

23 August 2024

Our Ref Planning Control Committee 5 September  
2024  
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To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Martin Prescott

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON  
ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

**THURSDAY, 5TH SEPTEMBER, 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 - 18 JULY 2024 AND 25 JULY 2024</b>	To take as read and approve as a true record the minutes of the meetings of the Committee held on the 18 July 2024 and 25 July 2024.	(Pages 5 - 30)
<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. 23/01492/FP WESTBOURNE RESIDENTIAL CARE HOME, 9 BEDFORD ROAD, HITCHIN, HERTFORDSHIRE, SG5 2TP</b>	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Change of use of care home to 16 residential apartments (C3 use), with roof extension to comprise increased ridge height, dormer windows and rooflights, with internal and external alterations.	(Pages 31 - 48)

7. **24/00103/FP COUNTRY BOARDING FOR CATS AND DOGS, GANNOCK LANE, SLIP END, BALDOCK, HERTFORDSHIRE, SG7 6NL** (Pages 49 - 68)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of six 3-bed bungalows with associated parking and landscaping following the demolition of the existing buildings. Conversion of reception building into one residential 3-bed dwelling with associated parking.
8. **24/00796/FP THE BULL, HIGH STREET, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QG** (Pages 69 - 80)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling and associated landscaping, Erection of carport/storage.
9. **24/00751/FP THE BULL, HIGH STREET, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QG** (Pages 81 - 88)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation.
10. **24/00725/LBC THE BULL, HIGH STREET, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QG** (Pages 89 - 94)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Internal and external alterations to facilitate change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling.
11. **23/02706/FP LAND WEST OF, AVENUE ONE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 2WW** (Pages 95 - 116)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping.
12. **24/01285/S73 LAND NORTH OF 68, LONDON ROAD, BALDOCK, HERTFORDSHIRE, SG7 6JL** (Pages 117 - 130)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Variation of Condition 2 of planning permission 20/02507/FP granted on 04/07/2022 (for the erection of 24 dwellings including extended access from Knights Templar Court and all associated works following demolition of existing dwelling and outbuilding). Revised site plan for the provision of garages to plots 21 & 22.
13. **APPEALS** (Pages 131 - 144)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- To update Members on appeals lodged and any decisions made.

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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, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 18TH JULY, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir and Tom Tyson.*

**In Attendance:** *Loretta Commons (Locum Planning Lawyer), Shaun Greaves (Development and Conservation Manager), Andrew Hunter (Senior Planning Officer), Sarah Kasparian (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer) and James Lovegrove (Committee, Member and Scrutiny Manager) and Andrew Sowerby (Herts County Council Highways Officer).*

**Also Present:** *At the commencement of the meeting approximately 50 members of the public, including registered speakers.*

#### 1 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 47 seconds*

Apologies for absence were received from Councillor Louise Peace.

#### 2 MINUTES - 13 JUNE 2024

*Audio Recording – 2 minutes 15 seconds*

Councillor Ruth Brown advised of a minor error in the second bullet point on page 17 of the minutes, where the sentence required the addition of the word 'that' to make the sentence read properly.

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Ruth Brown seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 13 June 2024 be approved, as amended, as a true record of the proceedings and be signed by the Chair.

#### 3 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 3 minutes 49 seconds*

There was no other business notified.

#### 4 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3 minutes 55 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.
- (5) The Chair advised of a change to the order of the published agenda and Agenda Item 7 would follow Agenda Item 8.

#### 5 PUBLIC PARTICIPATION

*Audio recording – 8 minutes 10 seconds*

The Chair confirmed that the registered speakers were in attendance.

#### 6 22/03231/FP LAND NORTH EAST OF, WANDON END, HERTFORDSHIRE

*Audio recording – 9 minutes 50 seconds*

The Senior Planning Officer provided an update that:

- There had been four representations from neighbouring residents and Kings Walden Parish Council.
- In relation to the map showing major developments in the area, the land associated with Luton airport is actually detailed as being allocated for replacement open space and habitat creation, as detailed in paragraph 4.10.40 of the report.

The Senior Planning Officer presented the report in respect of application 22/03231/FP supported by a visual presentation consisting of photographs and plans.

The following members asked questions:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Michael Muir
- Councillor Elizabeth Dennis
- Councillor Amy Allen
- Councillor Nigel Mason
- Councillor Sadie Billing

In response to questions, the Senior Planning Officer advised that:

- The solar panels would be visible from a localised context, but not from a distance.
- The solar panels, batteries and water tanks would all be between 2-3 metres high.
- The solar panels beyond the yellow field would not be visible, with Darley Wood in the distance, from footpath 43.
- There would be security wire fencing with posts 2.2 meters high and a 10cm clearing at the bottom for wildlife.

- There would be 30-meter-high CCTV poles with restricted movements as detailed in Condition 16 of the report.
- No lighting would be installed.
- The electricity produced from the solar panels would go into the National Grid.
- The right of way between the fencing would be 10 meters wide with open sides where possible as detailed in Condition 13 of the report.
- Fire safety had been incorporated into Condition 14.
- The land at present was being used for arable rotation.

In response to questions, the Highways Officer advised that:

- Construction vehicles would come from the Luton area, arriving via Darley Road and Wandon End Road and would be kept away from Tea Green.
- As the construction period was only for 6-9 months any impact to the area would be limited.
- Deliveries to the site would be regulated throughout the day.
- Details of the variety of vehicles and number of traffic movements were set out in Table 5 of the report.
- A condition could be added if required to limit vehicles entering or leaving the construction site to ensure the safety of children being taken to and collected from school.

The Chair invited Mr John Humphreys to speak against the application. Mr Humphreys thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had lived in Tea Green for 47 years and was the Director of a family business which employed 53 local people.
- No consideration had been given to his staff as the construction company entrance was close to his staff car park.
- There would be 2,300 HGV two-way movements over the 6-9 month construction period. There would also be 242 daily movements from all his vehicles.
- The width of the road near the construction site would cause problems with the passing of traffic.
- This application was a conflict with the strategic economic objective of the Council to support the local economy.
- The solar farm would cause harm to the Green Belt, the local landscape and heritage assets.
- Soil analysis had shown the area was suitable for agricultural requirements and this went against the drive of the government to produce more food in the UK.

The following Members asked points of clarification:

- Councillor Amy Allen
- Councillor Nigel Mason

In response to points of clarification, Mr Humphreys confirmed that:

- The 242 daily movements of vehicles were a mixture of HGVs, staff cars and delivery vehicles and did not account for any public vehicles.
- There was one entrance and one exit to his business with most of the traffic entering from Wandon End Road.

The Chair thanked Mr Humphreys for his presentation and invited Mr Tony Cross to speak against the application. Mr Cross thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Residents had raised objections to a solar farm at Wandon End since 2022.
- The solar farm would be in the direct view of at least 38 homes.
- This was one of three major developments in the area, all of which were within a 2-mile radius.
- A beautiful landscape with 13 footpaths and which was good agricultural land would become a maze of tunnels and CCTV monitors.
- The solar farm would have a negative impact on the landscape as it was not discreet and more like an industrial development.
- There was a fire risk associated with the batteries.
- This application represented a risk to local communities and went against the government national planning policy framework.
- No land where an existing infrastructure had been in place for 40 years had been returned to agricultural production.

In response to a point of clarification from Councillor Elizabeth Dennis, Mr Cross advised that the footpaths were well used by a variety of local people for recreational use, by dog walkers and by visitors to the area.

The Chair thanked Mr Cross for his presentation and invited Parish Councillor Owen Connolly to speak against the application. Parish Councillor Connolly thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- As the number of panels for the solar farm had now been reduced, the amount of energy that would be produced as stated in the report could not be relied upon.
- This was not to fulfil a local need, as any energy produced would go to the national grid.
- The fields had a history of fire and solar batteries would increase the risk of any future fire.
- Extra solar panels had been added to fields 8 and 9 which were closest to the residents of Mill Way, Breachwood Green.
- Although solar panels could contribute to society, they must be located in suitable places.

There were no points of clarification from Members.

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

- He had lived in Kings Walden for more than 16 years.
- This proposed solar farm was next to an area of outstanding natural beauty.
- This part of the district had seen three major proposed sites all within a 2-mile radius of each other.
- The Green Belt provided a buffer which shielded areas from urban sprawl.
- This proposed solar farm was for 106 hectares.
- 402 people had raised concerns about the solar farm.
- To build this solar farm on the Green Belt was not a reflection of the Planning Policy.
- Any electricity generated would be transferred to the national grid and not directly to the homes in North Hertfordshire.
- More solar panels should be built on existing industrial areas and not on the Green Belt.
- It was important to be mindful of the impact on the public and wider environmental impacts as technology evolved.
- Offshore wind turbines would produce enough energy for every home by 2030.

There were no points of clarification from Members.



The Chair thanked Councillor Graziano for his presentation and invited Mr Conor McNally, as agent to the applicant, to speak in support of the application. Mr McNally thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There was an urgent need for renewable energy and this should outweigh any residual impacts, including impact on the Green Belt.
- The Council had declared a climate emergency and would require 12-13 projects of this size to meet the objective of zero carbon emissions by 2040.
- No objections to the solar farm had been received from any statutory body.
- The project had been designed to minimise any impact on the area.
- The land quality was lower than the average in North Hertfordshire and half of the site would be designated for biodiversity use.
- The significant benefits of this application were clearly outweighed by any harm to the Green Belt.
- He would be happy to respond to any questions from Members regarding lighting and fencing and public rights of way.
- The project had been designed to limit any environmental effects to the landscape, heritage assets and the agricultural land.
- The Council would require five times increase in solar energy, equivalent to 1,000 projects of this size, to achieve decarbonisation of the grid by 2030.

The following Members asked points of clarification:

- Councillor Nigel Mason
- Councillor Sadie Billing
- Councillor Amy Allen
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Elizabeth Dennis
- Councillor Ian Mantle

In response to points of clarification, Mr McNally stated that:

- The project complied with the national guidance provided to Fire Chiefs for projects in the UK.
- There was only emergency lighting proposed for the site.
- CCTV poles were 3 meters high and were inward facing to reduce any impact on the local community.
- The application was for a temporary 40-year structure and there was a planning obligation for dismantle and removal at the end of the 40 years.
- A public consultation event had been held which had resulted in a redesign of the scheme and the removal of some solar panels.
- The green areas in the diagrams showed areas that would be used for biodiversity purposes and would remain a wild green space as agreed as part of the landscaping ecological management plan as detailed in Condition 8.
- The applicant was happy to comply with the request of no HGV movements at school times.
- Footpaths were a minimum of 8 meters wide.
- Deer fencing on one side and hedgerow on the other side would be used where possible to reduce a corridor effect.

In response to points raised, the Senior Planning Officer advised that:

- There had been a reduction of energy from 49.9MW to 48MW as a result of the reduction of the number of solar panels on site as detailed in point 4 of the report.
- There had been neutral weighting on the soil survey and versatile land as highlighted in paragraph 4.12.1.
- The different elements of fire and emergency response plans were detailed in paragraph 4.8.16 of the report.
- The cumulative development impact, mainly the landscaping element, was set out in paragraph 4.10.40 of the report.

*N.B. There was a short break in proceedings and the meeting reconvened at 21.11.*

Councillor Amy Allen proposed to approve planning permission and Councillor Elizabeth Dennis seconded.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Amy Allen
- Councillor Elizabeth Dennis
- Councillor Nigel Mason
- Councillor Caroline McDonnell
- Councillor Emma Fernandes

Points raised in the debate included:

- The proposed solar farm was too large and too intrusive.
- Concern that the visual impact had not been adequately addressed.
- Renewable energy was a benefit but needed to be in the right place.
- The biodiversity net gain was very substantial on this site.
- Concerns about the location and the cumulative impact of the three projects being proposed for this area for the residents.
- Fields 8 and 9 should be removed from the application to ensure safety and to have an appropriate distance from the residential areas to the solar farm.
- There would need to be legal grounds for refusing this application.
- Details of the impact on the Green Belt and landscape could be found on pages 48 and 49 of the report.
- Details of renewable energy benefits were highlighted on page 88 of the report.
- This was a finally balanced application and any decision must be made having taken all relevant matters into consideration.
- There should be a condition included for the restriction of traffic movements around school times.
- Concerns about the length of this temporary period as 40 years was a significant period in a lifetime.

In response to points raised the Development and Conservations Manager advised that:

- If Members thought that the harm to the Green Belt and landscape outweighed the benefits of the solar farm, they could refuse to grant this application, but his recommendation was to approve.
- The application had been awarded limited weight due to the temporary nature of 40 years.
- The number of solar farms within North Hertfordshire was appropriate with other areas of the country.

The Locum Planning Lawyer advised that there was no legal definition of the word 'temporary'. This application was temporary as it was for 40 years. The Chair also clarified that the Committee should work with the ordinary and everyday meaning of the word 'temporary'.

Having been proposed and seconded to grant permission, following at vote, it was lost.

Councillor Michael Muir proposed to refuse planning permission and Councillor Ruth Brown seconded.

The following Members took part in a debate:

- Councillor Michael Muir
- Councillor Ian Mantle
- Councillor Ruth Brown
- Councillor Elizabeth Dennis
- Councillor Amy Allen
- Councillor Tom Tyson
- Councillor Sadie Billing

Points raised in the debate included:

- This was an inappropriate development within the Green Belt and special circumstances had not been demonstrated in this application. There was also concern regarding the visual impact to the fields having considered the plans.
- The temporary aspect had only been awarded limited weight and this was not sufficient to outweigh any visual impact.
- There were potential issues with amenities for the local community.
- The two fields 8 and 9 were too close to residential areas.
- There would be a loss of public amenity with public rights of way being enclosed by fencing.
- Concerns over the safety of the local community and particularly women and girls using the enclosed rights of way.
- There should have been more interaction with the public concerning this application.
- There was not an urgent local need for this solar farm as energy produced would be put into the national grid.

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

- Members were not convinced that special circumstances had been demonstrated in the benefits of the application with regard to harm of the Green Belt and this was in conflict with SP5 of the Local Plan.
- Members were not convinced that this application would not cause harm to the landscape character which conflicted with Policy NE2 in the Local Plan.
- Members had shown concerns that the requirements of Policy NE12 had not been complied with regarding renewable energy proposals.

Having been proposed and seconded and, following a vote, it was:

**RESOLVED:** That application 22/03231/FP be **REFUSED** planning permission, contrary to the officer recommendation, subject to the following reasons:

- (1) The proposal would be inappropriate development within the Green Belt that would be harmful to its openness. The Council considers that the benefits of the scheme, including the wider environmental benefits associated with the increased production of renewable energy (pursuant to paragraph 156 of the National Planning Policy Framework December 2023), would not amount to very special circumstances sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and other harm. As such the proposal would be contrary to paragraphs 152 and 153 of the National Planning Policy Framework and Policy SP5 of the North Hertfordshire Local Plan 2011-2031.
- (2) The proposal would result in harm to the rural character and appearance of the application site and the surrounding area with a cumulative impact as a result of other major development in the vicinity. Whilst measures are proposed to mitigate the impact of the proposed development, and the proposal would not be permanent, there would nevertheless be harm over a long period to rural character and appearance of the area, including the visual amenities of users of the local public footpaths. The proposal would therefore conflict with Policies NE2 and NE12 of the North Hertfordshire Local Plan 2011-2031, which seek to avoid unacceptable harm to landscape character and appearance.

