment from the EHO, even with the carrying out and submission of a field-based sniff test odour assessment following the desk-based assessment, concerns remain that the site is unsuitable for housing development due to adverse levels of odour from the poultry farm. The EHO acknowledges that the author of the supplementary report raises several issues with respect to odour impacts, concluding at section 4.7 of the Odour Assessment that:

*"Overall, the odour effects are Negligible to Slight Adverse at the Proposed Development site. The significance of these effects, based upon relevant guidance and professional judgement, are considered 'not significant'. This considers that the odour effects are no worse than to the existing exposure of local residents".*

4.3.31 Upon receipt of this 2<sup>nd</sup> formal response from the Councils EHO, the applicants contended that the response lacked sufficient detail to fully consider the supplementary Odour Assessment. Therefore, as the previous EHO has left the Council, it was agreed that another EHO would consider the supporting information and come to a view based on odour. This formal response was received on the 5<sup>th</sup> December 2023 and states:

*"In summary this service concurs with the previous recommendation of REFUSAL of planning permission due to the likely adverse impact on future residents for the reasons given by Mrs Howe in her responses of 7th November 2023 and 9th May 2023. There is a high risk of future residents being affected by odour sufficient to cause a nuisance. The Institute of Air Quality Management – Guidance on the Assessment of Odour for Planning 2014 states that "Significant sources of odour should be separated from odour sensitive users of the surrounding land".*

4.3.32 The applicants requested a further meeting with the EHO and reconsideration of the submitted information. This was considered by the EH team who decided to let a third member of their team consider the submitted information in correspondence with their team leader. It was therefore agreed by the EHO to maintain the objection from the current and previous EHOs.

4.3.33 Therefore, over the course of considering this application, three of the Councils EHO's have considered the desk-based odour assessment and the field-based sniff test odour assessment. All three of the EHO's have arrived at the same conclusion that the proposed development is unacceptable in this location, as future occupiers would be adversely impacted by the odour and associated impacts (e.g., flies) facilitated by the processes at the adjacent Ashmill Poultry Farm. This is consistent with the concerns raised during the consideration of this site for residential development in the SHLAA 2016 and the comments from interested parties, many of whom live further away from the poultry farm compared to the proposed dwellings but remain affected by it. Whilst I do acknowledge the complexity and detail submitted within the two odour assessments by the applicants, I concur with the formal view of the previous and current Environmental Health Officers that the adjacent poultry farm would cause unacceptable harm to the living conditions of future occupiers. The submitted Odour Assessment acknowledges that the effects would be negligible to slight adverse and be no worse than the existing

exposure to residents but based on the consistency of comments from neighbours in and around the site, this existing exposure is currently an issue for residents.

- 4.3.34 As such, I consider that the proposed development would not provide acceptable living conditions of future occupiers, contrary to Policy D3 of the Local Plan.

#### Highways, Access, and Parking

- 4.3.35 The proposed development would be facilitated by the formation of a new access off the High Street, opposite No.147 High Street which would require the removal of existing hedging and engineering works. The proposed access would look to achieve the required visibility splays for a 30mph road.

- 4.3.36 The Highway Authority initially raised concerns that the proposal had a substandard access design and that a swept path analysis had not been carried out. Upon receipt of amended plans from the applicant who sought to overcome these concerns by showing a double dropped kerb and swept path analysis, the Highway Authority formally considered the proposals and raised no objections. Therefore, it is considered that the proposed access and internal road network is acceptable in planning terms.

- 4.3.37 With respect to parking, the proposal would provide 2 parking spaces per dwelling with sufficient space internally for visitor parking, which is in accordance with Policy T2 of the Local Plan.

#### Ecology

- 4.3.38 The application was submitted with a full Ecological Appraisal and indicative masterplan showing extensive green open space and landscaping. The planning statement states that:

*“As shown on the indicative masterplan, the proposed development will deliver substantial ecological enhancement as a result of substantial tree planting and landscaping. Approximately 80% of the application site is retained for green or open space. The proposed development will result in a +42.84% net gain in Habitat Units, a +52.97% net gain in Hedgerow Units on site and a +10.14% gain in River Units. The proposal therefore exceeds the 10% national policy requirements for BNG”.*

- 4.3.39 Hertfordshire Ecology formally responded to this application, supporting the conclusions of the applicant that the recommendations of section 4.3 of the Ecological Appraisal are reasonable and should be followed, and that the requirement for a BNG of at least 10% has been met. Therefore, it is considered that the proposal is acceptable with respect to ecological matters, in accordance with Policy NE4 of the Local Plan.

#### Archaeology

- 4.3.40 The County Council's Archaeological Department considered the proposal and had no objections subject to the standard pre-commencement condition for a WSI. In my view, this is reasonable and in accordance with Policy HE4 of the Local Plan.

#### Surface Water Drainage/Flooding

- 4.3.41 The site is within Flood Zone 1 and the proposed development is below the threshold for consideration by the Local Lead Flood Authority. The applicants have submitted a Flood

Risk Assessment and Drainage Strategy which concludes that the risk of flooding from fluvial/tidal, groundwater and sewers to the proposed development is considered low. It identifies pluvial and surface water runoff as the governing flood source and therefore appropriate mitigation is necessary for the proposal. The applicants state that given the topography and current site layout, the drainage strategy for the site is to have three separate outfalls from the site and accompanying attenuation tanks with 116.3 m<sup>3</sup> storage capacity. The three discharge points will limit flows to 1 l/s per outfall using Hydrobrake flow controls (or similar), with a combined discharge rate at 3l/s. They further state that foul water drainage would be connected to the existing sewer network.

- 4.3.42 Notwithstanding that a formal response from a statutory consultee remains outstanding, it is considered that the proposed development would be acceptable with respect to surface water drainage and flooding, assuming the measures outlined above are implemented. Whilst many interested parties have raised concerns over the existing flooding in the village and the risk of overflow at the local sewage plant, which is polluting nearby rivers, it is considered that these matters do not justify refusal of planning permission.

#### Waste and Recycling

- 4.3.43 This is a consideration for the Reserved Matters stage, as the plans will need to demonstrate that a large waste vehicle of sufficient size can manoeuvre through the site to collect waste and recycling. Furthermore, details of bin storage on plots are a design consideration which again, is a Reserved Matter.

#### Climate Change/Sustainability

- 4.3.44 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.45 In terms of the economic objective, the proposed development would deliver benefits through the creation of employment during the construction phase and the use of nearby services by future occupiers. These benefits would be moderate in the context of the village of Barkway and would therefore attain moderate weight in my view.
- 4.3.46 In terms of the social objective, the proposed development would deliver 6 dwellings (5 self-build dwellings and 1 affordable dwelling), which would make a modest contribution to housing land supply including the delivery of self-build homes, of which there is a shortfall. Moderate weight is attributed to this provision within the context of a recently adopted Local Plan which has allocated two sites in Barkway estimated to deliver 160 new homes. Outline permission has been granted for up to 140 new homes, on allocated site BK3, under application 18/01502/OP and site BK2 is currently under construction (application 20/02779/FP). Therefore, moderate weight is attributed to the social benefits that would arise from a development of the scale proposed.
- 4.3.47 In terms of the environmental objective, the proposed development would deliver some benefits. Although only at outline stage, the indicative masterplan shows a large area of open space, more than 10% biodiversity net gain (BNG) has been demonstrated, and the retention and planting of new soft landscaping. Within the context of the upcoming mandatory requirement for 10% BNG it is considered that this is a benefit to which moderate weight should be attributed.

### Planning Obligations

- 4.3.48 This application is for 6 dwellings which is below the threshold for planning obligations and affordable housing. However, the applicant has stated that instead of the original offer of a financial contribution of £123,000 as a payment towards off-site affordable housing, the proposal would deliver 1 affordable home on site. This would equate to a provision for 1 out of the 6 dwellings (16% of the total proposed dwellings). The applicants state that this is a positive contribution to the delivery of affordable housing, in accordance with Policy HS2 of the Local Plan and is in accordance with paragraph 57 of the NPPF.
- 4.3.49 Whilst the Council acknowledge that this delivery of 1 affordable home on site would be an economic and social planning benefit, it is considered that this should be awarded moderate weight in the context of the two allocated sites in Barkway (BK2 and BK3) that will look to deliver approximately 60 affordable homes, in accordance with the provisions set out in Policy HS2 of the Local Plan.

### Planning Balance

- 4.3.50 In accordance with paragraph 208 of the NPPF, the identified moderate harm on the 'less than substantial harm' continuum to the heritage significance of the two grade II listed buildings and the Barkway Conservation Area must be weighed against the public benefits of the proposal.
- 4.3.51 The proposal would deliver moderate economic, social, and environmental benefits through the delivery of 6 dwellings towards the districts housing supply where 5 of which would be self-build and 1 would be affordable, the provision of open space (although indicative), and ecological enhancements through at least 10% BNG. The scheme has addressed the technical matters from the Highway Authority and is considered acceptable in highway and access terms, to which neutral weight is attributed.
- 4.3.52 However, for the reasons set out earlier in the report the proposed development in this location conflicts with Local Plan Policies SP2 and CGB1. It is considered that the odour and associated impacts of the adjacent Ashmill Poultry Farm would cause unacceptable harm to the living conditions of future occupiers, contrary to Policy D3 of the Local Plan.
- 4.3.53 In terms of whether the tilted balance should apply, as the Council cannot demonstrate currently a 5-year supply of housing for applications submitted before 20 December 2023, the titled balance as set out at NPPF Paragraph 11 is potentially engaged. However, it is considered that the proposal would cause a moderate level of harm on the 'less than substantial harm' continuum to the significance of two nearby listed buildings and the Barkway Conservation Area. The NPPF stipulates that great weight should be attributed to this harm. The moderate public benefits that would arise from this proposal does not outweigh that harm. Therefore, the proposal conflicts with policies that protect areas or assets of particular importance (in this case designated heritage assets) and this provides a clear reason for refusal. As such, under the provision of footnote 6 of paragraph 11 of the NPPF, the Local Plan policies most important for determining this application are not out-of-date and the titled balance is not engaged.

## **4.4 Conclusion**

- 4.4.1 It is concluded that the less than substantial harm to designated heritage assets would not be outweighed by the public benefits of the proposal and the proposal would conflict with policies of the NPPF which seek to conserve and enhance the historic environment. The proposal would therefore also conflict with Local Plan Policy HE1. The proposal

would result in housing development beyond the defined settlement boundary and conflict with Policies SP2 and CGB1. It is considered that the odour environment would affect the living conditions of future occupiers which cannot be satisfactorily mitigated and therefore the proposal conflicts with Policy D3 of the Local Plan.

#### 4.5 **Alternative Options**

4.5.1 N/A

#### 4.6 **Pre-Commencement Conditions**

4.6.1 N/A.

#### 4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

#### 5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed development, by virtue of its location outside of the defined settlement boundary for Barkway, would conflict with Policy SP2 of the North Hertfordshire Local Plan 2011 to 2031. Furthermore, the site is designated as within the Rural Area beyond the Green Belt and the proposed development would not comply with any of the criteria for suitable development in this area and therefore conflicts with Policy CGB1 of the Local Plan. The proposal is therefore considered unacceptable in principle in this location.
  
2. Barkway Conservation Character Statement (BCACS) states that "most of the Conservation Area is surrounded by pasture which is, in turn, surrounded by arable farmland." According to the BCACS, Barkway's special interest lies in its high concentration of listed buildings in the High Street with the feeling of being enclosed. This contrasts with the rural open character at the southern end of Barkway Conservation Area (BCA) which contributes not only to the setting of the BCA but also to the setting of Clockhouse Cottage and Barkway Cottage (both grade II). The proposed development would have an urbanising impact upon the character and appearance of the site which would have an adverse impact upon the rural setting of Clockhouse Cottage, Barkway Cottage (both grade II) and the BCA. The degree of harm is judged to be less than substantial and at a moderate level in heritage terms on this continuum and would not safeguard the established local character and history of the village. Therefore, the proposal fails to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of para 130 c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.
  
3. The proposed development, by virtue of its close proximity to the adjacent Ashmill Poultry Farm, would be unacceptable in respect of amenity. Residential development in this location would not be acceptable, as future occupiers would be adversely

impacted by the odour and associated impacts (e.g., flies) facilitated by the processes at the adjacent Poultry Farm, to the detriment of their reasonable living conditions and well-being. This would be contrary to Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

**Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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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<u>Location:</u>	<b>Land Adjacent to Arnolds Farm Chambers Lane Ickleford Hertfordshire SG5 3YE</b>
<u>Applicant:</u>	<b>BOYLE</b>
<u>Proposal:</u>	<b>Erection of 9 dwellings (3 x 2-bed, 4 x 3-bed and 2 x 4-bed) including parking, landscaping and installation of vehicular access off of Chambers Lane (as amended by plan nos. PL003D, PL009A, PL108A _ L01A received 02/01/2024)</b>
<u>Ref. No:</u>	22/02205/FP
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 16<sup>th</sup> November 2022

**Extension of statutory period:** 22nd March 2024

**Reason for Delay:** Negotiations and amendments to the proposed development and in order to present the application to an available committee meeting.

**Reason for Referral to Committee:** The application site exceeds 0.5 hectares and therefore in accordance with paragraph 8.4.5 of the Council's Constitution this application is referred to the Planning Control Committee for determination.

## 1.0 **Site History**

- 1.1 Erection of residential development, refused June 1966  
Dismissed on appeal (APP/2152/A/15680) in 1967
- 1.2 Erection of 15 detached houses with garages and new access, refused March 1971.  
Appeal withdrawn.
- 1.3 Erection of 7 single storey dwellings, refused 19/7/74
- 1.4 77/00303/1: Erection of 3 detached houses, refused 14/7/77
- 1.5 78/799/1: Detached house and garage, refused 17/8/78
- 1.6 79/01463/1: Outline application for detached house, refused 8/11/79.  
Dismissed on appeal (T/APP/5255/A/79/12354/G6) 26/3/80
- 1.7 1/ 216/82: Outline application (all matters reserved) for residential development,  
refused 25/3/82.  
Dismissed on appeal (T/APP/5255/A/82/7401/G8) 26/10/82

1.8 1/ 242/86: Outline application (all matters reserved) for residential development, refused 10/4/86  
Dismissed on appeal (T/APP/X1925/A/86/050832/P2) 6/11/86

1.9 15/02832/1 – Outline application for 18 houses with new access road and safety improvements on Chambers Lane. Application withdrawn.

## 2.0 **Relevant Planning Policies**

### 2.1 **National Planning Policy Framework (December 2023)**

Chapter 2: Achieving sustainable development  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 6: Building a strong, competitive economy  
Chapter 9: Promoting sustainable transport  
Chapter 11: Making effective use of land  
Chapter 12: Achieving well-designed and beautiful places  
Chapter 14: Meeting the challenge of climate change  
Chapter 15: Conserving and enhancing the natural environment  
Chapter 16: Conserving and enhancing the historic environment

### 2.2 **North Herts District Local Plan 2011 - 2031**

SP1 - Sustainable development in North Hertfordshire;  
SP2 - Settlement Hierarchy;  
SP8 - Housing;  
SP9 - Design and Sustainability;  
SP10 - Healthy Communities;  
SP11 - Natural resources and sustainability;  
SP12 - Green infrastructure, biodiversity and landscape;  
SP13 - Historic Environment;  
T2 – Parking;  
HS3 - Housing mix;  
D1 - Sustainable design;  
D3 - Protecting living conditions  
D4 – Air Quality  
NE2 – Landscape;  
NE4 – Bio-diversity and geological sites;  
NE7 - Reducing flood risk;  
NE8 - Sustainable drainage systems;  
HE4 - Archaeology.

### 2.3 **Supplementary Planning Documents.**

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

### 2.4 **Draft Ickleford Neighbourhood Development Plan 2022 - 2035**

Policies

E2 – Protecting the landscape.  
E3 – Rural Character.  
E4 – Biodiversity.  
HE1 – Protecting and Enhancing Local Heritage Assets  
SD1 – Development within the settlement boundary.  
SD2 – New housing development  
SD3 – High quality design.

SD4 – Provision of energy efficient buildings.  
SD5 – Water Management.  
MTT1 – Provision for pedestrians, cyclists and horseriders  
MTT2 – Car parking

**Note:**

The Ickleford Neighbourhood Plan (INP) will be the subject of a referendum on 14 March 2024. If the referendum is in favour then it will proceed to be 'made' and then form part of the Development Plan. Accordingly, the policies in the NP are not given full weight until the INP has been 'made'. However, given the advanced stage of the that the INP has now reached in the process relevant policies have been given significant weight.

3.0 **Representations**

3.1 Hertfordshire Highways: Raise no objection

3.2 NHDC Environmental Health:

Noise – Recommends a condition re hours of construction

Land contamination – Recommends a condition requiring a Phase 2 contamination investigation report

Air Quality – Recommends a standard EV recharging condition

3.3 Anglian Water:

Provides standard advice – no conditions required

3.4 National Grid:

Advises that there are no National Grid gas assets affected in the area

3.5 Ickleford Parish Council (comments on amended scheme)

The Parish Council strongly object and their comments can be summarised as follows:

- The development is too large for the site area
- There would be encroachment on Ickleford's village heritage, and specifically the Conservation Area
- Dangerous proposed entrance and exit
- Ecology, Connectivity and Biodiversity destruction issues
- Waste and sewerage overloading issues

3.6 Hertfordshire County Council Rights of Way officer:

'While the development does not directly affect any Rights of Way, there are three Public Footpaths that run around the outside perimeter of the proposed development site (Ickleford 5, 11, & 12). Care must be taken during any work to ensure that the safety of the public using the Rights of Way is protected. At no point should any of the routes be restricted, narrowed, or otherwise obstructed; if it becomes necessary for any reason to close a route on safety grounds, then a Temporary Traffic Regulation Order must be applied for and granted by Hertfordshire County Council before works take place'.