*N.B. Following the conclusion of this item there was a short break in proceedings and the meeting reconvened at 22.04.*

**7 23/02719/FP LAND AT OAKLEIGH FARM, CODICOTE ROAD, WELWYN, HERTFORDSHIRE, AL6 9TY**

*Audio recording – 2 hours 34 minutes 26 seconds*

The Senior Planning Officer gave a verbal update and advised that there had been no objections to this application from the Lead Local Flood Authority (LLFA).

The Senior Planning Officer presented the report in respect of Application 23/02719/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Ian Mantle
- Councillor Emma Fernandes
- Councillor Elizabeth Dennis

In response to the questions, the Senior Planning Officer advised that:

- There was currently no permanent structure on the site.
- This development had been designed as gated with a main gate to the development being operated by a fob.
- The access road would be privately maintained by a management company.

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

- This application was a cross boundary development between North Herts District Council and Welwyn Hatfield Council.
- It was expected that Welwyn Hatfield Council would be making a delegated decision regarding this application.

The Chair invited Ms Ros Naylor to speak against the application. Ms Naylor thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were concerns regarding the impact of extra traffic in the area on cyclists and horse riders.
- There were two large livery yards in the area and several equestrian yards which used this as a crossing point.
- Approximately 325 dwellings were built in Codicote last year which added to traffic already using the B656 and the single-track lanes.
- There should be additional horse warning signs and a speed camera in this area.

There were no points of clarification for Members.

The Chair invited Councillor Steven Patmore to speak against the application. Councillor Patmore thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The original application had been refused and this was overturned by appeal in September 2021.
- This application was an inappropriate development in the Green Belt and would cause harm to the character of the area.
- This application was contrary to Policies SP1, SP2, SP5 and D1 of the Local Plan.
- Codicote Parish Council were also opposed to this application.
- This application presented further erosion of the Green Belt in Codicote.
- The proposed development did not support the infrastructure of Codicote.

There were no points of clarification for Members.

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

- He ran a small family company and had purchased this site with the aim to uplift the design to a high standard.
- The increase in volume was due to changing the garages to double instead of single to improve their visual appearance.
- All 7 dwellings would have timber garages, clay tiles and Flemish brickwork to fit in with the area.
- The old buildings had been removed as they were dangerous and £100K had been spent on planning for these 7 dwellings.
- The Green Belt and biodiversity had been considered with the planting of 50 trees and hedgerows.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Emma Fernandes

In response to the points of clarification, Mr Smith advised that:

- If the application was refused, he would be willing to build the original design, but did not feel this would be the best outcome for the development.
- The increase in scale of 23% was due to the double garages.
- One dwelling would have accommodation over a double garage.

In response to the points of clarification, the Senior Planning Officer advised that:

- This scheme was allowed after an appeal in 2021 which would expire in September this year.
- This current scheme was comparable to the previous scheme with the same number of dwellings.
- There were very special circumstances to support this scheme which were set out in more detail in the report.
- No objections had been received from the HCC Highways Officer.
- There was no reason to object on traffic or safety grounds.

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

- Policy SP1 was an overarching policy regarding location and seeking to achieve sustainable development in North Hertfordshire.
- Policy SP 2 was the settlement hierarchy.
- Policy SP5 was concerning development in the Green Belt.
- Policy D1 was sustainable design.
- As the applicant had commenced implementation by demolishing existing buildings, the fall-back permission would not expire in September 2024 and would last in perpetuity.
- This proposal complied with Policy SP5 as it was an uplifted design with considerable improvements with high quality materials.

Councillor Ruth Brown proposed to approve planning permission and Councillor Amy Allen seconded.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor Tom Tyson
- Councillor Amy Allen
- Councillor Emma Fernandes
- Councillor Elizabeth Dennis

Points raised in the debate included:

- This was an improved planning application to the previous design.
- The Electric Fob Entry Gates to the entrance to the development should be removed in line with the policy of the Council and be replaced by gate posts.
- Road safety was not a concern due to the size of the application and no concerns had been raised by the Highways Officers.
- Improving road safety in this area was an ongoing campaign for the Council.
- Developers needed to be mindful of sustainability with planning applications as the Council has declared a climate emergency.

Having been proposed and seconded and, following a vote, it was:

**RESOLVED:** That application 23/02719/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the following addition of a new Condition 22, to read:

“Condition 22

*Notwithstanding the approved plans, the development shall not include the ‘Electric Fob Entry Gate’ shown on drawing ‘19359 1002A Planning Layout’ (excluding the gate pillars and pedestrian gate).*

*Reason: In the interests of maximising physical and social accessibility, and character and appearance. To comply with Policy D1 of the Local Plan.”*

**8 23/02572/S73 LAND AT OAKLEIGH FARM, CODICOTE ROAD, WELWYN, HERTFORDSHIRE, AL6 9TY**

*Audio recording – 3 hours 23 minutes 23 seconds*

The Senior Planning Officer gave a verbal update and advised that:

- There had been one variation made in Condition 2.
- The Lead Local Flood Authority (LLFA) had provided comments in an update and they had received no objections to this application.

The Senior Planning Officer presented the report in respect of Application 23/02572/S73 supported by a visual presentation consisting of photographs and plans.

Councillor Amy Allen proposed and Councillor Ruth Brown seconded and, following a vote, it was:

**RESOLVED:** That application 23/02572/S73 be **GRANTED** subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

**9 APPEALS**

*Audio recording – 3 hours 29 minutes 10 seconds*

The Development and Conservation Manager presented the report entitled Planning Appeals and informed the Committee that one appeal had been lodged.

The Development and Conservation Manager provided an update on site allocation BA4 which the Committee had refused to grant planning permission. The applicant had since lodged an appeal and had requested for this to be via a public inquiry. A response had been provided to say that a hearing would be more appropriate and a decision would be provided by the Planning Inspectorate. The Development and Conservation Manager advised Members that he would provide an update on the outcome.

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

The meeting closed at 11.01 pm

Chair

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# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 25TH JULY, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Elizabeth Dennis (Chair), Amy Allen, Sadie Billing, Ruth Brown, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Mick Debenham.*

**In Attendance:** *Loretta Commons (Locum Planning Lawyer), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Andrew Hunter (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Christella Menson (Principal Planning Officer), Alina Preda (Trainee Solicitor) and Melissa Tyler (Senior Planning Officer).*

**Also Present:** *At the commencement of the meeting approximately 53 members of the public, including registered speakers.*

#### 31 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 33 seconds*

Apologies for absence were received from Councillors Nigel Mason, Tom Tyson and Emma Fernandes.

Having given due notice, Councillor Mick Debenham substituted for Councillor Mason.

#### 32 MINUTES - 20 JUNE 2024

*Audio recording – 1 minute 57 seconds*

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Ruth Brown seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the meeting held on 20 June 2024 be approved as a true record of proceedings and be signed by the Chair.

#### 33 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 47 seconds*

There was no other business notified.

#### 34 CHAIR'S ANNOUNCEMENTS

*Audio recording – 2 minutes 52 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.
- (5) The Chair advised of a change to the order of the published agenda and Agenda Items 8 and 9 would be taken ahead of Agenda Items 6 and 7.

### 35 PUBLIC PARTICIPATION

*Audio recording – 8 minutes 00 seconds*

The Chair confirmed that the registered speakers were in attendance.

### 36 19/01669/FP - LAND ON THE SOUTH WEST SIDE OF STEVENAGE ROAD, ST IPPOLYTS, HERTFORDSHIRE

*Audio recording – 1 hour 46 minutes 45 seconds*

The Senior Planning Officer provided a verbal updated, including that:

- The County Highways Officer had provided comments that they did not wish to restrict the grant of permission.
- A response had been provided in the supplementary documents to comments from the Parish Council.

The Senior Planning Officer presented the report in respect of Application 19/01669/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Amy Allen
- Councillor Ruth Brown
- Councillor Sadie Billing
- Councillor Elizabeth Dennis
- Councillor Michael Muir

In response to questions, the Senior Planning Officer advised that:

- There were two access points proposed, but these would be separate, and it would not be possible to drive through the entire site.
- The affordable housing would be accessed off Stevenage Road.
- The turquoise highlighted sections represented some open grass area, as well as the SUDs provision.
- Comments in the report from the Urban Designer related to the original 2019 application and had been included for reference only and were not relevant to the decision on this application.
- There was no direct pedestrian link within the site, but a new footpath was proposed to the east of the site which would allow connection between the two sections.
- Sperberry Hill was a national speed limit road and Stevenage Road was a 30mph road.
- Occupants of the affordable housing units would still have access to the open spaces on the western section of the site.

- On the ground the affordable units would appear self-contained as a group of houses with access from Stevenage Road, not unlike 6 dwellings further north of the site.
- He was unsure whether a housing association provider had been agreed.
- There was 1 visitor parking space proposed in the affordable housing side, with the other visitor spaces provided on the other side.

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

- This was a relatively modest scheme and providing the affordable housing in one location would be more suitable to an affordable housing provider.
- The proposed separation would mean that affordable unit occupiers would not need to contribute to the maintenance of the market value housing. This would help to make the properties affordable.
- The design of the houses was tenure blind, in line with overall parameters.
- It was a small site and access to the other side of the site would be a short walk along a new footpath.

The Chair invited the representative of the Applicant, Mr Russel Gray, to speak in support of the application. Mr Gray thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The report outlined the comprehensive reasons why the application should be approved.
- Policy SI2 of the adopted Local Plan sets out 4 specific criteria which have all been met. These included a detailed archaeological survey, incorporation of existing trees where possible, maintenance and enhancement of existing rights of way and noise mitigation measures.
- The original application from 2019 had been worked on with officers and had addressed the concerns raised to make the scheme acceptable.
- These changes included layout of the site and the mix of affordable properties.
- The design was respectful of the character and appearance of the area and the density proposed was suitable.
- Further evidence had been provided to the County Council Highways to demonstrate that safe access can be gained from both site entrances.
- There were proposed ecological enhancements throughout the site, and these would contribute towards Biodiversity Net Gain (BNG).

The following Members asked points of clarification:

- Councillor Michael Muir
- Councillor Ruth Brown
- Councillor Amy Allen
- Councillor Elizabeth Dennis

In response to points of clarification, Mr Gray advised that:

- A housing association had not yet been confirmed to manage the affordable housing on the site.
- An energy assessment had been submitted and the developers were committed to air source heat pumps. The application was 55% more sustainable than required to meet Part L.
- All greenspaces on the site were for general amenity.
- The plans looked like there was a plot division, but it should be possible to rectify concerns regarding pedestrian access through the site.

*N.B. Due to a technical issue, there was a break in proceedings, and the meeting reconvened at 22.01.*

In response to points of clarification, the Development and Conservation Manager advised that there was no boundary detail at this stage and therefore this could be dealt with by condition. It was therefore possible to include a condition on an informal pedestrian link between the two sides, though due to space constraints a formal footpath would not be possible.

Councillor Michael Muir proposed to grant permission, with the additional conditions in the supplementary pack and on pedestrian access between the site, and this was seconded by Councillor Amy Allen. Following a vote, it was:

**RESOLVED:** That application 19/01669/FP be **GRANTED** subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the removal of Condition 24, the relevant renumbering of other Conditions and the following additional new Conditions 29 – 33, to read:

“Condition 29:

*Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 18142-1006 Rev G in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*

*Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.*

Condition 30:

*Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 18142-1006 Rev G. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.*

*Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.*

Condition 31:

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

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

- i) *Post construction restoration/reinstatement of the working areas and temporary access to the public highway;*
- j) *where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;*
- k) *Phasing Plan.*

*Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.*

Condition 32:

*Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.*

*Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.*

Condition 33:

*Notwithstanding the approved plans, a permanent pedestrian/cyclist access shall be provided between approved Plots 7 and 8, and the dwellings approved to be accessed off Stevenage Road. The access shall be a minimum of 2.5m in width and shall be retained in perpetuity. Detailed plans of the access, its location within the development, and adjacent boundary details and hard surfacing, shall be submitted to the Local Planning Authority for approval prior to the first occupation of the dwellings. The approved details shall be completed prior to the first occupation of the affordable dwellings, unless otherwise agreed in writing with the LPA.*

*Reason: In the interests of maximising physical and social accessibility. To comply with Policy D1 of the Local Plan."*

**37 23/00186/FP - LAND OFF MILKSEY LANE, GRAVELEY, HERTFORDSHIRE**

*Audio recording – 2 hours 32 minutes 30 seconds*

The Senior Planning Officer provided updates, including that:

- An arboricultural plan submitted alongside the application had not been updated following amendments made in January 2024. The old layout would need to be removed and the new plan provided.
- A condition on tree protection was proposed to be included in order to address the missing arboricultural plan.

The Senior Planning Officer presented the report in respect of Application 23/00186/FP supported by a visual presentation consisting of photographs and plans.

In response to questions from Councillor Ruth Brown, the Senior Planning Officer advised that:

- There would be access to the byway from the west of the site.
- Consultee comments regarding fencing were not relevant, as it was outside the site area.
- The design met Part L criteria for sustainability.

- Other sites in Graveley had been allocated in the adopted Local Plan, but this was an additional site which was classed as 'white land'.

Councillor Amy Allen proposed to grant permission and Councillor Ruth Brown seconded and, following a vote, it was:

**RESOLVED:** That application 23/00186/FP be **GRANTED** subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the removal of Condition 19, relevant renumbering of existing conditions and the additional Condition 25 to read:

"Condition 25:

*Prior to the commencement of works on site, an Arboricultural Protection Plan, which sets out the method of protection for trees to be retained within the site, shall be submitted to, and approved in writing by the Local Planning Authority. The protection plan shall be in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. Thereafter, the development shall be carried out in accordance with the approved plan.*

*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."*

**38 23/01885/FP - LAND AT POLICE ROW BETWEEN THE GRANGE AND 1 THE GRANGE, POLICE ROW, THERFIELD, HERTFORDSHIRE**

*Audio recording – 9 minutes 16 seconds*

The Senior Planning Officer provided updates, including that:

- A draft section 106 agreement had been received, which had been forwarded onto the legal team at the Council.
- The current recommendation subject to the receipt of impact assessments had been updated, due to changes in the approach of the applicant to address the issues and it was not possible to consult with the Ecology Officer ahead of the meeting.
- The Highways Authority continued to object to the application, due to the collection of refuse from the site. However, the proposals outline the collection of refuse from Police Row which was acceptable in the planning balance, and it was therefore considered that refusal for this reason would not be sustainable.
- If the refuse matter can be resolved, without compromise to the design, then the matter should be explored further.
- Should Members consider current refuse proposals to be unacceptable, then a proposed further amendment to the recommendation for resolution to grant had been circulated which would allow the Development and Conservation Manager, alongside the Chair of the Committee, to make this decision to prevent the application returning to Committee for this reason alone.
- There was an error at paragraph 4.3.52 and an archaeological report had been received and was included on the website.

The Senior Planning Officer presented the report in respect of Application 23/01885/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Amy Allen
- Councillor Michael Muir
- Councillor Mick Debenham

In response to questions, the Senior Planning Officer advised that:

- Affordable housing requirements only applied to developments of 11 or more dwellings. If the application was for 12 dwellings, then 3 units would need to be affordable to be policy compliant.
- There was only one access point proposed to the site within the application, but there was an informal footpath to the south.
- Any open spaces in the proposals were expected to be for any Therfield residents and would not be sectioned off.
- The Lead Local Flood Authority (LLFA) had been consulted and this is detailed in points 4.3.53 to 4.3.57 of the report. They noted the need to have regard to SUDs and boreholes but raised no objection subject to the inclusion of 3 conditions.
- It would be unreasonable to reject the application on flooding grounds, as no objection had been received from the LLFA.
- In assessments undertaken, and outlined at 4.3.46 to 4.3.49 of the report, there would be ecological and biodiversity gains. These had been consulted on with the Ecology Officer who had proposed 2 conditions.
- The application was submitted prior to the Biodiversity Net Gain (BNG) requirements being mandatory and so it is beneficial this is being done regardless.

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

- It had been 8 years since the application was first lodged for this site.
- The Parish Council acknowledged that the site was included in the Local Plan but could not comprehend how this had been the case.
- Therfield was an historic village, with low density housing, open character and surrounding green spaces.
- This site was the last remaining meadow within the village and was located adjoined to the conservation area. The meadow was grade 3 agricultural land.
- The site was frequently used by dog walkers.
- There would be an impact on the neighbouring grade 2 listed buildings.
- Therfield village and Hay Green were separate parts of the village and previous applications had been rejected due to the coalescence of these two separate parts.
- There was a further application for 7 houses within the village boundary and, should both be approved, that would represent a 10% gain in houses in the village.
- The proposals would lead to the character of the village and its countryside setting being lost.

The Chair thanked Parish Councillor Andy Osbourne for his presentation and invited Mr Charles Archer to speak against the application. Mr Archer thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were two specific issues he wished to address, including dangerous traffic situation and the low level street lighting proposed.
- This road through Therfield was known to be a cut through between the A505 and A10 which caused high levels of traffic and often speeding.

- Along Police Row, cars were often parked on the pavement and pedestrians use the site for safety.
- Cars and agricultural vehicles often came to a head on Police Row, as there was not sufficient passing space.
- The direction of the road and the position of the sun would turn the corner into a blind spot for motorists.
- There was little public transport provision from the village.
- The proposals would lead to around 40 to 60 additional car journeys per day.
- Cars had been recorded doing between 35 and 40mph on this section of 30mph road, and proposals to address this by removing hedgerows was not appropriate.
- The low level street lighting proposed was not appropriate and the village had previously opposed any form of street lighting, as it was in a dark skies area.
- There were serious failings in the design and layout of the proposals and the solutions proposed were for problems which need not exist.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Mick Debenham

In response to points of clarification, Mr Archer advised that:

- The Lynx bus service operated in the village, but this was chargeable and only callable via an app, which was not available at all times of day and was often very busy.
- Points regarding the road being less safe related to the introduction of a junction into the site off Police Row.
- Street lighting would make the road conditions safer, but this was contrary to the nature of the village which was in a dark sky area.

The Chair thanked Mr Archer for his presentation and invited Mr Ian Small to speak against the application. Mr Small thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were concerns around the drainage from the site, which had historically been a water storage site.
- He lived in a property on a similar site and during the winter the garden regularly flooded.
- The calculations did not account for greenfield run off.
- The arrows included on plans were only relevant if that is how the water flows during flooding.
- The storage pond was poorly located and badly designed.
- Drainage would be from the south of the site, but would need to go to the north of the site to connect to the public sewer.
- There were already issues of the sewer flooding and contaminating nearby chalk streams.
- There was no commitment from Thames Water to upgrade the sewers.

The Chair thanked Mr Small for his presentation and invited Mr Jake Pavet-Golding to speak, as agent to the applicant, in support of the application. Mr Pavet-Golding thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Wheatley Homes had reached out to the Parish Council to work with them alongside this application, but the opportunity was not taken up.
- They continued to work closely with Council Officers and statutory consultees throughout the process.
- Proposals had been designed to take inspiration from local architecture and agricultural history of the area.
- There was a large set back from Police Row to the proposed units.



- This site would see the delivery of a high level designed scheme, which complimented its surroundings.
- There would be a community orchard planted to the south of the site, which would exist in perpetuity.
- The proposed drainage basin would be landscaped.
- The open spaces enhanced the northern boundary of the site and would prevent any further coalescence of Therfield and Hay Green.
- The proposed refuse collection would take place from Police Row, which was the same situation as other houses along this road. This had been proposed as it was felt detrimental to the site design to include space enough for a refuse vehicle to turn and it was felt this would undo conservation gains.
- This design was being used as a template for other sites within North Herts.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Ian Mantle
- Councillor Bryony May
- Councillor Amy Allen
- Councillor Mick Debenham
- Councillor Michael Muir
- Councillor Sadie Billing

In response to points of clarification, Mr Pavet-Golding advised that:

- There had been no intention from the applicant to only deliver 10 units to avoid affordable housing commitments, it was felt that 10 units was most suitable for the design and mix.
- There would be public amenity open spaces, the attenuation basin would be landscaped and the community orchard would be designed.
- The mix of properties was agreed with the Council and deemed appropriate.
- Solar panels were not proposed for this site, but all units would be designed to modern standards and would achieve Part L requirements without the need for solar panels.
- The proposed bin collection point would be at the front of the site and it would be the responsibility of the residents to ensure bins were put out appropriately. Refuse workers would not be expected to enter the site to collect bins.
- The site had been tracked so a fire engine could turn and therefore delivery vehicles would be able to.
- The site design was most important and working with Officers, it was agreed that 10 units was most suitable for the site.
- The garages would be slightly larger than usual to ensure that they could fit, and be used by, modern cars.

In response to points raised, the Senior Planning Officer advised that:

- Many different issues had been raised, but this remained an allocated site in the Local Plan and there was no objection in principle.
- Other areas of concern, such as conservation, coalescence, flooding and highways access, had all been addressed.
- Therfield had been classed as a Category A village in the Local Plan, meaning development was allowed within the settlement boundary.
- Policy circumstances had changed since the previous application, namely the adoption of the Local Plan.
- He was not initially aware of the dark skies area, but the low level street lighting proposed had subsequently been removed once this was discovered.
- Highways had raised no objection to access from Police Row.

- Removal of existing hedgerow was required for access and this was proposed to be replaced with other planting on site.
- There were 3, 4 and 5 bedroom houses proposed on the site.
- Highways had advised that it would be possible for a refuse vehicle to enter the site and turn around, should collection from Police Row not be acceptable to Members.

The following Members asked further questions:

- Councillor Michael Muir
- Councillor Ruth Brown
- Councillor Mick Debenham

In response to further questions, the Senior Planning Officer advised that:

- The recreation ground opposite had a small car park and he was unsure if this led to parking on Police Row, but this had been indicated as the case in public comments received.
- The Parish Council did not approach for section 106 contributions, but had been asked.

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

- If permission was granted, then the sewage company must make provision to service the development.
- Sewage companies had a statutory duty to avoid spillages, but some had been acting illegally. However, planning determinations cannot be considered along those issues and would not be a defensible reason for refusal.

Councillor Amy Allen proposed to grant permission and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

- Councillor Amy Allen
- Councillor Ruth Brown
- Councillor Elizabeth Dennis
- Councillor Louise Peace
- Councillor Michael Muir

Points raised in the debate included:

- There were concerns about parts of this application, but could not see legal grounds for refusal.
- There were safety concerns for refuse crews and parking along Police Row.
- The site had been allocated in the Local Plan, which went through 5 and a half years of thorough consultation and examination.
- There were lots of positives about this application.
- It was disappointing the Parish Council had not worked with the applicant to get the best contribution for their community.
- The plans would have been better had they included two smaller affordable units.
- The removal of low level lighting was welcomed.
- The gated access to the site should be removed as was the policy across North Herts.
- Lack of smaller and affordable houses meant the development would likely be unaffordable for younger residents already living in the village.
- There were concerns regarding the safety of the road and the impact on pedestrians using the footpath.

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

- There was no policy to require solar panels on developments. The desire was for sustainable housing and this application met Part L requirements through other methods.
- The Sustainability SPD was being progressed but currently no policy requiring solar panels existed.
- The removal of the gate to the front of the site was possible by condition, as had been done on previous application.
- While the section 106 agreements and wildlife assessments were reviewed, the access of refuse vehicles could be considered again in consultation with Highways and, if possible, agreed with the Chair. If it could not be agreed, it would return to the Committee.
- Due to the size of the site it would not be lawful to require a pedestrian crossing over Police Row.

Having been proposed and seconded, following a vote, it was:

**RESOLVED:** That application 23/01885/FP be **GRANTED** planning permission subject to:

- A) *The completion of a S106 agreement in line with the agreed Heads of Terms;*
- B) *The receipt of the Impact and Conservation Payment Certificate following an application to Natural England under the GCN District Level Licensing (DLL) or any other means to address impact on GCN and a response of no objection from the North Herts Ecologist;*
- C) *Seeking to address the objection from the Highway Authority relating to refuse collection, which the Highway Authority have indicated can be reasonably achieved, and this matter is delegated to the Development and Conservation Manager and the Chair of Planning Control Committee, so that this application would not need to come back to Planning Committee for this reason alone;*
- D) *The agreement to an extension of time to the statutory determination date to allow time for (A), (B) and (C) to occur; and*
- E) *The conditions and informatives recommended in the report, and any other reasonable and necessary conditions that are recommended by the Highway Authority.*

And the following additional Condition 35 to read:

“Condition 35:

*Notwithstanding the submitted plans, no gates shall be provided across the access to the site.*

*Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.”*

*N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20.57.*

**39 23/02948/FP - LAND NORTH OF 2 MILLERS CLOSE, PICKNAGE ROAD, BARLEY, HERTFORDSHIRE**

*Audio recording – 1 hour 25 minutes 35 seconds*

The Senior Planning Officer advised there were no updates to provide and presented the report in respect of application 23/02948/FP supported by a visual presentation consisting of photographs and plans.

In response to questions from Councillor Ruth Brown, the Senior Planning Officer advised that:

- There were light tunnels proposed to be installed in the roof of the middle dwelling to allow natural light into the ensuite and bathroom, as these did not have external walls.
- Permitted development rights had been removed, so any extension into the loft space would require further planning permission.

The Chair invited Parish Councillor Yvonne Lee to speak against the application. Parish Councillor Lee thanked the Chair for the opportunity and provided the committee with a verbal presentation including that:

- Barley was a small settlement with fewer than 700 residents. However, it was considered a Category A village in planning terms.
- There had been a long Local Plan process which had considered this site for housing, but this was rejected by the Council partly due to its location in the Conservation Area.
- No sites had been allocated within the village for development in the Local Plan.
- There were questions as to why the site was previously rejected for housing but was now considered suitable for development.
- There had already been substantial development in the village with a 22% increase in units over recent years. This included 8 units on open land behind the village surgery, which had an impact on the conservation area.
- Another application across the road was rejected by the inspector due to consideration of impact on the conservation area.
- It was not unusual for there to be tensions between planning policies, as these were subjective, and it was possible to come to a different view to the Officer proposals along planning grounds.

The Chair thanked Parish Councillor Lee for her presentation and invited Parish Councillor Jerry Carlisle to speak against the application. Parish Councillor Carlisle thanked the Chair for the opportunity and provided the committee with a verbal presentation including that:

- The Conservation Officer was opposed to the application due to damage to the conservation area, but the Planning Officer had disagreed with this.
- The Parish Council had been consulted on two occasions in January and June. However, the website outlines that the Parish Council should have been consulted further in July.
- Due to this, the Parish Council were not aware of some changes proposed including changes to visitor parking and landscaping.
- Parking was expected to be on Picknage Road, but there would not be suitable space here for visitors, as had been demonstrated on another nearby site.
- Picknage Road was a 30mph road, but speeds had been recorded between 40 and 50mph, therefore it would not be suitable for parking.
- Parking on Picknage Road would cause access problems for emergency and refuse vehicles.

In response to a point of clarification from Councillor Elizabeth Dennis, the Senior Planning Officer advised that the Parish Council had been consulted on one set of amended plans in June 2024.

In response to points raised, the Senior Planning Officer advised that:

- The site was located within the village boundary and on 'white land' which was open to development.
- The appeal decision on a nearby site was a mixed use site and was outside of the village boundary, which set it apart from this application.

In response to a question from Councillor Ruth Brown, the Development and Conservation Manager advised that:

- There were several possible reasons why this site was not considered during the Local Plan process, but mostly that this would normally include sites of 5 or more dwellings.
- In terms of planning principles, the site was in a Category A village and development was allowed within the settlement boundaries.

Councillor Ian Mantle proposed to grant permission and this was seconded by Councillor Amy Allen.

As part of the debate, Councillor Ruth Brown noted that she knew the site well and it appeared to be an odd piece of land with terraced housing opposite. The proposals were in line with what already existed and, although there was a lot of development in Barley, it was classified as a Class A village.

Having been proposed and seconded, following a vote, it was:

**RESOLVED:** That application 23/02948/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

#### 40 PLANNING APPEALS

*Audio recording – 2 hours 44 minutes 15 seconds*

The Development and Conservation Manager provided an update on Planning Appeals and outlined that there had been two appeals lodged and one appeal dismissed.

There were no questions from Members.

#### 41 CURRENT ENFORCEMENT NOTICES

*Audio recording – 2 hours 45 minutes 16 seconds*

The Principal Planning Officer (Conservation and Enforcement) provided an update on Current Enforcement Notices, including that:

- The Levelling Up and Regeneration Act came into force from April 2024, which provided further tools for Officers to use regarding enforcement.
- Further updates would be provided to Members on any other notices issued.
- There had been one notice issued in this quarter, which had been appealed against.

There were no questions from Members.

#### 42 EXCLUSION OF PRESS AND PUBLIC

*Audio recording – 2 hours 47 minutes 11 seconds*

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Ruth Brown seconded and, following a vote, it was:

**RESOLVED:** That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

#### 43 CURRENT ENFORCEMENT ACTIONS

*N.B. As this item was considered in private session, no audio recording is available.*

The Principal Planning Officer (Conservation and Enforcement) provided an update on Current Enforcement Actions, including that:

- Point 3.2 of the report should refer to Q1 as January to March and Q2 as April to June, however the figures provided within the table are accurate.
- There had been 30 new cases in June.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Elizabeth Dennis

Councillor Ruth Brown congratulated the team on dealing with the backlog of enforcement cases and noted that it was important reputationally for the Council to be seen to be conducting enforcement, especially in high profile cases.