3.7 HCC as Waste and Minerals authority:

'The Minerals Planning Authority would like to condition the opportunistic extraction and subsequent use of sand and gravel deposits within the developments wherever possible. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources. The authority has no concerns in relation to waste safeguarding matters'

3.8 NHDC Waste services:

Provides general advice on waste storage and collection matters.

3.9 Historic England:

Advise that it does not wish to provide any comments.

3.10 NHDC Conservation officer:

No response

3.11 NHDC Ecology officer:

Concerns that the proposal would fail to deliver biodiversity net gain. Advises that the applicant will need to evidence how the loss of biodiversity will be offset elsewhere to ensure compliance with policy. Makes further recommendations in respect of onsite landscaping to provide some compensation for lost habitat on site. Recommends that a Landscape and Ecological Management Plan and a Construction Environmental Management Plan are secured by conditions.

3.12 Lead Local Flood Authority:

Advises that it does not have significant concerns regarding the existing flood risk on site. There is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.

3.13 HCC Historic Environment Officer:

Requests standard archaeological Written Scheme of Investigation conditions

3.14 HCC Growth & Infrastructure

No response to amended plans consultation

3.15 Site Notice / Adjacent occupiers:

Several comments have been received raising concerns. Full details are on the web site.

Issues raised include the following:

- Contrary to previous NHDC assessment ruling out as a housing site
- Adverse effect on heritage assets
- Adverse effect on ecology / local wildlife / loss of habitat
- Further pressure on local infrastructure
- Detrimental to highway and pedestrian safety including local school children
- Proposal ill considered and inappropriate for this location
- Adverse effect on the use of the Alleyfield Burial Ground
- Development not in keeping with the historic character/ pattern of the area
- Biodiversity net gain assessment has not been undertaken
- Loss of privacy and overshadowing of Raymond Cottages

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The development site comprises an irregular shaped site of approximately 0.55 hectares (1.36 acres) located on the north side of Chambers Lane, Ickleford. The application site was formerly part of Arnolds Farm and has been redundant from any agricultural use for many years. The site is within the village boundary following the adoption of the Local Plan in November 2022. A small section of the eastern part of the site is within the Ickleford Conservation Area.
- 4.1.2 The application site is currently unused. There are some variations in levels across the site although none are significant. The site is approximately 4 – 6 ft lower than the Alleyfield footpath which runs along the northern boundary. The site has a hedgerow boundary some 3 – 4m high along the Chambers Lane frontage (approximately 75m in length). The site also has for the most part a hedgerow boundary with Raymond Cottages to the east and there is part hedgerow with some trees along the boundary with footpath 11. Beyond footpath 11 to the north is the now established Ickleford Burial Ground.
- 4.1.3 On the south side of Chambers Lane is the established residential area of Ickleford village comprising terraced and detached two storey housing. Further to the south is the village Green. To the east are terraced properties forming Raymond Cottages and immediately to the south eastern corner of the site the former farmhouse of Arnolds Farm. (Grade II listed) and its outbuildings. To the north west of the site is the Ickleford Recreation Ground.
- 4.1.4 Ickleford Footpath 011 runs along the northern boundary of the site connecting the recreation ground and footpath 12 with Ickleford Footpath 005 leading to Raymond Cottages and Upper Green.
- 4.1.5 Chambers Lane and Upper Green are both unclassified roads maintained by Hertfordshire County Council as the local highway authority.
- 4.1.6 There is a small gated access from the site onto Chambers Lane. Chambers Lane has a carriageway width of approximately 4.6m adjacent to the site. There is no footpath along this part of Chambers Lane including the site frontage.

##### 4.2 **Proposal**

- 4.2.1 This is a full application (as amended in January 2024) for the erection of 9 houses and all ancillary works including means of access, proposed new footpath and landscaping. The development would comprise of 3 x 2-bed, 4 x 3-bed and 2 x 4-bed dwellings.
- 4.2.2 The proposed development would be partly fronting Chambers Lane with Plots 1 – 4 facing the lane with back gardens to the rear and Plot 5 being located sideways on to the lane backing onto footpath No. 12. The remaining properties – plots 6 – 9 would be arranged around a small cu-de-sac in the centre of the site. All of the properties would be two storey with standard two storey eaves level with no roof dormers. The properties would be of traditional appearance with gabled roofs and front gables, chimneys, porches, brick headers over windows and brick plinths. External materials will include red multi-face brickwork, dark stained timber boarding, clay roof tiles and timber windows.
- 4.2.3 The existing redundant access onto Chambers Lane will be closed and a new vehicular and pedestrian access proposed to serve the development sited to the north west of the junction with Boswell Drive. The new access would be a sharded surface in block paving and 4 x visitor parking spaces would be provided off the turning head within the site. A new 2 metre wide public footpath would be provided along the entire Chambers Lane frontage linking the footpath that terminates at the recreation ground with the village green.
- 4.2.4 In terms of landscaping, the majority of the existing Chambers Lane hedgerow will be removed and replaced with the new footpath and new low level landscaping with some new tree planting. The remaining hedgerow around the western, northern and eastern boundaries will be retained and supplemented with new tree planting.
- 4.2.5 The application is supported by a preliminary ecological appraisal, preliminary investigation report, energy strategy statement and transport and highway technical note.

### 4.3 **Key Issues**

#### 4.3.1 Principle

- 4.3.2 Local Plan Policy SP1 seeks to ensure that existing settlements in the District are the focus for new housing and employment development. Ickleford is identified in Policy SP2 of the Plan as a large village along with 4 others in the district within which approximately 13% of the district's housing will be provided within the Plan period. The application site, under the provisions of the Local Plan 2011 – 2031, is undesignated land within the settlement boundary of Ickleford, meaning there is no objection to the principle of residential development on this site – subject to all other material considerations.
- 4.3.3 It is acknowledged that reference has been made to the previous sustainability appraisal of this site by the Local Planning Authority as part of the Local Plan housing allocations strategy for the adopted Local Plan 2011 – 2031. The site was not taken forward as an identified housing site in the Plan however the site was removed from the Green Belt and included within the village boundary – similar to the Lodge Court, Turnpike Lane site within the village which now has an extant permission housing. Policy SP2 allows for a range of development types and uses within the settlement boundaries in principle and points to the importance of allowing the growth of villages in order to allow those communities to continue to function.
- 4.3.4 In the Draft Neighbourhood Plan the site is not covered by any specific designation or specific policy. Policy C2 of the Draft NPP identifies several key open spaces and recreational facilities including the Alleyfield Burial Ground and Ickleford Recreation



Ground which lie adjacent to the application site. The development proposals are wholly confined to the Arnolds Farm site and do not encroach upon any of these areas.

4.3.5 The inclusion of the site within the village envelope allows for the assessment of any development proposals on their merits having regard to all relevant considerations including the impact on heritage assets. This assessment is undertaken below and the weight given to all material considerations is set out in the planning balance.

4.3.6 Impact of the development on the character and appearance of the area

4.3.7 Paragraph 135 of the National Planning Policy Framework seeks to ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.3.8 Policy D1 of the Local Plan ('Sustainable Design') provides more detailed advice on the criteria for acceptable development advising that development should 'respond positively to the site's local context' and enhances its surroundings.

4.3.9 Policy SD1 of the draft NP states: *'New development, including housing, small scale employment uses and community facilities will be supported on infill or redevelopment sites inside the settlement boundary where there is no adverse impact on existing residential, employment and community uses. All development proposed should have no significant adverse impact on the amenity of the occupiers of neighbouring properties through loss of privacy; overshadowing; overbearing by a building or structure; car parking; removal of mature vegetation or landscaping and additional traffic resulting from the development'*

4.3.10 The application site is largely enclosed by hedgerow and trees with the hedgerow varying in thickness around the site with some gaps allowing views into and across the site. The interior of the site has no remarkable landscape features being previously cleared and now containing scrub which has been maturing over the last few years. The hedgerow and intermittent trees around the site form its key characteristic. Its edge of settlement

location is emphasised by views from the surrounding public footpaths of mainly housing development, most notably development along Chambers Lane and Raymond Cottages close to the eastern boundary of the site. Landscaping within and around the site boundaries has not been managed well and the site has a somewhat unkempt appearance. Nevertheless, the site provides a transition between the more built up south side of Chambers Lane and the public open spaces to the north and north west.