In response to questions, the Principal Planning Officer advised that:

- There had been no further update on the site listed at the top of the table at point 3.16 of the report.
- Direct reporting to Planning Enforcement was the most appropriate way to log a case.
- They were reviewing the information on the website and how this could be more appropriate.
- Members reporting issues directly would allow for monitoring and reviewing of key themes or core sites.

The meeting closed at 10.29 pm

Chair

<u>Location:</u>	<b>Westbourne Residential Care Home 9 Bedford Road Hitchin Hertfordshire SG5 2TP</b>
<u>Applicant:</u>	<b>Mr Bains</b>
<u>Proposal:</u>	<b>Change of use of care home to 16 residential apartments (C3 use), with roof extension to comprise increased ridge height, dormer windows and rooflights, with internal and external alterations.</b>
<u>Ref. No:</u>	23/01492/FP
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 25/09/2023

**Extension of statutory period:** 31/07/2024

**Reason for Delay:** Review of viability appraisal and awaiting available committee date.

**Reason for Referral to Committee:**

Application called in by Cllr Mason for the following reason:

*“The grounds for the call in are transport/parking:*

- The application provides for 12 parking spaces for 16 apartments which seems insufficient and is apparently below the guidelines outlined in the report provided. Oughtonhead Way is already a notoriously bad area for parking and for traffic congestion and there has to be concerns that this could be made worse. If residents of the 16 flats cannot park in the 12 spaces provided, there will inevitably spill out into surrounding streets adding to the existing chronic parking and highway issues;*
- This will be exacerbated by the imminent introduction of residents parking along Bedford Road north of Westbourne House;*
- The area covered by the junctions of Bedford Road, Oughtonhead Way, Gaping Lane, and Bedford Street is frequently congested during busy times, particularly around drop off and pick up times at the adjacent Samuel Lucas Junior School;*
- This application would result in potentially more traffic onto a busy traffic junction with the potential to cause congestion over a wide area;*
- The application appears to lack clarity as to the nature of the proposed 16 apartments. Is it some form of sheltered housing proposed or are they general apartments aimed at a wider resident base? This might impact on the number of car owners and traffic usage that might be expected if the application is accepted.”*

## 1.0 **Site History**

07/01941/1 - Single storey and first floor extensions to care home (as amended by plan nos. 03A and 04A received 16th October 2007) – Granted Conditional Permission on 01/11/2007.

04/00923/1 - Two storey rear extension to provide 4 additional bedrooms – Granted Conditional Permission on 03/09/2004.

03/01777/1 - Two storey rear extension to provide 4 additional bedrooms – Refused on 18/02/2004.

86/02062/1 - Erection of two storey side and rear extensions to nursing home following demolition of existing – Granted Conditional Permission on 05/02/1987.

86/01628/1 - Erection of 5ft high boundary fence – Granted Conditional Permission on 03/11/1986.

86/01143/1 - Erection of single storey rear extension following demolition of outbuilding to provide warden's living accommodation at elderly persons home – Granted Conditional Permission on 06/08/1986.

84/01277/1 - Erection of rear external fire escape – Granted Conditional Permission on 22/08/1984.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan 2011 – 2031**

#### Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

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, biodiversity and landscape

Policy SP13: Historic Environment

#### Development Management Policies

Policy HS2: Affordable Housing

Policy HS3: Housing Mix

Policy HS5: Accessible and adaptable housing

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE1: Strategic green infrastructure

Policy NE2: Landscape

Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk



Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure  
Policy HE1: Designated Heritage Assets

## 2.2 **Supplementary Planning Documents**

Design SPD  
Developer Contributions SPD 2023

## 2.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong competitive economy  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

## 2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)  
Hertfordshire Waste Core Strategy and Development Management Policies  
Development Plan Document 2012

## 2.5 **National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 18/07/2023

Expiry Date: 18/07/2023

### 3.2 **Press Notice:**

Start Date: 20/07/2023

Expiry Date: 12/08/2023

### 3.3 **Neighbouring Notifications:**

Eight representations have been received from neighbouring properties all of which are objecting to the proposed development. The comments are available to read in full on the NHC website and have been summarised below:

- Care home is still profitable.
- Proposal would result in extra traffic.
- Pollution resulting from additional traffic.
- Increased ridge height result in property that is out of character with the original building and with neighbouring properties.
- Overbearing to neighbouring properties.
- Rear rooflights would result in loss of privacy.
- Unacceptable additional noise and disruption from occupancy.
- Not enough parking proposed on site.

- Impact right to light.
- Object to the change of use.
- Where would residents of the care home go once converted.
- New planting would not be high enough to provide privacy from additional units.
- Removal of a large tree to the front of the property.
- Disruption from construction.
- Development would fail to comply with P.111 of the NPPF (2021).

#### 3.4 **Parish Council / Statutory Consultees:**

HCC Highways – No objection subject to conditions and informatives.

Hitchin Forum – Objection. Comments available in full on the NHC website.

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

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

Environmental Health (Contaminated Land) – No objection.

Waste & Recycling – No objection.

HCC Growth & Infrastructure – No objection subject to planning obligations.

The Water Officer – No comments received.

NHC Housing Development Officer – No objection subject to planning obligations.

NHC Strategic Planning – No comments received.

NHC Conservation Officer – No objection.

HCC Minerals & Waste – No objection subject to conditions.

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is a two-storey detached residential care home situated on the junction between Bedford Road and Oughton Head Way, Hitchin. The application site is within the Hitchin Conservation Area. The building is not listed. The application building is identified as a positive building within the conservation area appraisal document.

4.1.2 The application building has been previously extended several times. The property benefits from a large footprint with two storey side projections, crown roof, and parking to the front of the site. There is a small amenity area of the rear of the building. The site is accessed off Oughton Head Way to the south of the site.

4.1.3 The application building features a red brick finish with uPVC fenestration. The building features a gabled roof form with two storey height bay windows to the front elevation.

4.1.4 There is a Tree Preservation Order (TPO/39) on the southeast corner of the plot which protects a Beech Tree.

## 4.2 **Proposal**

- 4.2.1 Planning permission is sought for the change of use of the care home into 16 residential apartments (14x 1-bed apartments and 2x 2-bed apartments). To allow for the conversion, the development would include the raising of the roof ridge height, insertion of dormers and rooflights, and other internal and external alterations.
- 4.2.2 The development would include parking and cycle provision to the front of the building. The development would also include additional planting and landscaping.
- 4.2.3 Amended plans have been received which have reduced the scale of the dormers within the front roofslope and the relocation of rooflights.

## 4.3 **Key Issues**

4.3.1 The key issues for consideration include:

- The principle of development.
- The impact of the development on the wider landscape and visual setting.
- The design and appearance of the proposal and the impact on the character and appearance of the area.
- Standard of accommodation for future occupiers of the development.
- The impact of the development on the amenity of adjoining properties.
- The impact of the development upon local highways, access, and parking.
- Flood risk and drainage.
- Ecological, landscape and greenspace considerations.
- Environmental health considerations.
- Planning obligations.

### Principle of the Proposed Development:

- 4.3.2 Policy SP1 of the North Hertfordshire Local Plan requires the main role of key settlements, such as Hitchin, to be the main focus for new housing. Policy SP1 also sets out that planning permission will be granted for proposals that individually or cumulatively deliver an appropriate mix of homes, create high quality developments that respect and improve their surroundings, and secure any necessary mitigation measures that reduce the impact of development.
- 4.3.3 The proposed development is considered consistent with Policy SP1 of the Local plan. The application site is situated within Hitchin and will help maintain the role of Hitchin as a key settlement.
- 4.3.4 The development would also comply with Policy SP2 of the Local Plan which sets out that the majority of new housing development will be located within towns such as Hitchin.
- 4.3.5 The proposed development would result in the loss of a residential care home. Policies within the Local Plan do not restrict the conversion of supported care accommodation to private residential accommodation.
- 4.3.6 However, Policy SP8 of the Local Plan includes a requirement for at least 350 bed spaces to be provided in suitable, supported accommodation to meet the needs of those who cannot live in their own home. This requirement is considered to have been met on new provision throughout the district.

Therefore, the loss of supported care accommodation in this location would not lead to an under provision of supported care accommodation within the district.

- 4.3.7 Given the above, the proposed development would be acceptable in principal and the loss of supported care accommodation would not be a reason for refusal in this case.

Design, Appearance, and Impact upon Designated Heritage Assets:

- 4.3.8 Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected within the provisions of Section 16 of the National Planning Policy Framework (NPPF).
- 4.3.9 Paragraph 203 of the NPPF sets out that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.3.10 Paragraph 205 sets out that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
- 4.3.11 Paragraph 206 sets out that any harm, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
- 4.3.12 Paragraph 208 of the NPPF sets out that where a development will 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, where appropriate, securing its optimum viable use.
- 4.3.13 Policy HE1 of the North Hertfordshire Local Plan reflects the aims set out within the NPPF.
- 4.3.14 The application building is set back from Bedford Road. Whilst visible, the property is bound by a red brick wall and benefits from mature vegetation to the southwest corner of the plot.
- 4.3.15 The development proposes the raising of the roof ridge height of both the main building and two storey side extension by 1.5m and 600mm respectively.
- 4.3.16 The roof form to both parts of the building would remain gabled as existing. However, the raising of the roof ridge would allow for the conversion of the loft space into habitable accommodation and the insertion of rooflights and dormers. It is considered that the raising of the roof ridge heights would not result in any unacceptable harm to the character or appearance of the building or locality.
- 4.3.17 The development would result in the addition of five front facing flat roof dormers. The dormers have been reduced in scale following receipt of amended plans.
- 4.3.18 The proposed dormers and rooflights would be set down from the ridge and up from the eaves. Furthermore, front facing dormers are present within the Bedford Road street scene.

- 4.3.19 Whilst it is acknowledged that the application site is a positive building within the conservation area, following reductions to the scale of the dormer windows, it is considered that the proposed development would be of acceptable design and would preserve the character and appearance of the Hitchin Conservation Area.
- 4.3.20 Any harm to the appearance of the conservation area would be limited. The public benefits of delivering sixteen residential apartments in this location would outweigh the works proposed to the roof of the building.

Impact on Neighbouring Amenities:

- 4.3.21 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.22 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.
- 4.3.23 The application site is neighbored by No. 34 Oughton Head way to the west (rear) and No. 11 and 11a to the north (side).
- 4.3.24 The proposed development would not result in the outward expansion of the existing building with the exception of the roof ridge height. With the ridges of the roofs being set away from nearby neighbouring properties, the raising of the height would not result in unacceptable overbearing impact or loss of light.
- 4.3.25 The front facing roofslope overlooks Butts Close, an open park and garden. The addition of the dormers would therefore not result in any loss to the privacy of nearby occupiers.
- 4.3.26 The works to the rear facing roofslope would be limited to rooflights only. The rooflights would sit high within the roofslope and would therefore be limited to a predominately skyward view. The rooflights would not result in unacceptable overlooking or loss to the privacy of nearby neighbouring occupiers.
- 4.3.27 Given the above, the proposed development would not result in unacceptable harm to the amenities of nearby neighbouring occupiers.

Standard of Amenity for Future Occupiers:

- 4.3.28 The sixteen units proposed would provide an acceptable standard of living for future occupiers. Each unit would benefit from access to natural light and outlook to all habitable rooms. Furthermore, each unit is shown on plan as achieving at least minimum internal space standards in accordance with the 'Technical housing standards – nationally described space standards'.
- 4.3.29 The application site would also benefit from a shared amenity space to the rear of the site. However, future occupants would also benefit from the town centre location and immediate access to Butts Close to the east of the site.
- 4.3.30 No objection is raised to the standard of living proposed for future occupiers.

### Parking and Highways:

- 4.3.31 The proposed development would provide twelve off-street car parking spaces and three cycle stores with space for up to 19 cycle spaces.
- 4.3.32 Local Plan Policy T2 indicates that parking for non-residential development is provided having regard to the standards set out at appendix 4 of the Local Plan. Variations from these standards will only be considered where applicants can demonstrate that the accessibility, type, scale, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels and on-street conditions justify such variations. The minimum parking standard for this development is 18 spaces plus 12 visitor parking spaces, a total of 30 spaces. The minimum cycle parking standard is 16 secure spaces, and 19 are proposed. Therefore, whilst the proposal exceeds the minimum standard for secure cycle parking, there is a significant shortfall of 18 car parking spaces. However, such a shortfall may be acceptable under the provisions of Local Plan Policy T2.
- 4.3.33 Whilst there would be an under provision of off-street car parking, the applicant has set out a case for lower parking provision in this case in the submitted Planning, Design, Access & Heritage Statement, which states “the site is located in a highly sustainable location adjacent to Hitchin town centre, with a plethora of key facilities, amenities and public transport services available within close walking distance of the site... It is considered that this highly sustainable location, being so close to all the everyday amenities and facilities in Hitchin town centre, including train station, can justify the reduced parking provision in this case. Moreover, being for flatted development and not for general family sized housing, the need for a vehicle by occupiers is likely to be considerably minimised, with excellent commuter links by train and bus, accessed very close to the site.
- 4.3.34 Officers agree with the applicant that the site benefits from access to public transport links and a wide range of amenities including a supermarket and leisure centre. The Highway Authority also agree that the amount of parking proposed is acceptable in this highly sustainable location. Therefore, whilst there would be an under provision of car parking on site, access to a car is not necessary to meet the day-to-day needs of future occupiers. It is considered that parking provision below the parking standard set out in the Local Plan is acceptable in this edge of town centre location as an exception to adopted minimum parking standards.

### Ecology and Biodiversity:

- 4.3.35 At the time of the applications submission, the requirement for the site to provide a 10% biodiversity net gain was not a requirement. Therefore, the site is not required to deliver a 10% net gain.
- 4.3.36 The development would result in the loss of a large tree to the front of the building. This tree is not protected by way of a Tree Preservation Order. A replacement tree is proposed within the rear communal garden.
- 4.3.37 The development would propose new planting along the front boundary of the site to a height of 1.8m.
- 4.3.38 The proposed development, given its town centre location, would not result in any unacceptable harm or loss to ecology or biodiversity.

#### Environmental Implications:

- 4.3.39 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.40 The development would be constructed to modern standards to comply with relevant building regulations for energy efficiency. The development would have no unacceptable environmental implications.

#### Viability:

- 4.3.41 Local Plan Policy SP7 stipulates that the Council will require development proposals to make provision for infrastructure that is necessary to accommodate additional demands resulting from the development. Local Plan Policy HS2 requires the provision of 35% affordable housing for schemes of this size. Paragraph 8.11 of the Local Plan confirms that the Council's general expectation is that affordable housing required under this policy would be on-site. However, off-site provision or contributions in lieu may be accepted with the onus on the application to robustly justify this. A Financial Viability Appraisal (FVA) was submitted alongside the application. The FVA sets out that the development cannot viably provide S106 contributions. The Local Planning Authority instructed DWD to review the FVA. The findings of the review were that the scheme could bear the costs of the S106 contributions.
- 4.3.42 Contributions in-lieu of on-site provision of affordable housing is proposed by the applicant, and the reasons given are that *"due to the nature of the proposal being a largely conversion scheme and with no separate new build element, or opportunity to provide any new build on the site, any affordable housing would need to be provided within the single building. As such, this presents leasehold and management issues, in regard to an affordable housing provider being able to manage and maintain the specified units, as part of a wider owned block."*
- 4.3.43 Officers consider that a commuted sum is acceptable in this case in-lieu of on-site provision of affordable housing and the Council's Housing Policy Officer has identified that in accordance with the adopted Development Contributions SPD the contribution should be £1,062,720.00.
- 4.3.44 Following the Council's review of the applicant's Viability Appraisal the applicant has agreed to the S016 obligations set out in the table below.

Table of Agreed S106 Obligations:

4.3.45 Below is a table of agreed S106 Obligations:

Element	Detail and Justification	Condition/ Section 106
Primary Education	<p>Towards the expansion of Oughton Primary School and/or provision serving the development</p> <p><b>£30,110 index linked to BCIS 1Q2022</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Secondary Education	<p>Towards the expansion of The Priory, Hitchin Secondary School and/or provision serving the development</p> <p><b>£31,792 index linked to BCIS 1Q2022</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Childcare Service	<p>Towards Oughton Primary and/or provision serving the development</p> <p><b>£15 index linked to BCIS 1Q2022</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Special Educational Needs and Disabilities (SEND)	<p>Towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development</p> <p><b>£4,163 index linked to BCIS 1Q2022</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation



Library Service	<p>Towards increasing the capacity of Hitchin Library and/or provision serving the development</p> <p><b>£2,103 index linked to BCIS 1Q2022</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S106 obligation
Youth Service	<p>Towards sourcing a new exclusive or shared use young people's centre serving Hitchin and the surrounding area and/or provision serving the development.</p> <p><b>£464 index linked to BCIS 1Q2022</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development</p> <p><b>£1,675 index linked to BCIS 1Q2022</b></p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Waste Service Transfer Station	<p>Towards the new Northern Transfer Station at Baldock and/or provision serving the development</p> <p><b>£2,748 index linked to BCIS 3Q2022</b></p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
HCC Monitoring Fees	<p>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).</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S106 obligation

	(£360 for each distinct trigger point)	
HCC Highways Strand 1	Sustainable transport contributions for bus stop enhancements in the area including provision of shelters and real time information screens.  <b>£39,000 index linked to SPONS August 2023</b>  HCC Planning Obligations Guidance (2021)	S106 obligation
HCC Highways Strand 2	Based on £6,826 per dwelling. To mitigate adverse pressures generated by the proposed development to the future operation and safety of the local highway, footway, cycleway and public transport networks.  To enhance and encourage active travel and public transport use by improving facilities, walking and cycling environments, and improve the safety of trips.  <b>£109,216 index linked to SPONS January 2019</b>  HCC Planning Obligations Guidance (2021)	S106 obligation.
Commuted sum in lieu of on-site affordable housing	Commuted sum sufficient to deliver the affordable housing requirement on an alternate site.  <b>16 x 0.54 x £123,000 = £1,062,720</b>  5.2.25 and 5.2.26 of the NHC Developer Contributions SPD	S106 obligation
NHDC Monitoring Fee	One off monitoring fee of £25,000 (based on the above figures; 2.5% of contributions to NHDC with a minimum of £750 and maximum of £25,0000) (to be index linked) to cover the monitoring of all obligations (not including those relating to HCC).  Policy SP7 of the NHC LP & NHC Development Contribution SPD	S106 obligation

#### 4.4 Planning Balance and Conclusion

- 4.4.1 Residential development in this location is considered acceptable in principle. The design and layout of the scheme would be acceptable and there would be no harm to the setting of the Hitchin Conservation Area or the character of the area.
- 4.4.2 There would be public benefits arising from the delivery of 16 dwellings which would assist in maintaining the vitality of Hitchin as a key settlement. There would be economic benefits arising from the construction and fitting out of the dwellings and the contribution of future occupiers to the local economy. There would be social benefits arising from the delivery of 16 new homes within Hitchin. It is considered that the public benefits of the proposal would outweigh any harm arising from the development.

4.3.3 The development would also not result in unacceptable harm to neighbouring amenity given the design and siting compared to nearby occupiers. The development would also be acceptable on highways safety grounds. Whilst there would be an under provision of off-street car parking on site, given the location of the site within a town centre location, the lack of car parking is not considered a reason for refusal in this case.

4.4.4 It is considered that the proposed development would result in an acceptable form of development that would comply with the policies set out within the North Hertfordshire Local Plan and the provisions set out within the National Planning Policy Framework

## 5.0 **Alternative Options**

5.1 None applicable

## 6.0 **Pre-Commencement Conditions**

6.1 To be confirmed prior to the Planning Control Committee meeting.

## 7.0 **Legal Implications**

7.1 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.

## 8.0 **Recommendation**

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

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required: and
- B) Conditions and Informatives as set out in this report.
- C) The completion of the S106 legal agreement.

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

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

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

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

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

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

4. Before any development commences on site landscape details are to be submitted to and approved in writing by the LPA. The details must be implemented on site in the first planting season following the substantial completion of the development hereby permitted. The details shall include:

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

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

- c) details of any earthworks proposed

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

5. Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing numbers FPP-497 Rev C, HIG-900 Rev C, 800 Rev B, shall be completed and thereafter retained.

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

6. Prior to the first commencement of the development hereby permitted, details of the type of proposed cycle stands shall be submitted to and approved in writing by the Local Planning Authority. The cycle stand must be secure, covered and lit. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

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

- a. Construction vehicle numbers, type, routing;

- b. Access arrangements to the site;

- c. Traffic management requirements

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

- e. Siting and details of wheel washing facilities;

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

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

- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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

- 8. Prior to the first occupation of the development hereby permitted, each parking space shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained in line with Building Regulations.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

- 9. Prior to the first occupation of the proposed development a noise assessment in accordance with current guidelines shall be submitted for approval to the Local Planning Authority. Once approved any noise mitigation measures shall be implemented and maintained thereafter.

Reason: To protect the residential amenity of future residents.

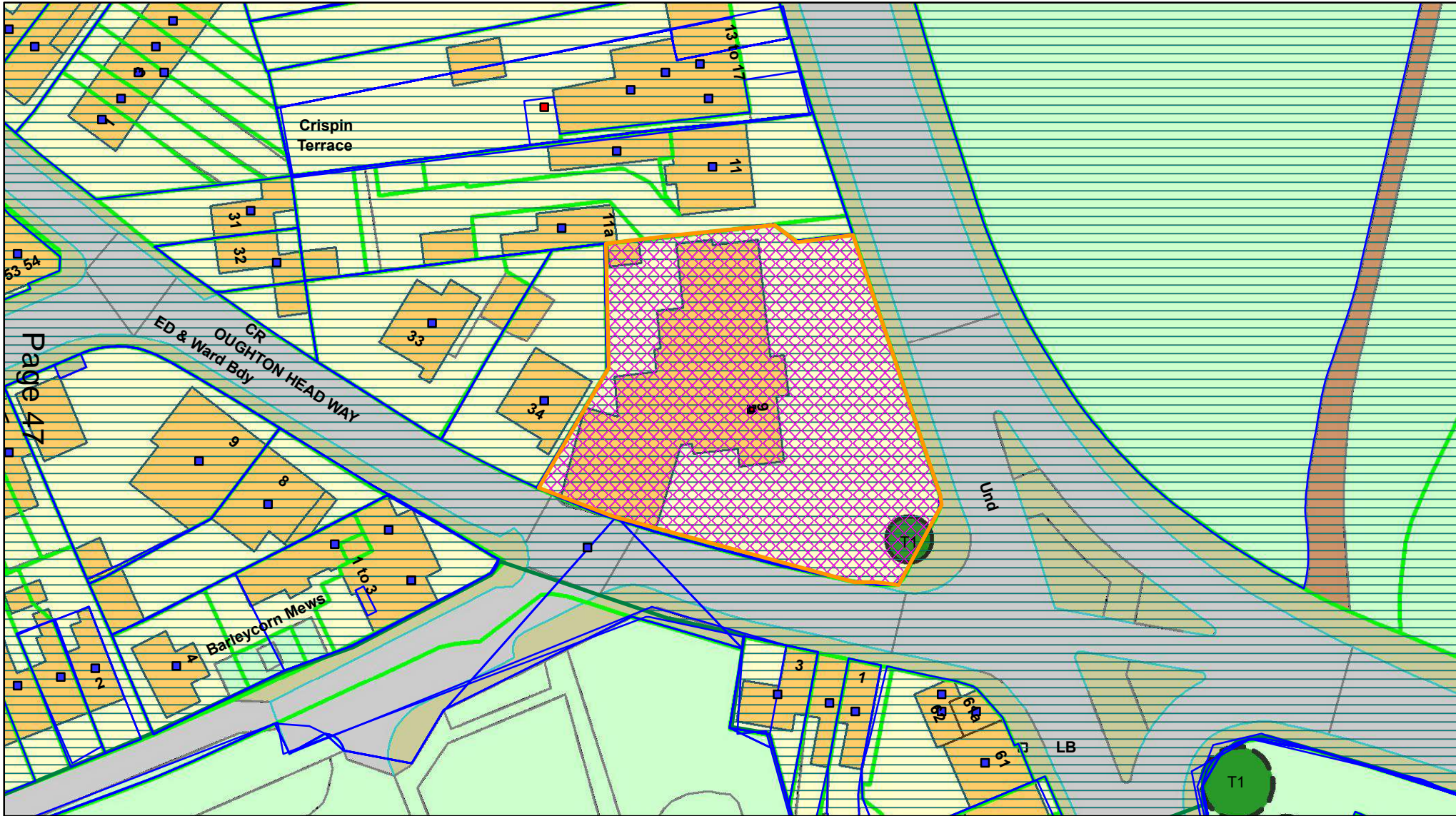
- 10. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

### **Proactive Statement**

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

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<u>Location:</u>	<b>Country Boarding For Cats And Dogs Gannock Lane Slip End Baldock Hertfordshire SG7 6NL</b>
<u>Applicant:</u>	<b>Mr Jeremy Burrowes</b>
<u>Proposal:</u>	<b>Erection of six 3-bed bungalows with associated parking and landscaping following the demolition of the existing buildings. Conversion of reception building into one residential 3-bed dwelling with associated parking</b>
<u>Ref. No:</u>	<b>24/00103/FP</b>
<u>Officer:</u>	<b>Alex Howard</b>

**Date of expiry of statutory period:** 13<sup>th</sup> March 2024

**Extension of statutory period:** 19<sup>th</sup> September 2024

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

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

## 1.0 **Site History**

1.1 Extensive site history relating to the existing use of the site as an animal boarding business.

## 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 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 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 NE12: Renewable and Low Carbon Energy Development

## 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

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

### 3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Hertfordshire Highways** – Objects to the proposed development on the following grounds (summary):

- There are no footways or safe cycle routes that exist along Deadman's Hill, which has a speed limit of 60mph with no street lighting either. Furthermore, no footways exist along the southeastern side of the A505 where it fronts the site, and whilst there is a footway along the northwestern side of the A505, the TTN identifies that the footway has overgrown vegetation, and the pavement surface is not always visible, the HA would add given current design standards the existing footway width is substandard off a road (A505) with a speed limit of 70mph.
- There is no formal crossing facility that exists for pedestrians and cyclists along the A505 in the vicinity of the site including at the junction of the A505 with Deadman's Hill, therefore there is no scope for anyone from the development to be able to safely walk or cycle to the bus stop, which are a significant distance away from the site so not feasible.
- The access road approx. 150m long is proposed as a shared surface. Given the access road is excessively long, narrow, and unlit road, in the TTN referred to as Gannock Lane is circa 4m in width and is subject to a 60mph speed limit, for pedestrian safety reasons robust traffic calming measures will be required and demonstrated to ensure vehicle speeds are kept low (5mph) and appropriate lighting to improve visibility and pedestrian safety.

- The site and its access without the provision of safe and lit footway connectivity with established settlements and public transport are not considered acceptable for residential development in such an isolated location because it is not viable for access by non-car transport modes contrary to all policies and guidance's, in particular NPPF which seeks new development to provide safe and suitable access for all, and to create safe and secure layouts minimising conflicts between traffic and pedestrians.
- Overall, the Highway Authority under the current submission cannot support the proposals due to the application has failed to demonstrate a satisfactory policy and design-led approach to the accessibility of the proposed development contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF

3.3 **Kelshall Parish Council** – None received.

3.4 **Environmental Health (Air Quality/Land Contamination/Noise)** – No objection subject to conditions covering land contamination, EV Charging points, and provision of an acoustic fence.

3.5 **North Herts Waste and Recycling** – None received.

3.6 **Hertfordshire Fire and Rescue Services** – *“We'd like to request a condition for the provision and installation of fire hydrants, at no cost to the county council, or Fire and Rescue Service. This is to ensure there are adequate water supplies available for use in the event of an emergency”.*

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is an area of land currently associated with the Country Boarding for Cats and Dogs, located to the east of the A505 close by to the Sandon junction. The site currently consists of a number of single-storey buildings, including kennels and a reception building. The site benefits from an existing access/internal road off Deadman's Hill and is within close proximity to a sporadic cluster of buildings, including residential properties, to the north and west.

4.1.2 The site is located outside of any defined settlement boundary and is designated as within the Rural Area beyond the Green Belt in the Local Plan.

##### 4.2 **Proposal**

4.2.1 Full planning permission is sought for the erection of six 3-bed bungalows with associated parking and landscaping, following the demolition of the existing buildings. The scheme also proposed the conversion of the existing reception building into one 3-bed dwelling, which would be facilitated by an extension, with associated parking.

4.2.2 The development would be facilitated by the demolition of all existing buildings associated with the County Boarding for Cats and Dogs business, with the exception of the reception building which is a newer building by comparison and is therefore worthy of conversion instead.

The existing access of Deadmans Hill and the existing access road into the site are to be retained as is but will lead into a new turning head and further access road into the core of the development, with the scheme arranged in a rectangular courtyard with all dwellings facing inwards. All dwellings would benefit from 3 parking spaces, private amenity space, and bike/bin storage.

4.2.3 The application is supported by the following documents:

- Planning Statement
- Transport Technical Note
- Noise Assessment – Spectrum Rev 1
- Full existing and proposed plans and elevations

#### 4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- The Principle of Development
- Design, Layout and Landscaping
- Living Conditions
- Highways, Access, and Parking
- Biodiversity and Ecology
- Waste and Recycling
- Climate Change/Sustainability
- 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 and is considered to be consistent with the Local Plan, also 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 main 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 the settlement hierarchy and states that the vast majority of new housing development in the district will be located within the settlement boundaries of the districts main towns and larger villages (Category A and above). The site is not within any defined settlement boundary and as a result, is designated as within the Rural Area beyond the Green Belt.