- 4.3.11 The development of the site for housing would inevitably change the character and appearance of the immediate area however the proposal is for a low-density residential scheme of approximately 19 dwellings per hectare, less than the density of housing along Chambers Lane and Raymond Cottages thus recognising its edge of village location and the proximity of open land to the north. The low density allows for significant spacings between dwellings and the retention of boundary planting. In fact, the provision of built development onto the site would project no further north than the housing along Raymond Cottages which includes a recently constructed additional dwelling at the northern end of the row of cottages.
- 4.3.12 The proposed development seeks to retain the hedgerow and trees on the western, northern and eastern boundaries however the southern boundary hedgerow of approximately 70 metres will be removed. The Chambers Lane frontage will contain a new footpath with new shrub and tree planting and this landscaping mitigates to some degree the loss of the hedgerow although it is accepted that the soft landscaped appearance of this part of the lane will be diminished.
- 4.3.13 The Chambers Lane frontage of the development will represent probably the most significant change to the street scene and the consequently the public perception of the site. That said, Plots 1 – 4 present their main aspects to Chambers Lane similar to most of the existing properties along the lane (Nos 1 – 10 inc) where there are driveways and low-level planting fronting the carriageway. The gaps between Plots 1 – 4 allows for views through the site and the open space to the north. Plot 5 is sideways on at its junction with the new access road into site but this is similar to the pattern of housing at the junction with Boswell Drive.
- 4.3.14 The proposed dwellings are all limited to two storey with no roof dormers and each dwelling is of a traditional design and appearance using materials that are common to the surrounding properties. The scale and appearance of the dwellings would therefore be consistent with the wording in Policy SD3 of the NP.
- 4.3.15 There will be some degree of change to the character and appearance of the site however draft Policy SD1 of the Neighbourhood Plan supports infill or redevelopment sites within the settlement boundary and the proposed revised layout and house designs has produced a more bespoke form of development than can assimilate and integrate well with the particular characteristics of this site and its surroundings.
- 4.3.16 In terms of how the development will be experienced from the surrounding public footpaths there will be views over the hedgerows of the new development from footpaths 5, 11 and 12. Footpath 5 already has built development along both sides for a significant length of the path and proposed plots 8 and 9 are set well into the site so as to limit any physical impact. People using footpath 11 along the northern boundary of the site will be more aware of the urban extent of the village however the new development will be at least 6 – 8 metres away from the footpath behind the existing

hedgerow and the open aspect of the footpath to the north across the burial ground will remain unaffected. Footpath 12 runs in a northerly direction from Chambers Lane. The development will be visible in approaches to the village along this footpath but again set against the backdrop of existing housing in Chambers Lane. Plot 5 is sited several metres away from the hedgerow boundary with FP 12 and thus does not have any particularly negative impact on the footpath. It is acknowledged that the development will change the experience enjoyed currently by users of the surrounding footpaths particularly through change to vistas across the site from them however there will be no direct impingement of the networks.

4.3.17 The development will establish a small cul-de-sac but these are not uncommon features of the grain and pattern of development in this northern part of the village.

4.3.18 The development proposes a mix of housing – seven of the dwellings being either 2 or 3 bedroom dwellings. This provision of smaller units would be in accordance with Policy SD2 of the NP (as amended by the Examining Inspector) as follows:

*‘On developments of 3 – 10 dwellings and sites not required to provide affordable housing, the size and mix of dwellings should respond positively to the most up-to-date information available on local housing need. Development proposals which include smaller homes (1-3 bedrooms) will be particularly supported.’*

Ickleford Housing Needs Assessment, 2021

4.3.19 A small part of the eastern side of the application site falls within the Ickleford Conservation Area however no development is proposed within this part of the site (see impact on Heritage Assets below for a full assessment).

4.3.20 In summary, taking into account the above described features of the development and having regard to the surroundings of the site, I consider that the development would be consistent with the guidelines in the NPPF requiring high quality and inclusive design and be consistent with Policies SP9 and D1 of the Local Plan which require new development to be well designed and located and to respond to its local context. Furthermore, the proposals would, in my opinion, be generally in accordance with many of the policies set out in the soon to be adopted Neighbourhood Plan policies particularly those policies concerning the location of development and the design /layout and appearance of new development (Policies SD1, SD2 and SD3).

4.3.21 Impact on Heritage Assets

4.3.22 Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. In addition, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest possessed. Furthermore, section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation

areas. Policy HE1 of the Local Plan and paragraph 195 of the NPPF requires Local Authorities to take account of development affecting the setting of a heritage asset. Policy HE1 of the NP (as amended by the NP Examining Inspector) also requires the protection of three local heritage assets.

4.3.23 The heritage assets affected by this development are the Ickleford Conservation Area and the Grade II listed buildings at The Plume of Feathers Public House, St. Katherine's Cottages and the dwelling at Arnolds Farm. The wider setting and views of / from the Church of St. Katherine (Grade I listed) is also an important consideration.

4.3.24 The Ickleford Conservation Area Character statement (ICACS) (2019) describes the character of the Conservation Area (CA) as '*..a relatively urbanised, densely settled neighbourhood, characterised by an even distribution of historic buildings and modern infill*'.

There are several references to the north western part of the CA and Arnolds Farm & Chambers Lane as follows:

*The organic and loose arrangement of 17th century buildings situated around Arnolds Farm (1103232) has preserved the historic character in the north-western corner of the Conservation Area. Arnolds Farm presents its southern gable end facing the road, while the Plume of Feathers public house (1295731) is an unusual T-shaped building exhibiting a later lean-to extension added to its side. These buildings are highly visible, situated close to the road margins, with limited tree or hedgerow screening.*

*The larger Arnold's Farm (1103232) and public house (1295731) combine with the surrounding smaller vernacular cottages to provide a historic setting to the north-western corner of Ickleford Conservation Area.*

*Trees and hedgerows also provide soft planted margins to the edges of Chambers Lane. These offer a countryside setting to the north-western margins of Ickleford where the village meets surrounding agricultural land.*

*View from Chambers Lane, looking south-east from exit of Conservation Area. View shows the relatively rural character of this area, with trees and hedgerow opposite listed Plume of Feathers public house (1295731). The densely planted village green is in the distance. This part of Ickleford is consistent with the countryside setting beyond Conservation Area boundary (KV3).*

4.3.25 The special interest and significance of this part of the Ickleford Conservation Area is derived largely from the quality, range and variety of historic buildings within it but also from the narrow lanes, tree and hedge planting and a general rural village quality.

4.3.26 Only a relatively small portion of the eastern and south eastern part of the site is within the Ickleford Conservation Area. The western boundary of the CA does not follow any defined features on the ground and the very south eastern part appears to bisect the residential curtilage of the dwelling at Arnold Farm leaving the listed building in the CA and the majority of the garden outside of it. There will be no built development within the CA part of the site – only the gardens to plots 8 & 9 and the parking area and side garden to plot 1. The existing hedgerow along the eastern and part of the northern boundary within the CA is not proposed to be removed or affected by the proposed development.

- 4.3.27 The ICACS also identifies key views throughout the CA the nearest being KV3 looking south east along Chambers Lane from the Boswell Drive junction towards Upper Green and the significant trees and areas of trees within the Green and along the lane within the CA. Apart from a very small portion of the south east corner of the site where plot 1 is proposed the Key View 3 vista is not affected by this development.
- 4.3.28 Arnold Farm is Grade II listed and its curtilage abuts the application site. The Plume of Feathers public house lies to the south east of the site on the opposite side of Chambers Lane. The front entrance of the pub faces Upper Green. St. Katherine's Cottages lie further to the south of the pub. As noted on the individual listing descriptions for all these properties the significance of these heritage assets lies wholly with the buildings and structures themselves deriving their heritage significance mainly from the evidential value of their historic fabric and layout rather than their curtilage or wider area around them. None of these buildings rely on the application site for their special interest and there is now no functional association with the site (as may have been the case with Arnolds Farm in the past).
- 4.3.29 The Church of St. Katherine is over 120 metres to the south east of the application site separated by housing development and the Chambers Lane and Greenfield Lane carriageways and screened by the many trees in the locality. Whilst the church is of substantial significance given its Grade 1 status, the proposed development would have no significant impact on the historic character or setting of the building given its distance from the application site and the separation provided by the intervening housing development, roads and landscaping.
- 4.3.30 In terms of non-designated heritage assets Nos 1 & 2 Greenfield Lane, 7 St. Katherine's Cottages and Nos 1 – 6 Upper Green are identified as buildings that contribute to the character of the CA. The proposed development does not directly affect these buildings or their setting. These buildings face either Greenfield Lane or the village green and are separated from the application site by other development. As a result of these factors it is unlikely that there would be any demonstrable harm to these buildings as non-designated heritage assets.
- 4.3.31 In terms of design, the proposals feature mainly detached dwellings with a pair of link detached dwellings. Detached dwellings are a particular feature of this part of the village west of the historic core and outside of the CA (e.g. Boswell Drive). Plots 1 – 4 would face Chambers Lane continuing the pattern of development in the lane of street facing development incorporating small front gardens and domestic parking with driveways. As mentioned above the properties would be of traditional appearance with gabled roofs and front gables, chimneys, porches, brick headers over windows and brick plinths. External materials will include red multi-face brickwork, dark stained timber boarding, clay roof tiles and timber windows. All of the external materials, as well as hardsurfacing, can be controlled by condition to ensure the highest standard of finish appropriate to the context of the site. Overall it is considered that the standard of design and choice of materials is acceptable for this site at the margins of the conservation area and within the setting of or nearby to listed buildings.
- 4.3.32 There is no formal identification in the ICACS of the small part of the CA within the site as an important space but this does not mean that it is not a positive feature of the conservation area. Nonetheless, the absence in the scheme of any built development in the CA part of the site ensures that its contribution to the special character of the CA remains.
- 4.3.33 The proposed development is within an Area of Archaeological Significance which includes the historic core of Ickleford and the Church of St. Katherine to the south. The historic environment officer at Herts County Council advises that the site has potential

for significant prehistoric remains as well as evidence for medieval to post-medieval activity associated with the development of Ickleford and Arnolds Farm and as such requires the archaeological evaluation of the site via trial trenching prior to any development commencing. Appropriate archaeological conditions are recommended should permission be granted.