This accepts that the site is in an isolated location away from the main settlements and associated services, which would see future occupiers be solely reliant on private vehicles for the majority of trips. That said, there are a cluster of sporadic dwellings on the area directly to the west of the site. As such, the proposed development for 7 dwellings fails to comply with Policy SP2 of the Local Plan

- 4.3.5 Policy CGB1 of the Local Plan sets out instances where general development is acceptable in the Rural Area beyond the Green Belt. This states:

*“In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:*

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.”*

- 4.3.6 The proposed development would not accord with any of the above exceptions.

- 4.3.7 Policy CGB4 of the Local Plan considers existing buildings in the Rural Area Beyond the Green Belt, stating that:

*“a) Planning permission for the re-use, replacement, or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them”.*

- 4.3.8 This application is submitted on the basis that the applicant considers that the proposed development, which would see the erection of 6 dwellings following demolition of existing buildings associated with the current kennel business and the conversion and extension of the existing reception building into a single dwelling, would accord with the provisions set out in Policy CGB4 of the Local Plan and therefore be an appropriate development in principle in the Rural Area beyond the Green Belt. This will be considered in turn.

- 4.3.9 In respect of part b) of Policy CGB4, the supporting Planning Statement outlines that the existing reception building is to be converted and extended into a 3-bed dwelling. The existing building has a footprint of 86.7 sqm and the proposed extension has a footprint of 24.7 sqm, which equates to an overall footprint of 111.4sqm. In terms of volume, the extension would add 86m<sup>3</sup> to the existing volume of 331m<sup>3</sup>. The proposed extension would be a modest side element with a lower ridge line and matching eaves, utilising the same materials proposed on the rest of the converted building.

As such, it would not be a major extension to the existing building. The extent of works necessary to convert this building are not considered to be major either, seeing as the shell of the building will largely remain. This element of the proposal would comply with part b) of Policy CGB4.

- 4.3.10 In respect of part c) of Policy CGB4, the supporting Planning Statement has provided evidence regarding the footprint and volume of the existing buildings associated with the current County Boarding for Cats and Dogs business, and the footprint and volume of the proposed 6 dwellings. These are set out below:

Existing Buildings Footprint – 972.42 sqm.  
Existing Buildings Volume – 3106.65 m<sup>3</sup>

Proposed Buildings Footprint – 927.4 sqm  
Proposed Buildings Volume – 3291 m<sup>3</sup>

Therefore, the proposal would reduce the footprint of built form on the site by approx. 4.8% but would increase the volume of buildings by approx. 6%. Moreover, it is acknowledged that the existing buildings on site are stark, utilitarian in appearance, such that they have very little positive impact on the appearance and openness of the Rural Area beyond the Green Belt. The proposed development would provide higher quality and more suitable built form in this context, through the low-rise bungalow forms. Whilst there would be some changes to the siting of buildings, the proposed dwellings would be largely positioned on the areas currently occupied by the existing kennel buildings and associated storage buildings, which would consolidate the proposed development to the areas where existing development is located. It is accepted that the domestic appearance of the proposal would result in a degree of visual change from the current situation on site; however, the proposed dwellings would be of a higher quality build, low-rise, modest scale of development that would not result in a spatial loss of openness or diminish the visual qualities of the site.

- 4.3.11 Moreover, it is important to consider the degree of traffic and associated activity from the existing kennel business and the proposed residential development. As such, whilst the proposed development would generate a degree of traffic and activity from the residential use, the submitted Transport Assessment concludes that there would be a considerable net reduction in vehicle trips associated with the proposed use compared to the existing use, which is a view supported by the Highway Authority. In terms of associated activity, the proposed development would lead to parked cars and domestic paraphernalia associated with residential gardens (bins, bikes etc). That said, this would be contained to areas that are currently already developed and the proposed parking areas for each dwelling would be set further into the site than the existing parking area for the commercial business at the site, which would reduce the perceived impact on the Rural Area beyond the Green Belt compared to the existing kennel business.

- 4.3.12 Overall, whilst the proposed development would result in a modest 6% increase in volume compared to the existing buildings, there would be a reduction in footprint by 4.8%, the proposed buildings would be of higher quality and more suitable built form in this context compared to the existing utilitarian buildings, the scheme would respect the existing low rise form and density of built form on site, and the development would result in a considerable net reduction in vehicle trips associated with the proposed use compared to the existing use.

As such, it is considered that the proposed development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original buildings, in accordance with part c) of Policy CGB4.

4.3.13 Part d) of Policy CGB4 is not relevant in this instance, as there are no outbuildings proposed.

4.3.14 Furthermore, it is also important to consider the existing built form and operation of the business on site in the context of Brownfield land/Previously Developed Land. The supporting Planning Statement makes the following point in respect of the existing business:

*“By way of background as to why the alternative use of the site is proposed, there has been a decrease in the number of kennels in recent years due to a number of factors including the pandemic and subsequent lockdowns and the increase in homeworking and UK based holidays. Pet home boarding and pet sitting have become popular alternatives to using a boarding kennels and these types of business are a growing source of competition for the kennels and cattery sector. Home boarding services for pets must be licensed to trade but pet sitters don't need a licence. The most recent industry data shows home boarding licences have increased by 22%.”*

4.3.15 Therefore, the applicant's case is that the existing operation and sustainability of the kennel business in this location is potentially at risk of closure in the future, which is the rationale behind considering other uses for the site.

4.3.16 The NPPF 2023 defines Brownfield Land/Previously Developed Land (PDL) as *“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”*. Therefore, it is considered that this site can be considered to fall within this definition. Section 11 of the NPPF attaches substantial weight to the development of Brownfield Land/PDL and the recent consultation of the NPPF, whilst not a formally adopted document at this stage, identifies the governments' goal to increase housing figures on such sites.

4.3.17 In conclusion, it is acknowledged that this site, which is not within a defined settlement boundary and is isolated from the nearest settlements generally, is not a sustainable location for new housing as future occupiers would be reliant on private motor vehicles for the majority of trips. The conflict with Policy SP2 in this respect weighs against the proposed development. However, the site is within the Rural Area beyond the Green Belt and has an existing business and buildings on it. The proposal would be in accordance with Local Plan Policy CGB4 which permits redevelopment proposals such as this. Furthermore, the site is classed as Brownfield Land/PDL where development of such sites is strongly supported in the NPPF and the government goal to build more homes.

Overall, it is considered that the principle of residential development on this site is acceptable taking all of the aforementioned matters into account.

#### Design, Layout and Landscaping

- 4.3.18 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.
- 4.3.19 The site is currently used for the Country Boarding for Cats and Dogs business, consisting of several stark, utilitarian structures and large areas of hardstanding used in connection with the business on the site. All the buildings, aside from the reception building, are proposed to be demolished and are considered to have no historic or architectural interest such that their removal would not detract from the character and appearance of the site. This view is supported by Officers following a site visit, which did identify the poor visual quality and general forms of buildings at this site.
- 4.3.20 The proposed development has been designed to resemble the appearance of a small agricultural courtyard and, due to the site's location in the rural area, a lower density layout has been adopted to reflect this transition from the modestly built-up edge of Slip End to the open countryside beyond. The proposed dwellings would all be one-storey bungalows with a maximum ridge height of approximately 2.5m for the new dwellings, and 3.0m for the converted reception building. The proposed dwellings would be larger in height compared to the existing kennels. The proposed six new bungalows have been designed to reflect the form and style of the existing reception building, which is to be retained and converted into a dwelling, which is quite contemporary in appearance. The dwellings would be finished in timber cladding to the external walls, zinc roofs, and powder coated aluminium windows and doors. All dwellings would benefit from a private rear garden, bin and bike storage, and associated landscaping.
- 4.3.21 Overall, it is considered that the design and layout of the proposed scheme is acceptable. The low-density development would respond positively to the rural location which is appropriate in this context. The dwellings would be high quality buildings compared to the existing kennels and associated buildings which have no architectural merit. Whilst it is acknowledged that the dwellings would be taller than the existing kennel buildings, it is considered that this increase would not cause adverse harm to the wider area, given the visual improvements provided by this scheme and the associated landscaping which will be secured via condition. Furthermore, seeing as the six new dwellings have been designed to reflect the scale and roof form of the converted reception building, which is a contemporary, positive building in this context, it would not be intrusive or harmful to the wider character of the area. The submitted Planning Statement makes the point that the applicant would be amenable to deliver an array of solar panels on each dwelling, which is considered reasonable in this instance and as such, a condition will be recommended that requires the submission of a scheme to deliver sustainable built form in accordance with the aims of Policy D1 of the Local Plan, which could include solar panels.
- 4.3.22 As such, the proposal would accord with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.



## Living Conditions

- 4.3.23 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.
- 4.3.24 In terms of the layout of the proposed dwellings relative to the immediate neighbours, the site is neighbored by Chesara, to the north-east, Hanslor to the north, and The Bungalow to the west. Given that the built element of this proposal is largely in the same location as the existing kennel buildings and the dwellings are marginally taller, but single storey, it is considered that the proposed development will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight.
- 4.3.25 Further to the above, another weighty material consideration in this respect is the existing relationship between the kennel business and the immediate neighbours to the north and west of the site. Officers have been made aware of a history of complaints from these neighbours over the associated noise emanating from the kennels from dogs barking. Following visits to the site, Officers can confirm that considerable noise does undoubtedly occur from the premises. It is also acknowledged that the shared boundary between the site and the neighbour to the north, Chesara, is formed by a tall acoustic fence likely erected due to these historic noise issues. Therefore, it is considered that the proposed residential development of this site would mitigate this historic and existing neighbour amenity issue, which would be a benefit to their reasonable living conditions and well-being.
- 4.3.26 In terms of potential future occupiers, all dwellings would exceed the nationally prescribed minimum space standards for 3-bed/6-person dwellings, they would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.27 One of the consultation responses from Environmental Health relates to the potential impact from the noise associated with the nearby A505. Consequently, the applicants commissioned a noise assessment at the request of officers which proposes mitigation, such as enhanced glazing and acoustic trickle vents for some of the habitable rooms. These were considered acceptable and a condition requiring these mitigatory measures to be installed and maintained in perpetuity is recommended. The report also considered acoustic fencing around the boundary of the site to mitigate additional noise, concluding that this would give minimum benefit. However, the Council's EHO has considered that acoustic fencing should be erected to offer some further mitigation to noise. As such, mindful of the visual impact of these tall boundary treatments, it is considered reasonable to enforce a condition that the northern, western, and southern boundaries of the site, which are the rear boundaries of Plots 2 -7, are bounded by 2.4m high acoustic fencing with attenuation of 1-3dB and maintained in perpetuity, to protect the visual amenity of future occupiers. Whilst it is acknowledged that this height of fence could be considered stark and overbearing, the proposed landscaping scheme reserved by condition could also consider means of planting in front of these fences to soften their visual impact.

4.3.28 As such, subject to the above conditions concerning noise mitigation measures, the proposed development would not give rise to unacceptable harm to the amenities of neighbouring properties and future occupiers, in accordance with Policy D3 of the Local Plan.

#### Highways, Access, and Parking

4.3.29 A Transport Statement accompanied the application, which concludes that the proposed development is not expected to cause a perceptible negative impact to the safe and efficient functioning of the local highway. It goes on to state that it is expected that the proposed development would lead to a considerable net reduction in vehicle trips associated with the application site compared to the existing business use and would therefore likely have a positive impact on the safe and efficient functioning of the local highway network, including an increase in the overall level of sustainable travel on the local transport network.

4.3.30 The Highway Authority (HA) have formally responded to this application, objecting to the proposal on several grounds around pedestrian safety. The concerns relate primarily with the lack of any footways or cycle routes along Deadman's Hill, the southeastern side of the A505, and that the existing footway on the northwestern side of the A505 is substandard. There are also no streetlights on Deadman's Hill or any crossings across the A505 from the Sandon junction, which overall means there is no reasonable scope for anyone from the development to be able to safely walk or cycle to the bus stop, which are a significant distance away from the site so not feasible. As a result, the future occupiers of these proposed dwellings would be totally reliant on private vehicles for trips. The HA also considers that the access road which is 150m long should incorporate robust traffic calming measures which will be required and demonstrated to ensure vehicle speeds are kept low (5mph) and appropriate lighting to improve visibility and pedestrian safety. Overall, the Highway Authority are of the view that residential developments should be delivered in the most sustainable locations, where connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided. Furthermore, permitting the development would set an undesirable precedent for similar schemes elsewhere. As such, the HA consider that the scheme conflicts with the core principles set out in their Local Transport Plan. However, the Highway Authority agree with the conclusion of the Transport Statement that the development is not likely to have any significant detrimental impact on the efficiency and operation of the local highway network.

4.3.31 The agents have considered this formal response from the Highway Authority and have responded as follows. They consider that the objectives of sustainability are to reduce congestion and emissions and improve air quality and public health and rely less on the use of fossil fuels, which the proposal achieves. The scheme also includes the provision of charging for electric car charging at each of the dwellings, will also improve the sustainability levels. The overarching view is that the proposed residential use is a more sustainable use of the land than the existing commercial/business use.

The agents acknowledge that the location of the site is not ideal in terms of access to alternative modes of transport, nor would it be the first choice of location for residential development, but there is no identifiable harm caused by the proposals in highway or transport sustainability terms. they state that The Highway Authority identify a clear requirement for “...positive impact on the safe and efficient functioning of the local highway network, including an increase in the overall level of sustainable travel...” Furthermore, they consider that there is no policy provision that would justify a moratorium on residential development of Brownfield/PDL land. Indeed, local, and national policies provide for it. The agents go on to consider that, specifically in relation to transport policy, the Local Plan Policy T1 states that planning permission will be granted provided that the following provisions are met, with comments on each point below:

a) *Development would not lead to highway safety problems or cause unacceptable impacts upon the highway network;* - no conflict with the proposals.

b) *Mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7;* - Notwithstanding that none have been identified as required or necessary for this minor scheme given the overall improvements to sustainability levels proposed, further improvements to sustainability are offered, such as the improvements to the existing footway adjoining the site, or a financial contribution to a scheme to improve footpath/cycle access to this location that would benefit the wider cluster of dwellings here.

c) *Suitable Transport Statements, Transport Assessments and / or Travel Plans along with supporting documents are provided where required;* - not required but a Transport Statement has been provided and its findings agreed with by Highway Authority.

d) *For major developments, applicants demonstrate service by and accessibility to pedestrian and cycle, public transport and road networks.* - This is not a major scheme. As such, this policy requirement does not apply. The Highway Authority seem to be applying these requirements to this minor scheme.

Lastly, the agents state that there is an acknowledgement in the NPPF of a lesser expectation of sustainability in rural areas that needs to be considered, set out in Paragraph 109, which states that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Fundamentally the proposal helps achieve the objectives of sustainability through reducing congestion and emissions and improving air quality and public health and reducing reliance on fossil fuels. The use proposed is more sustainable than the existing use of the land.