4.3.34 It is acknowledged that the loss of hedgerow along the Chambers Lane frontage would be a negative aspect of the scheme, even with the replacement planting as proposed and that there would be some dilution of the country lane feel and green margin character of Chambers Lane. Whilst not ideal I do not consider that this aspect of the scheme is fatal to the overall acceptability of the proposal as there is the major benefit of the development addressing the street scene and being a more inclusive and integrated part of the village rather than turning its back on Chambers Lane plus there is the significant benefit of the new footpath (refer to highway comments below).

4.3.35 Having regard to all aspects of the above heritage assessment, I consider that the proposed development, once fully completed and landscaped, would have limited impact on the special character of the Conservation Area and a neutral impact on the nearest listed buildings. Heritage assets of archaeological interest can be protected through appropriately worded planning conditions. Paragraph 208 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. This issue is addressed in the planning balance below however in overall conclusion on the impact on heritage assets it is considered that, the proposed development, through its low density and appropriate layout and design, has potential to make a positive contribution to local character and distinctiveness consistent with Paragraph 203 of the Framework.

#### 4.3.36 Highway impact and parking

4.3.37 The main vehicular and pedestrian access to the site is proposed via a 5.5m wide carriageway off Chambers Lane approximately 35m north west of the Boswell Drive junction. Chambers Lane has a carriageway width of approximately 4.2m and is subject to a 30mph speed limit. There is no footway provision on Chambers Lane in the vicinity of the site. The application is accompanied by a Transport & Highways technical note (TN). The TN assessed traffic impact for the original 10 unit scheme however this is now reduced to 9 units following the submission of amended plans in January 2024.

4.3.38 As part of the development, it is proposed to widen the existing carriageway on Chambers Lane to 4.8m along the site frontage. This will ensure that two vehicles will be able to pass comfortably. In addition, a 2m wide footway of approximately 60m in length is proposed on the northern side of Chambers Lane to provide a pedestrian route to the site. This footway would also be of benefit to existing residents on Chambers Lane since there is currently no formal footway provision.

4.3.39 Within the site, this footway would continue for a short distance, following which residents could safely share the carriageway with vehicles. Given this road would only serve five dwellings, it is considered that the number and speed of vehicle movements would be low, such that this would safely operate as a shared surface with no requirement for formal footways within the site. Visibility splays of 2.4m x 43m are provided at the junction of the site with Chambers Lane and are sufficient for the 30mph speed limit. A swept path analysis is shown in the appendices of the TN that demonstrates that refuse and service vehicles can enter and leave the site in forward gear.

4.3.40 Traffic generation has been calculated using the TRICS database and this indicates that the development of 9 dwellings would result in 5 vehicle movements during the AM and

PM peak hours. The TN concludes that these levels traffic can easily be accommodated by the proposed site access and are not expected to significantly affect the local highway network.

- 4.3.41 Each dwelling would be provided with at least two parking spaces and 4 x visitor parking spaces area provided off the turning head. This provision of 22 parking spaces and 4 visitor parking spaces comfortably meets the standards as required by the Council's Car Parking Standards document (Appendix 4 of the Local Plan). The garages to plots 5, 6, 7, 8 & 9 are oversized to ensure sufficient room for cycle and scooter storage. The parking provision does not result in the loss of off-road parking and therefore complies with Policy MTT2 of the draft NP (as amended by the Examining Inspector).

It is considered that the level of parking proposed strikes the right balance between ensuring that there is sufficient on-site parking to meet the reasonable needs of the occupiers of the dwellings and visitors and thereby avoid parking in surrounding roads but also to ensure that the development promotes sustainable transport modes such as walking, cycling and the use of public transport.

- 4.3.42 Policy MTT1 of the draft NP (as amended by the Examining Inspector) reads:

*'Wherever practicable, development proposals should upgrade, enhance existing pedestrian routes, and connect into them. The development of new links within the village, to neighbouring villages and to the wider countryside will be supported.'*

*'As appropriate to their scale, nature and location development proposals should include measures that that keep traffic speeds low and improve the provision of footways and access for pedestrians and cyclists and horse riders. Any such new roads, junctions, footways, and traffic management measures should be designed to complement the rural character of the village and respond positively to local heritage.'*

The provision of the new footpath across the front of the site is a major benefit of the scheme that improves pedestrian accessibility in this part of Chambers Lane and will be of particular benefit to disabled pedestrians and families with schoolchildren going to and from the primary school. The footpath will also connect to the wider footpath network.

In highway terms the proposed development is considered to be compliant with Policy MTT1 of the NP as well as paragraph 11.12 *'where new development is proposed, the footway network should be improved to assist in encouraging pedestrians'* and paragraph 12.2 which states the aspiration for a footway along Chambers Lane.

- 4.3.43 The Highway Authority have not raised any objections to the proposed scheme as amended down to 9 dwellings. The full details of the footway and its connections to the existing network of paths will be subject to a Section 278 Agreement under the Highways Act. No specific highway conditions are requested by the Highway Authority.
- 4.3.44 Paragraph 115 of the NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. In this case there is no objection raised by the highway authority and given the sustainable location and the limited scale of the development it is unlikely that there would be any unacceptable and/or severe highway impacts.

- 4.3.45 Living conditions and general amenity

- 4.3.46 In terms of existing residents, whilst the proposed development would be visible it is not envisaged that there would be any direct impact on local residents. Matters of

construction noise etc can be dealt with via a Construction Management condition and informative.

4.3.47 Each of the dwellings would meet the minimum space standards required by the Government document 'Technical housing standards – nationally described space standard' (2015) and garden sizes for each of the dwellings would be proportionate to the size of each dwelling.

4.3.48 The comments of the Ickleford Burial Ground Trust raising concerns as to the impact of the development on the peace and tranquillity of the burial ground are acknowledged. However, any potential adverse impact from construction noise can be controlled by a Construction Management Plan. Residential uses adjacent to churchyards and burial grounds is not uncommon (for example the close proximity of housing to St. Katherines churchyard) and in any event the buffer between the development site and the burial ground provided by the public footpath and retained hedgerow should be sufficient to minimise the impact of the development on users of the burial ground to an acceptable degree.

#### 4.3.49 Environmental matters

4.3.50 The site is located within Flood Risk Zone 1 which is considered to be at very low risk to fluvial and surface water flooding. The site is under 1 hectare and therefore there is no requirement for a Flood Risk Assessment and the Lead Local Flood Authority and Anglian Water have not requested any conditions should permission be granted. The comments of the Parish Council raising concerns with regard to the capacity of the local infrastructure to deal with rainwater and sewage are acknowledged however and therefore it is recommended that a surface water drainage strategy, adopting the principles of sustainable urban drainage, is secured by planning condition should permission be granted.

4.3.51 The application is supported by a Preliminary Ecological Appraisal dated July 2021. Although out of date the report does recommend further surveys and the need for both a Landscape and Ecological Management Plan and a Construction Environmental Management Plan as also requested by the Council's Ecology officer. There are several aspects of the scheme that are not satisfactory from an ecology / biodiversity perspective. These include the loss of scrub habitat within the site and the removal of the hedgerow along the Chambers Lane frontage such habitat loss which cannot be compensated for on site. The provision of new tree planting and bee lawn will not fully mitigate the impact of the habitat loss. Policy NE4 of the Local Plan requires net gains for biodiversity and geodiversity and this cannot be achieved with this development as currently proposed. The Environment Act 2021 does allow for compensatory off-site habitat to be secured by condition or planning obligation and the Council's Service Manager (Greenspace) has indicated that there are a number of local projects identified in the Greenspace Action Plan at Oughtonhead Common that would be appropriate to receive investment to achieve Biodiversity Net Gain. The applicant is willing to provide a financial contribution towards the delivery of such identified BNG projects managed by the Council and the appropriate mechanism to achieve this would be via a Unilateral Undertaking. It is therefore recommended that should permission be granted it is subject to a satisfactory unilateral undertaking being submitted and approved by the Local Planning Authority.

4.3.52 Matters relating to noise, land contamination and air quality can all be dealt with by planning conditions and/or informatives.

4.3.53 The application is supported by an Energy Assessment which has assessed what carbon reducing or zero carbon measures could be incorporated into the scheme which could



future proof the development against the challenge of climate change. The renewable energy technology summary in the report recommends the installation of Ground Source Heat Pumps (GSHP's) and a fabric and building efficiency strategy as the two technologies that will be applied to the development to reduce carbon emissions. A condition is recommended requiring the development to be carried out in accordance with the submitted energy strategy. The energy strategy would be broadly in line with NP policy SD4 which seeks the provision of energy efficient buildings. With regard to water management and with the requirements of Policy SD5 of the NP in mind (Water Management) a condition is recommended to secure full details of the water management strategy for the site such as the inclusion of water efficient fittings and appliances, water harvesting, grey water recycling, and provision of water storage features.

#### 4.3.54 Planning Obligations

4.3.55 Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. In this case although the site area exceeds 0.5 ha the number of dwellings is specified as 9 units. The site also falls below the 11-unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan. In these circumstances the Local Planning Authority will not seek a formal Legal Agreement in respect of affordable housing or local infrastructure.

4.3.56 Notwithstanding the above, the applicant has been made aware that the development is unlikely to achieve a bio-diversity net gain without compensatory BNG being provided and a solution has been identified to achieve these mitigation works off-site on land managed by the Council at nearby Oughtonhead Common. This will require a financial contribution and the applicant has agreed to this in principle. This matter can be handled by way of a Unilateral Undertaking offered by the applicant.

#### 4.3.57 Planning Balance and conclusion

4.3.58 Section 5 of the Framework seeks to significantly boost the supply of housing and identify opportunities for villages to grow and thrive especially where this will support local services including the school (paragraph 83). This proposal would deliver 9 dwellings which is a modest number in terms of the overall number of dwellings being delivered through allocated sites in the Local Plan. However, there is provision within the Plan for housing to be delivered through smaller 'windfall' sites (such as Arnold Farm) within the settlement boundaries. Furthermore, the location of the site in a large village where there is access to a range of facilities and services, underpins the three objectives of achieving sustainable development set out in the NPPF. The delivery of housing in this sustainable location therefore attracts significant weight in the planning balance.

4.3.59 The development will provide a footpath along part of Chambers Lane where there is currently no such provision. This would not only improve pedestrian safety especially for schoolchildren and those with limited mobility / wheelchair users but would also meet one of the aspirations of the Neighbourhood Plan to achieve a footpath along Chambers Lane as supported by Policy MTT1. Significant weight can be attached to this benefit.

4.3.60 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, these benefits would apply to any new housing in most locations and therefore limited weight can be given to this benefit.

4.3.61 The development will result in the loss of a significant length of hedgerow along Chambers Lane without an equivalent replacement. This will detract from the existing

country lane feel and green margin character of Chambers Lane consequently there would be moderate harm to the character and appearance of the area.

- 4.3.62 The proposals are unlikely to achieve bio-diversity net gain on site however this can be compensated for by an off-site BNG project on land managed by the Council and funded by the applicant. Subject to the satisfactory completion of the mitigation works this issue is neutral in the planning balance.
- 4.3.63 The vast majority of the development lies outside of the Conservation Area and there would be limited, if any impact on the setting of nearby listed buildings given that the site has no functional relationship with these buildings. Any harm to heritage assets would be less than substantial for the purposes of assessment under paragraph 208 of the Framework and this harm potentially offset by the public benefits of the delivery of housing and new footpath.
- 4.3.64 It is considered that there would not be severe impacts on the local highway network, indeed there would be safety benefits through the provision of the footpath as identified above. Traffic generation would be very limited and adequate occupier and visitor parking is provided on site.
- 4.3.65 In terms of other harms there would be some limited short-term harm relating to disturbance to neighbouring properties in the vicinity during construction works, however such harm can be mitigated by planning conditions.
- 4.3.66 Overall, it is considered that the social and economic benefits of the delivery of housing and a new public footpath outweighs any limited environmental harm that could be mitigated by planning conditions and an off-site contribution to BNG works. Accordingly, the presumption in favour of sustainable development applies and permission could be granted subject to conditions and a satisfactory unilateral undertaking.

#### **Alternative Options**

None applicable

#### **Pre-Commencement Conditions**

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

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

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

- a) The completion of a satisfactory unilateral undertaking to secure off-site Bio-diversity net gain and
- b) 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 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. 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.

5. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, 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.

6. 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.

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

Reason: To ensure an inclusive form of development and in the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

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

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

9. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan

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. Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:
12. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Ian Farmer (1998) Associates Ltd report dated June 2021 (Ref: 2240426), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

13. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

14. A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as required by the evaluation
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.B) The demolition/development shall take place/commence in accordance with the

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

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

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2021

15. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Aims and objectives of management.
  - c) Appropriate management options for achieving aims and objectives.
  - d) Prescriptions for management actions.
  - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
  - f) Details of the body or organization responsible for implementation of the plan.
  - g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure biodiversity net gain and in order to comply with the requirements of the Environment Act 2021 and Policy NE4 of the Local Plan

16. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by an up to date ecological appraisal and include the following;
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To safeguard local biodiversity and to comply with Policy NE4 of the Local Plan

17. Prior to the commencement of above slab level construction, details of measures to achieve water management efficiency such as water efficient fittings and appliances, water harvesting, grey water recycling, and providing water storage features, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 14 of the NPPF, Policy D1 of the Local Plan and Policy SD5 of the Neighbourhood Plan.

18. The development hereby approved shall be carried out in accordance with the selected low / zero carbon technologies identified in the submitted Energy Strategy by Briary Energy dated November 2021.

Reason: To ensure compliance with Section 14 of the NPPF and Policy D1 of the Local Plan and Policy SD4 of the Neighbourhood 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.

**Informative/s:**

**Rights of Way Informative:**

The applicants attention is drawn to the comments of the County Council's Rights of Way officer regarding any impact of the development on the surrounding public footpaths and the potential need for a Temporary Traffic Regulation Order

**ENVIRONMENTAL HEALTH INFORMATIVES:**

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

2. 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.

**EV CHARGING POINT SPECIFICATION:**

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

minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

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

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

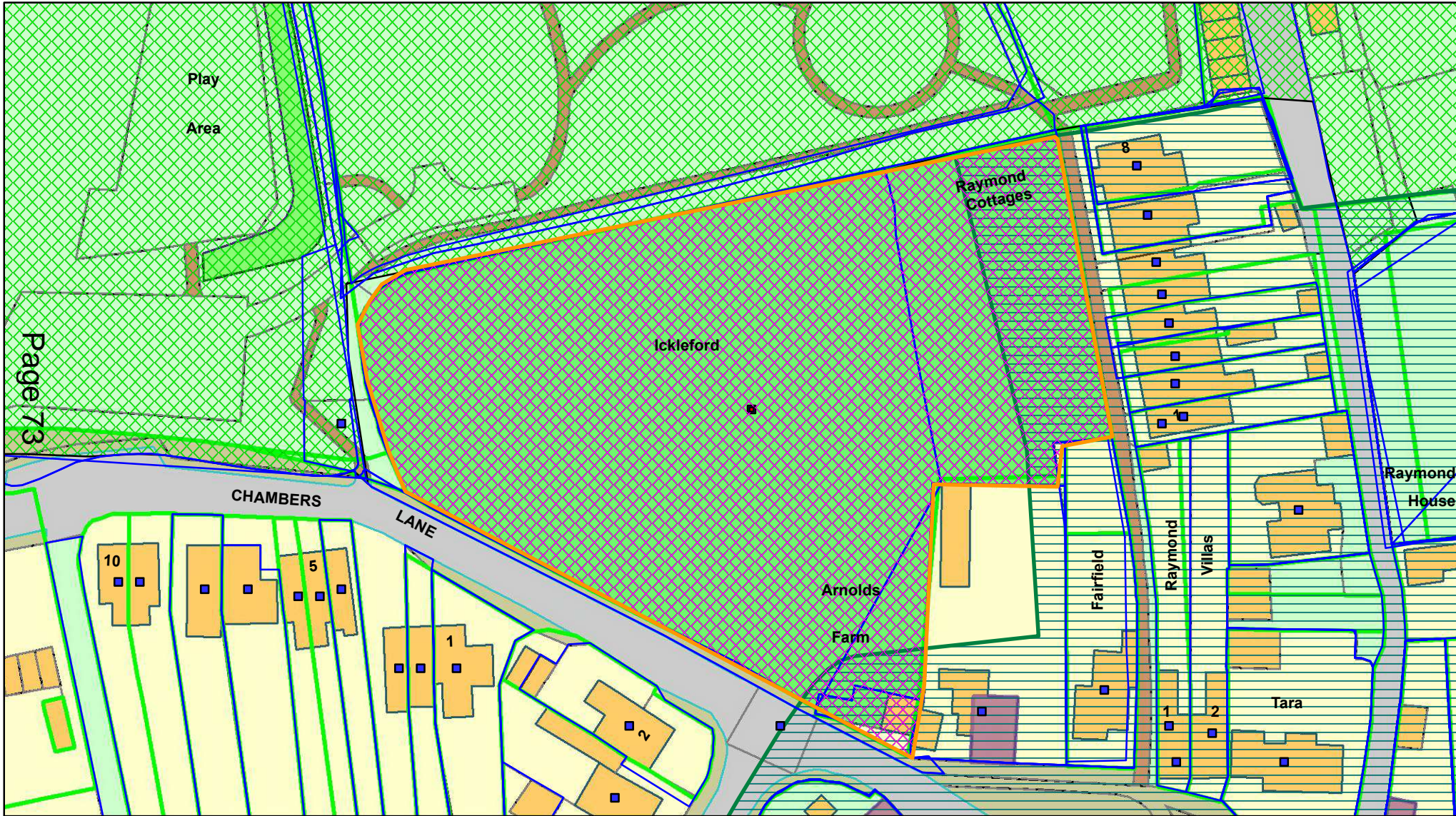
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be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