4.3.32 Overall, Officers have considered this matter at length following the formal objection from the Highway Authority. It is acknowledged that residential development should generally be located in the most sustainable locations, where connectivity is maximised for pedestrians, the need to travel by private car is minimised, and safe and direct walking and cycling routes are provided to nearby services and settlements, which is in accordance with principles of Policy SP2 of the Local Plan. Indeed, this is view outlined in the principle of development section of this report, where Officers accept that the site is in an isolated location outside of a settlement boundary and away from the main settlements and associated services, which would see future occupiers be solely reliant on private vehicles for the majority of trips in and out of the site.

However, as outlined above, this proposed development would result in less trips to and from the site compared to the existing commercial/business use, which makes it the more sustainable land use. The sites access, which is not proposed to be changed, delivers appropriate visibility splays onto Deadmans Hill and is generally an acceptable access for a development that will have less two-way trips compared to existing. The access road which is to remain as is, aside from the proposed turning head for larger vehicles, should be subject to traffic calming measures and additional street lighting, which can be secured via condition. In terms of the pedestrian suitability of this site, as considered in the earlier sections of this report, this site is Brownfield Land/PDL in the Rural Area beyond the Green Belt, and the proposal would be in accordance with Policy CGB4 of the Local Plan. CGB4 doesn't preclude residential development from the relevant provisions of the policy, accepting that these sites will be in rural, isolated locations where car reliance will be more than usual, which also accords with the provisions of Paragraph 109 of the NPPF. The provision of EV charging points on all plots is a benefit to the sustainability of this site. On balance, based on the above matters, it is considered that the number of dwellings proposed for this scheme is not so sizable that reliance on private vehicles is such a significant negative aspect that would justify a refusal in transport and highway terms, especially factoring in that this is Brownfield Land/PDL.

- 4.3.33 Moreover, the agents have suggested that further improvements to sustainability are offered, such as the improvements to the existing footway adjoining the site, or a financial contribution to a scheme to improve footpath/cycle access to this location that would benefit the wider cluster of dwellings here. Whilst this is a welcome offer, given the number of dwellings proposed is 7 and under the threshold for developer contributions, it is considered unreasonable in planning terms to request that the applicants enter into a Unilateral Undertaking to deliver these possible additional improvements to sustainability, as there is no adopted policy basis for doing so. If the applicant wishes to engage with other stakeholders on the feasibility and delivery of these additional measures then that is down to them, it just cannot be secured through the planning system.
- 4.3.34 As such, on balance, it is considered that the proposed development would have an acceptable impact on highway safety and whilst there would be little to no provision for pedestrian accessibility, the site is Brownfield Land/PDL in the rural area where car reliance is accepted to be more than usual.
- 4.3.35 In terms of parking, the proposal would provide 3 private parking spaces per dwelling, which exceeds the 2 spaces required under Policy T2 of the Local Plan and the Vehicle Parking at New Development SPD. This is considered acceptable and in light of this over provision, the lack of any visitor parking provision on site is mitigated.

#### Biodiversity and Ecology

- 4.3.36 This application was submitted on the 17<sup>th</sup> January 2024, which is prior to the 2<sup>nd</sup> April 2024 where BNG became mandatory for non-major development.
- 4.3.37 In any case, Policy NE4 of the Local Plan requires all development to deliver measurable gains in biodiversity. The Planning Statement states that existing landscaping will be retained and reinforced where possible, with a concentration around the boundary of the developable area.

The agents have stated that the scheme could be subject to a landscaping pre-commencement condition which would cover the requirements for measurable gains in biodiversity, with them possibly even striving for 10% BNG when they do not legally need to. This is considered a reasonable approach to achieve this requirement, in accordance with Policy NE4 of the Local Plan.

#### Waste and Recycling

- 4.3.38 The proposal would incorporate a bin collection point near the large vehicle turning area, which has been shown can accommodate a refuse vehicle. Residents would be expected to present their bins to on the morning of the collection day, is circa 45m and 40m walk from the furthest dwelling, but within 30m of 5 of the dwellings. The Waste and Recycling Team were consulted on this application but did not respond but in any case, this proposed arrangement is considered to be acceptable.

#### Climate Change/Sustainability

- 4.3.39 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.
- 4.3.40 In terms of the economic objective, the proposed development would deliver considerable benefits through the creation of employment during the construction phase and the use of nearby services, as well as those further afield in Royston, Ashwell, and neighbouring villages, by future occupiers. These benefits would be moderate in context and would therefore attain moderate weight.
- 4.3.41 In terms of the social objective, the proposed development would deliver 7 dwellings towards the districts housing supply which could be deliver in a relative short period. Therefore, significant weight is attributed to the social benefits that would arise from a development of the scale proposed.
- 4.3.42 In terms of the environmental objective, the proposed development would deliver some benefits. The scheme would comprise built form and a general layout that is more appropriate and high quality compared to the existing utilitarian buildings on site. The scheme would provide an EV charging point per dwelling and all dwellings would have solar panels. In terms of reducing fossil fuels, the proposed development would result in less trips to and from the site compared to the existing commercial/business use, which makes it the more sustainable land use. These benefits are attributed some weight. However, given the isolated location of this site in the Rural Area beyond the Green Belt with little to no pedestrian connectivity, it is anticipated that future occupiers would need to travel to Royston and surrounding areas and be reliant on private vehicles. This is a negative aspect of the scheme as supported by the Highway Authority, to which significant weight is attached.

## Planning Balance

- 4.3.43 The site is not within any defined settlement boundary and as a result, is designated as within the Rural Area beyond the Green Belt. This accepts that the site is in an isolated location away from the main settlements and associated services, which would see future occupiers be reliant on private motor vehicles for the majority of trips.
- 4.3.44 However, in respect of Policy CGB4, the reception building to be extended and converted would not require major extensions or conversion. Moreover, whilst the proposed development would result in a modest 6% increase in volume compared to the existing buildings, there would be a reduction in footprint by 4.8%, the proposed buildings would be of higher quality and more suitable built form in this context compared to the existing utilitarian buildings, the scheme would respect the existing low rise form and density of built form on site, and the development would result in a considerable net reduction in vehicle trips associated with the proposed use compared to the existing use. As such, it is considered that the proposed development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original buildings. The proposal is therefore in accordance with Policy CGB4 of the Local Plan, which doesn't preclude residential development from the relevant provisions of this policy, accepting that these sites will be in rural, isolated locations where car reliance will be increased. Furthermore, the site is classed as Brownfield Land/PDL where development of such sites is strongly supported in the NPPF and the government's goal to build more homes.
- 4.3.45 It is considered that the design and layout of the proposed scheme is acceptable, through its low-density nature that would respond positively to the site's rural location and the high-quality buildings compared to the existing kennels and associated buildings which have no architectural merit. The dwellings would be taller than the existing kennel buildings, but it is considered that this increase would not cause adverse harm to the wider area, given the visual improvements provided by this scheme and the associated landscaping and provision of solar panels on all plots, which will be secured via condition. The proposal will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight. In fact, the residential use of this site would mitigate this historic and existing neighbour amenity issue insofar as it relates to the noises from the animals, which would be a benefit to their reasonable living conditions and well-being. The dwellings would meet space standards and have adequate standards of amenity, subject to conditions regarding the provision of noise mitigation measures on plots and acoustic fencing.
- 4.3.46 The objection from the Highway Authority has been considered fully in the planning balance and it is accepted that residential development should generally be located in the most sustainable locations, where connectivity is maximised for pedestrians, and that occupiers of these dwellings would be almost solely reliant on private vehicles. However, as the proposal would result in less trips to and from the site compared to the existing commercial/business use, which makes it the more sustainable land use, and the site is a Brownfield Site/PDL in the Rural Area beyond the Green Belt where the scheme is considered in accordance with Policy CGB4, which does not preclude residential development and inherently accepts that these sites will be in rural, isolated locations where car reliance will be more than usual, it is considered that the number of dwellings proposed for this scheme is not so sizable that reliance on private vehicles is such a significant negative aspect that would justify a refusal in transport and highway terms.

4.3.47 Measurable gains in biodiversity will be secured via condition under the landscaping scheme. The proposed waste collection arrangement is also considered acceptable.

4.3.48 As such, weighing the aforementioned matters in the planning balance, it is considered that the benefits associated with delivering 7 dwellings on this Brownfield/PDL site, including a more appropriate built form and sustainable build features, mitigating the historic and existing neighbour amenity issue in respect of noise, and other social and economic benefits, would outweigh the considered harms resulting from the occupiers of these 7 dwellings being solely reliant on private vehicles, as supported by the Highway Authority.

4.3.49 The application is therefore recommended to the Planning Committee for approval, subject to conditions.

#### 4.4 **Conclusion**

4.4.1 As above.

#### 4.5 **Alternative Options**

4.5.1 N/A

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

4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

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

4.7.1 N/A

#### 5.0 **Recommendation**

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

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

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

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

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

3. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.
4. If the Local Planning Authority is of the opinion that the report which discharges condition 3, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes: (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (ii) The results from the application of an appropriate risk assessment methodology
5. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of 4, above; has been submitted to and approved by the Local Planning Authority.
6. This site shall not be occupied, or brought into use, until: (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 5 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
6. Any contamination, other than that reported by virtue of condition 3 and 4, encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment, and controlled waters in line with policy NE11 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality in line with policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

8. The development hereby permitted shall incorporate the provision and installation of fire hydrants, at no cost to the county council, or Fire and Rescue Service.



Reason: to ensure there are adequate water supplies available for use in the event of an emergency.

9. No development hereby permitted shall commence until full details of the landscaping scheme for the areas surrounding the proposed development have been submitted to and approved in writing by the local planning authority. The details of the landscaping scheme shall include the following:
- a) what new and existing trees, shrubs, hedges, and grassed areas are to be retained/planted, together with the species proposed and the size and density of planting;
  - b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
  - c) details of any earthworks proposed.
  - d) a schedule of maintenance for the soft landscaping, including that any planting will be maintained for a period of at least 5 years from the date of planting. Any hard landscaping, including any means of enclosure within the approved scheme shall be completed prior to the first occupation of the proposed dwelling.

Reason: To ensure a suitable scheme is implemented on the site and in the interests of the finished appearance of the completed development in line with policies NE2 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

10. 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.

11. No development shall take place until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) details of initial aftercare and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with policy NE4.

12. A 2.4m tall acoustic fence with attenuation of 1-3dB shall be erected on the northern, western, and southern boundaries of the development hereby permitted. The acoustic fencing shall be maintained in perpetuity.

Reason: To ensure the standard of residential amenity for future occupiers is suitable, in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

13. The noise mitigation measures set out in Part 6 of the submitted Noise Impact Assessment by Spectrum (ref: AP1960/24079/Rev 1) shall be installed on all plots in accordance with the recommended details.

Reason: To ensure the standard of residential amenity for future occupiers is suitable, in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

14. Prior to the commencement of development, a scheme of traffic calming measures and additional street lighting on the access road to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and maintained in perpetuity.

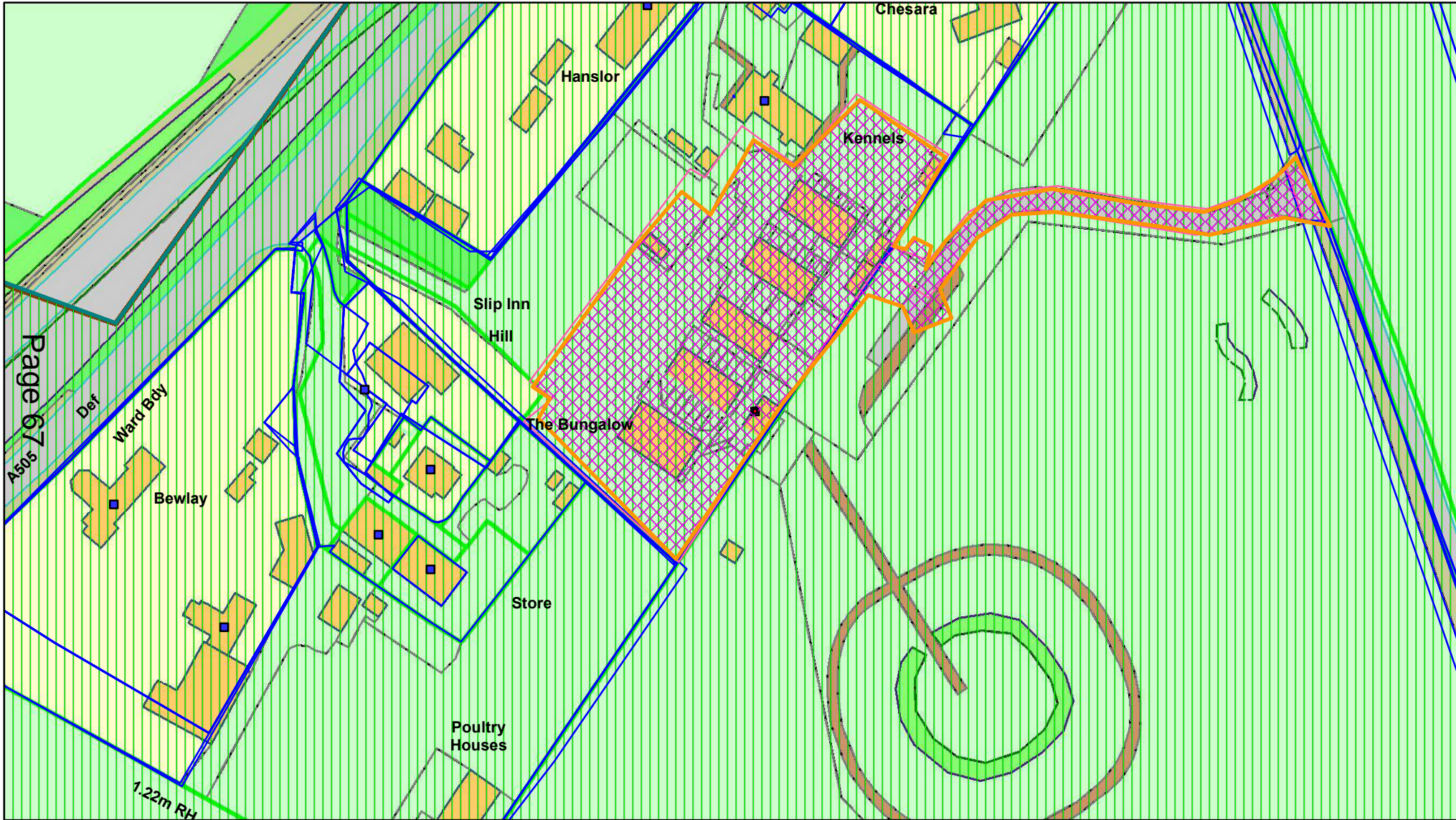
Reason: To ensure that the access road is safe for future occupiers, in line with Policy T1 of the North Hertfordshire Local Plan 2011 to 2031.