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



# NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/02205/FP Land Adjacent to Arnolds Farm, Chambers Lane, Ickleford, Hertfordshire, SG5 3YE



Page 73

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<u>Location:</u>	<b>26 - 28 High Street Graveley Hitchin Hertfordshire SG4 7LA</b>
<u>Applicant:</u>	<b>Steve Jarvis</b>
<u>Proposal:</u>	<b>Relocation of an existing stud wall between the kitchen and bathroom. Creation of a new doorway from the dining room to the bathroom. Replacement of the kitchen window.</b>
<u>Ref. No:</u>	<b>23/02802/LBC</b>
<u>Officer:</u>	<b>Mark Simmons</b>

## **Date of expiry of statutory period**

7 March 2024

## **Submitted Plan Nos**

Location Plan Proposed Window Changes Dining room wall and door elevation Floor Plan

### **1.0 Policies**

HE1 Designated heritage assets

SECN16

Conserve + enhance historic environment

## **Reason for referral to Committee**

This application is by Cllr. Jarvis and under the provisions of 8.4.5(g) of the Constitution this application must be considered by this Committee.

### **2.0 Site History**

2.1 The following are relevant:

- 94/01047/1LB** - Internal and external alterations to provide shower room and new back door, and first floor link doorway (as amended by drawings received on 4.11.94)  
**CON 10.11.1994**

- 07/01260/1LB** - Re-instate door to the front of no.28, internal blocking of door to rear of no.28 and construction of new doorway (rear no.28) to utility room.  
**CCON 24.08.2007**

### **3.0 Policies**

3.1 Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 is relevant as are the following paragraphs of the NPPF (2023 version):

- 200 (local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting)
- 205 (great weight should be given to the asset's conservation),
- 206 (clear and convincing justification), and
- 208 (harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use).

#### 4.0 **Representations**

4.1 **Graveley Parish Council** – No objection.

**Press & site notices** – No comments received.

#### 5.0 **Planning Considerations**

##### 5.1 **Site and Surroundings**

5.1.1 Nos. 24, 26 and 28 High Street are grade II listed and are located within the Graveley Conservation Area. The building is described as:

***Terrace of 4 houses, now 3 houses. Early/mid C19. Red brick with dark red headers. Slate roofs. Symmetrical block of houses on roadside with 2 handed-pairs of houses and central tunnel access to rear. Each pair of houses shares a square internal chimney with 2 square buff terracotta pots. Dentilled brick eaves band. Each house has 2 2-lights casement windows to 1st floor, a wide triple-sash window to ground floor, and a plank door in heavy frame on side remote from fireplace. Segmental brick arches to windows on both floors. No. 28 now comprises 2 houses at N end and the most northerly doorway has been altered for a 2-lights casement window. Included for group value.***

Although described as 4 houses, no.30 does not form part of this terrace as that number relates to The White House next door. The application site therefore includes no.26 (the left-hand property of the pair to the right of the tunnel access and no.28 (both terraced houses to the left of the tunnel access). The list entry is incorrect in that it should read as '*Terrace of 4 houses, now 2 houses*'.

##### 5.2 **Proposal**

5.2.1 The proposal is described as '*Relocation of an existing stud wall between the kitchen and bathroom. Creation of a new doorway from the dining room to the bathroom. Replacement of the kitchen window*'.

##### 5.3 **Key Issues**

5.3.1 The key issue here is to consider the impact of the proposal on the listed building and upon the character and appearance of the Graveley Conservation Area. With reference to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the following should be noted: "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special interest or historic interest which it possesses*".

5.3.2 The submitted Design and Access Statement reads as follows (see extract below):

*In the early part of the 20th century an extension was added to the rear of numbers 24 and 26, with a further rear extension being added later, probably in the 1960s or 1970s. The interior of the whole house has been subject to extensive modification prior to listing and little remains of the original interior of the early 19th century cottages.*

*The early 20th century extension contains the dining room and the 1960s or 1970s extension the kitchen and a bathroom. The proposal is to move a stud dividing wall between the kitchen and bathroom to create a larger kitchen and a smaller shower room. A new door to this room will be constructed from the dining room, using what appears to have been an earlier window opening that has been bricked up (presumably at the time of the 1960s or 1970s extension).*

*The new door will be a ledged and braced door similar to the internal doors in the rest of the house. It will be painted white.*

*The existing modern units in the kitchen and bathroom will be replaced with units of similar design.*

*The existing single glazed softwood kitchen window, installed as part of the 1960s extension and of a design typical of that time will be replaced with a double-glazed softwood window in three sections, with an opening casement in the centre. The replacement window will be painted white inside and magnolia outside, as is the existing window.*

*None of these changes will have any impact on any of the historical features of the early 19th century front part of the building and will only affect parts of the building constructed or modified in the second half of the 20th century that are of no historical significance.*

*It is noted that the listing is for "group value" which will be unaffected by the proposed changes.*

5.3.3 There is no planning history relating to either the two-storey, dual-pitched rear addition, or the single-storey flat roof kitchen addition, both of which are built in Fletton common brickwork and were constructed pre-listing (28 May 1987). The relocation of an existing stud wall between the kitchen and bathroom and the replacement kitchen window relate to the single-storey later addition and these works will not affect the listed building's significance. The creation of a new doorway from the dining room to the bathroom will impact upon the two-storey gabled rear addition but as stated above, there is a strong indication of a previous opening where the door is proposed. The formation of the opening will not affect early/mid C19 fabric and the new ledged-and-braced, white-painted door will not affect the building's special character.

## 5.4 Alternative Options

5.4.1 Nonapplicable.

## 5.5 Pre-Commencement Conditions

5.5.1 No pre-commencement conditions are advised and the applicant has confirmed that the conditions relating to the replacement window and the new internal door are reasonable.

## 5.6 Legal Implications

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

## 5.7 **Conclusion**

5.7.1 It is considered that the proposal will not occasion harm to the listed building's special character or harm the character or appearance of the Graveley Conservation Area. The proposal would therefore satisfy the provisions of Sections 16(2) & 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.

## 6.0 **Recommendation**

6.1 It is recommended that listed building consent be **GRANTED** with the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The replacement kitchen window shall be manufactured in timber with flush casements and no trickle vents unless otherwise agreed and approved in writing by the Local Planning Authority.

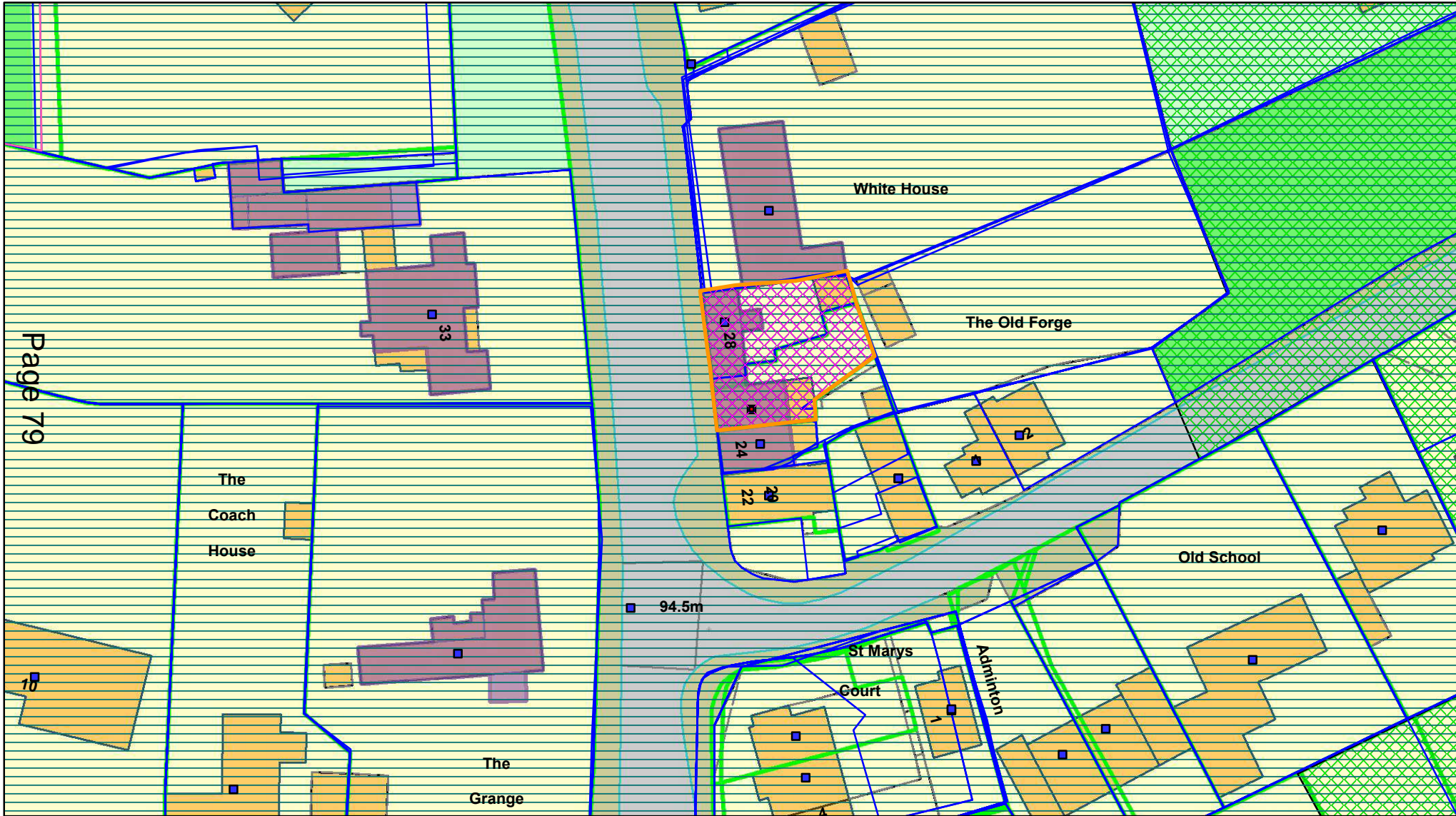
Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3. The new internal door shall be a timber ledged-and-braced boarded door and shall have a white-painted finish unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/02802/LBC 26-28 High Street, Graveley, Hitchin, Hertfordshire, SG4 7LA



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**PLANNING CONTROL COMMITTEE**

**DATE: 7 March 2024**

**PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Laird	Single storey detached double car port.	Harvest Farm Pirton Road Holwell SG5 3SS	23/01886/FPH	Appeal Dismissed on 06 February 2024	Delegated	The Inspector found on the main issue that the proposed single storey detached double carport would materially harm the character and appearance of the site and its surroundings, including the Pirton Road street scene. This would run contrary to North Hertfordshire Local Plan 2011-2031 Policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) which, when read together, seek to ensure that development proposals respond positively to the site's local context and that outbuildings do not harm the character and appearance of the site and are located so as not to have an adverse impact on the character and appearance of the street scene or area.

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## Appeal Decision

Site visit made on 10 January 2024

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> February 2024

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**Appeal Ref: APP/X1925/D/23/3331680**

**Harvest Farm, Pirton Road, Holwell, Hitchin SG5 3SS**

- 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 Laird against the decision of North Hertfordshire District Council.
  - The application ref. 23/01886/FPH, dated 9 August 2023, was refused by notice dated 28 September 2023.
  - The development proposed is erection of a single storey detached double carport.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposed single storey detached double carport upon the character and appearance of the site and its surroundings, including the Pirton Road street scene.

### Reasons

3. Harvest Farm is an extended detached 2-storey house. It is set well back from the western side of Pirton Road which progresses north-south through the village of Holwell between Holwell Road and Waterloo Lane. There is generally linear development to a fairly regular building line along Pirton Road and within the village as a whole, which lies in a rural area beyond the Green Belt. This is not a village characterised by close-knit development or by a strong degree of enclosure to the public realm.
  4. The wide front garden of Harvest Farm, where the carport would be erected, is mainly given over to hard surfacing apart from a detached double garage sited close behind the front boundary wall to the south of the entrance gates.
  5. That double garage was granted planning permission in 2015 well before the adoption of the North Hertfordshire Local Plan 2011-2031 (LP) in 2022. Owing to its size, advanced position, height above the front boundary wall and the lack of any strong natural screening, it is prominent within the street scene.
  6. I did not observe any other detached garages or carports standing directly between the houses and the roadside along the whole length of Pirton Road that have a comparable impact to that garage building. Although many of the other properties do have garages, these tend to be integral garages or ones
-

that are set back from or to the side of their respective dwellings. Walking the full length of Pirton Road, I saw only 2 exceptions to that development pattern, apart from the existing double garage at the front of the appeal site.

7. The first is the detached garage in the front garden of Finchden next to Harvest Farm. I have no details about its planning history. Still, it is a single garage of modest height and size. It is set well back into the site behind mature roadside hedging with other shrubs and trees retained in the front garden providing further screening. This garage has little effect on the street scene. The second exception is a very small garage at New Rectory on the opposite side of the road to Harvest Farm. It is separated from the roadside by a wide strip of elevated ground that contains several mature trees. It makes no material impression on the street scene.
8. The appeal scheme sought to address the reason for the refusal of a planning application (ref. 22/02232/FPH) for a proposal that would have included a second detached double garage towards the front of the plot. I have carefully reflected upon the changes made for the proposed carport in terms of footprint, siting and overall design. Still, this carport would offer 2 covered car parking spaces, be 6.10 m wide by 5.40 m deep and have a steeply pitched and tiled roof, above its timber legs, reaching about 4.6 m high at the ridge. It would be sited on the northern side of the entrance gates only 2.4 m back from the front boundary wall which is just about 1.65 m above ground level at that point.
9. Given its location well in advance of the host dwelling towards the front boundary and its height and size, the proposed carport would be readily apparent in views above the boundary wall from both approaches to the site along Pirton Road. Even with a building design and materials that are not unattractive, it would stand out as a prominent building in this section of the road. Together with the existing double garage, it would clutter up and dominate the frontage of the host property, inevitably obscure further views of the dwelling behind despite the use of timber legs and produce a built-up pattern of frontage development quite unlike anything else along Pirton Road. I consider that the proposed carport would be a step in the wrong direction because it would neither respond positively to the site's local context nor represent a discreet or satisfactorily sensitive addition to this street scene. Granting planning permission could make it more difficult to resist future proposals for large structures across and overdevelopment of front garden areas, further eroding the character and appearance of Pirton Road.
10. I find on the main issue that the proposed single storey detached double carport would materially harm the character and appearance of the site and its surroundings, including the Pirton Road street scene. This would run contrary to LP Policies D1 and D2 which, when read together, seek to ensure that development proposals respond positively to the site's local context and that outbuildings do not harm the character and appearance of the site and are located so as not to have an adverse impact on the character and appearance of the street scene or area.
11. There is conflict with the development plan. Good design is also a cornerstone of the National Planning Policy Framework; this would not be achieved. The revised versions of that document, which were published in December 2023, do

not materially differ to the September 2023 version, insofar as the planning policy context around the main issue in this appeal is concerned.

12. LP Policy SP2 is a strategic policy covering the settlement hierarchy and the spatial distribution of development. It has little relevance to this case and even where infilling is allowed in Holwell, it would have to be of good quality design. I interpret part d) of LP Policy CGB4 as applying to outbuildings that are proposed where planning permission is being considered for the reuse, replacement or extension of the main building(s) on a site in the rural area beyond the Green Belt. The appellant says that only limited weight should be afforded to the Design Supplementary Planning Document (SPD) given its age. I note that the Council did not refer to it in its decision notice or delegated file note. In any event, no copy of the SPD has been provided by either party.
13. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other considerations, including the stated need for the provision of further safe accommodation for the vehicles of the occupiers of Harvest Farm, all of whom are said to drive motor vehicles and to rely on car travel in this area.
14. For the reasons given above and taking into account all other matters raised and the absence of objections from the Parish Council and local residents, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR

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