15. Prior to commencement a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

**Proactive Statement:**

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



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<u>Location:</u>	<b>The Bull High Street Gosmore Hitchin Hertfordshire SG4 7QG</b>
<u>Applicant:</u>	<b>A E Hoffman and K A Lauder</b>
<u>Proposal:</u>	<b>Change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling and associated landscaping, Erection of carport/storage</b>
<u>Ref. No:</u>	<b>24/00796/FP</b>
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of expiry of statutory period:**

3 June 2024

**Extension of time:**

30 September 2024

**Reason for Referral to Committee:**

Councillor Caroline McDonnell has requested that the application be referred to planning control committee for the following reasons:

*"I agree with the parish council on over development of the land. While I appreciate that it's a listed building and the plans are restricted to working within the bounds of the current structure, there is very little outdoor space, only one parking space for a 4 bed home and no grass/outdoor provision for a family home.*

*It's a listed building which has been allowed to go into disrepair rather than focusing on the intended use as a pub.*

*The Bull was listed as an Asset of Community Value but lost it's status when the current owners leased the building to a chef who ran it as a restaurant.*

*It, along with the Bird in Hand, was a popular and well used pub.*

*The residents in Gosmore would like the building to be sold and run as a pub once again. However if it should be awarded change of use, then plans should respect the Heritage and Listing of the building and be in keeping.*

*By calling in the change of use the future of the Bull will be properly debated and scrutinised.”*

The above are considered detailed reasoning based upon one or more valid material planning considerations and details reasons why the matter is in the wider public interest.

## 1.0 **Site History**

1.1 24/00725/LBC - Internal and external alterations to facilitate change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling – Concurrent Application

1.2 24/00751/FP - Temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation – Pending

## 2.0 **Representations**

### 2.1 **Neighbour Consultation** – 2x Objections:

- Loss of pub use.
- Loss of business use harms local economy.
- Harm to social pillar of sustainability.
- Closure of public house was due to costs of operation, not poor operation and management.
- Opportunity to reopen business now.
- Harm to character of the village.
- Insufficient information provided to justify proposed change of use.
- Pub, when in operation, was well received by locals and from visitors.
- Change of use would not preserve a community facility.

### 2.2 **Parish Council** – Objection:

*“It was agreed there was no objection in principle for a single use dwelling, however Parish Council agreed to object to this scheme as it is over development with insufficient parking provision.”*

### 2.3 **Conservation Officer:**

*“It is considered that the change of use will result in less than substantial harm to the character of the Gosmore Conservation Area by a reduction in the economic vitality of the area eroding Gosmore’s ability to be a sustainable community. However, unless there is considered good reason to seek marketing and viability evidence with the potential to retain the existing use, from a heritage perspective I see no alternative other than to raise NO OBJECTION as there is no other reason to resist the change to residential. This was the case with the Maidens Head, Whitwell. The scheme will thus satisfy Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.”*

2.4 **Environmental Health** – No Objection subject to implementation of contamination condition.

### 3.0 **Planning Considerations**

#### 3.1 **Site and Surroundings**

3.1.1 The Bull comprises a Public House in Gosmore at the crossroads between Waterdell Lane and the High Street. The site is within the Gosmore Conservation Area and the defined settlement boundary of Gosmore. The building is Grade II Listed and its List Entry reads as follows:

***“House, now a public house. C17 or earlier, brick cased in early C18. Timber frame cased in plum brick with red dressings now painted on front and S part. Steep old red tile roofs. Low-pitched slate roof to E part of rear wing. A 2-storeys corner building facing W with single-storey rear service wing at SE. A 3-cells plan formerly roofed with cross-gable to parlour at S end, and a large projecting external chimney on E. Very large N gable chimney as open fireplace the full width of the house. Stair turret to rear of central part with front and rear doors. W front has plat-band, black painted plinth. 4 windows to 1st floor and 2 blocked openings. Segmental arches to the 3 windows on ground floor. Flush 2-lights casement windows with small-panes and external louvred shutters on ground floor. 8-panel door (renewed) in heavy frame up 2 steps. Wrought iron sign to RH end of front”***

#### 3.2 **Proposal**

3.2.1 Planning permission is sought for the change of use of the building from a Public House (Sui Generis) to a four bed, residential dwelling. Associated landscaping works and the erection of a carport and storage space are also proposed.

#### 3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

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

#### Principle of Development:

3.3.2 The application site sits within the defined settlement boundary of Gosmore, a Category A Village. Policy SP2 describes how general development will be permitted within the defined settlement boundaries of Category A Villages. The proposal comprises general development and is therefore considered to be compliant with the provisions of this policy.

- 3.3.3 The development seeks to change the use of the building into residential use. Policy ETC7 is of relevance given that it relates to the loss of a public house use in the village. The policy provides the following requirements:

*“Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:*

- a) There is another shop, service or facility of a similar use available for customers within an 800m walking distance; and*
- b) The proposed replacement use would complement the function and character of the area.”*

- 3.3.4 The area surrounding the site predominantly comprises residential dwellings, and I therefore do not consider that the public house is within the retail hierarchy. The Bird in Hand is an existing public house that remains in Gosmore, approximately 30 metres from the application site. Therefore, I consider that a) is met. With regards b), residential dwellings effectively surround the application site, and therefore a residential use would complement this prevailing use in this part of Gosmore. Overall, the principle of development is suitably supported for the proposed change of use.

Sustainability:

- 3.3.5 The application site is within Gosmore, a Category A settlement. Therefore, various amenities are available to the future occupiers of the dwelling and would therefore not require a private vehicle when traveling to the nearby public house and would benefit from bus stops providing travel throughout the district. Socioeconomic benefits would arise from the provision of a windfall dwelling within the district and due to local contractors being used during the construction phase and when maintaining the building in the future.

Design and Appearance:

- 3.3.6 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site’s local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

- 3.3.7 The proposed development requires few alterations to the main building, and where these are proposed, they are not development for the purposes of planning permission or are well screened from public vantage (see below section on Heritage Assets). A new car port is proposed together with associated storage space and landscaping. The proposed car port and landscaping works together with new boundary treatments are considered to be suitably in keeping with the existing building and surrounding area. Materials of construction, scale of development and built form are sympathetic to the existing building area and to this part of Gosmore.



- 3.3.8 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impacts to Heritage Assets:

- 3.3.9 The building is Grade II Listed and both internal and external works are proposed. The council conservation officer has made representation, and this representation has not objected to the proposed development.
- 3.3.10 The analysis within the Conservation Officers representation is understood and agreed. The planning policy for services and facilities including public houses does not require, in this instance, justification for the loss of the use in respect to viability. Whilst the Conservation Officer acknowledges less than substantial harm to the character of the Gosmore Conservation Area by a reduction in the economic vitality of the area eroding Gosmore's ability to be a sustainable community, it is also acknowledged that there is not a policy based requirement for any long-term financial viability evidence for the change of use of the property. There is a requirement, and a benefit to the heritage asset, pursuant to safeguarding the future of the listed building. Subject to a condition requiring the submission of material details for the proposed glazed entrance hall to the rear, no harm would occur to the listed building pursuant to the physical works required to necessitate the change of use.
- 3.3.11 Whilst less than substantial harm would occur to the character of Gosmore Conservation Area, the harm would be on the lower end of less than substantial. The heritage benefits of safeguarding the future of the listed building and the public benefits of a windfall dwelling in a sustainable location would outweigh the lower end less than substantial harm to the contribution of the public house use of the building to the significance of the Conservation Area as a designated heritage asset.
- 3.3.12 The proposed car port would replace an existing car port of no special interest. Whilst taller with a pitched roof, the proposed car port, subject to conditions regarding materials, is not considered obtrusive or out of keeping with its context.
- 3.3.13 It is thereby considered that the proposed development would not occasion harm to the significance of the heritage asset or its setting which is not outweighed by public benefits. The scheme will thus satisfy Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

Impact on Neighbouring Properties:

- 3.3.14 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 3.3.15 The proposed change of use may improve the standard of amenities for neighbouring occupiers by removing a noise generating use from this predominantly residential area. Furthermore, proposed alterations to the building would not dominate or overlook any neighbouring occupiers.

The proposed car port/storage space would be located adjacent to the rear boundary and is therefore in proximity to No. 114. Given the presence of the driveway, an alleyway, and an existing covered area, I consider that the works would not overbear or overshadow this neighbouring dwelling.

- 3.3.16 It is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

- 3.3.16 The proposed internal floor space for the dwelling would exceed the minimum space required for a four-bed, two storey dwelling as required by the Nationally Described Space Standards. Amenity space is provided to the rear, featuring a patio area and some garden space. I consider that the amenities of future occupiers would be suitably served by the building and amenity space.

Highways and Parking:

- 3.3.17 The proposed development would be served by a minimum of one parking space that is off-street. On-street parking would be provided and therefore, I consider that sufficient parking would be provided for the dwelling. An existing access point would be used for vehicle parking, presently used as a car port to provide off-street vehicle parking. I therefore consider that the development would hold an acceptable relationship with the safe operation of the highway.

Biodiversity Net Gain:

- 3.3.18 The proposed development benefits from the 'de minimis' exemption from the 10% requirement for Biodiversity Net Gain given that the development would not impact a priority habitat and would impact less than 25 square metres (e.g. 5m by 5m) of onsite habitat. Policy NE4 requires measurable biodiversity, and the applicant has agreed to the introduction of a swift box to the car port to provide an on-site habitat.

**3.4 Conclusion**

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

**3.5 Alternative Options**

- 3.5.1 None applicable.

**3.6 Pre-Commencement Conditions**

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

#### 4.0 **Legal Implications**

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

#### 5.0 **Recommendation**

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

1. The development hereby permitted shall be 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. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

4. Prior to commencement of the approved development, the following landscape details to shall be submitted to the Local Planning Authority for approval, and the development shall be carried out in accordance with these details:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

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

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

d) plans showing the design and external elevations of the cycle storage.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development. To comply with Policy D1 of the Local Plan.

5. The approved 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.

6. In accordance with approved drawing nos. PL.120, PL.210 and PL.211 which indicate the removal of the corrugated covered way, walk-in fridge-freezers and metal framed free-standing gazebo at the rear, these elements shall be removed prior to the occupation of the building as a dwellinghouse.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

7. The carport/storage building shall be constructed with an oak -frame as annotated on approved drawing no. PL.211 unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

8. The carport/storage building shall be constructed with an open eaves (exposed rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

9. Details of the roof material for the carport/storage building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. The carport/storage building shall be completed in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

10. Details of the rainwater goods for the carport/storage building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. The carport/storage building shall be completed in accordance with the approved rainwater goods.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

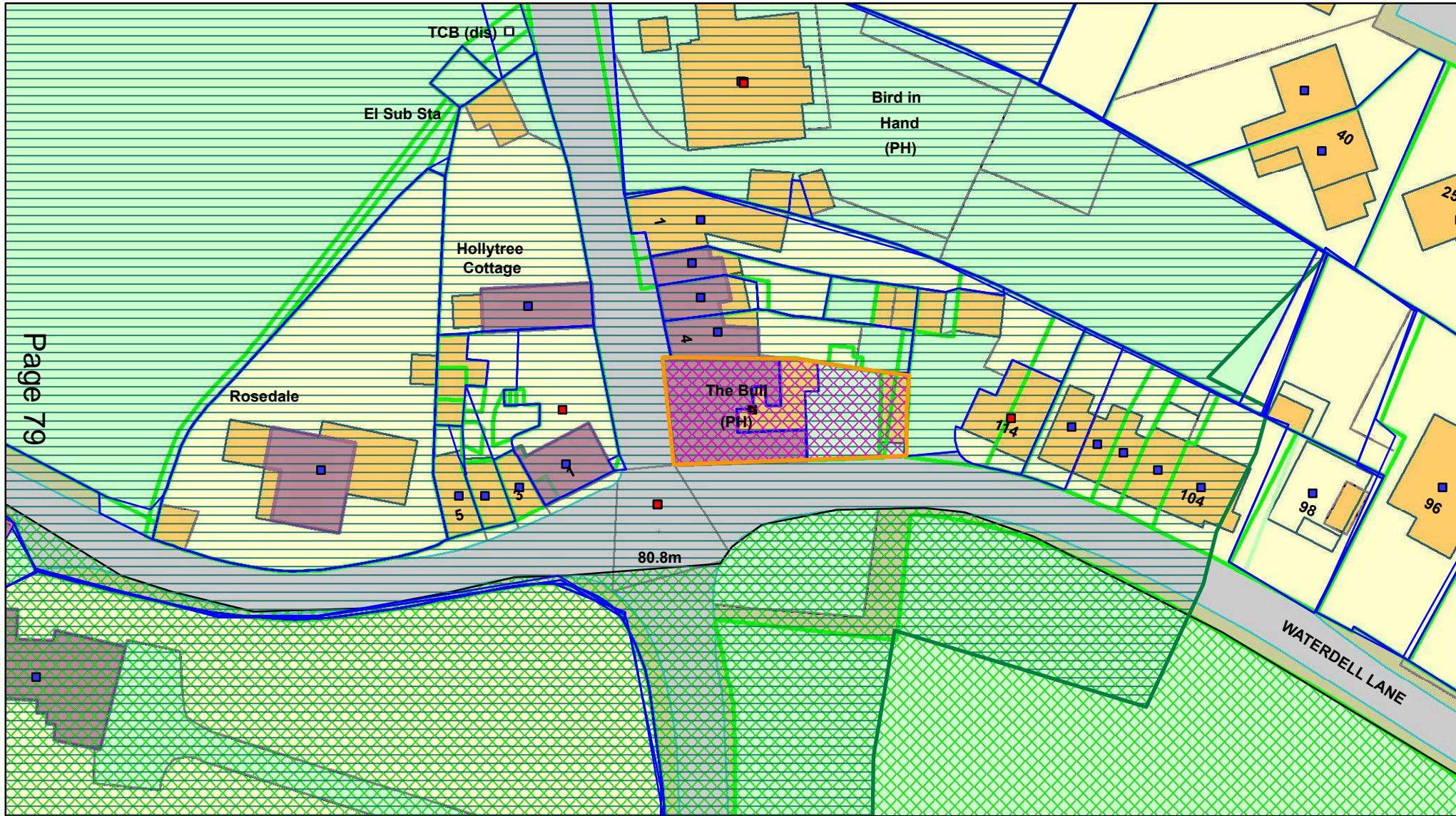
11. Details of the siting and design of a bird box shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The bird box shall be implemented on site and retained in perpetuity with the residential use of the site.

Reason: To provide measurable biodiversity net gain in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031

**Proactive Statement:**

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

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<u>Location:</u>	<b>The Bull High Street Gosmore Hitchin Hertfordshire SG4 7QG</b>
<u>Applicant:</u>	<b>A E Hoffman and K A Lauder</b>
<u>Proposal:</u>	<b>Temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation</b>
<u>Ref. No:</u>	<b>24/00751/FP</b>
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of expiry of statutory period:**

28 May 2024

**Extension of time:**

30 September 2024

**Reason for Referral to Committee:**

Councillor Caroline McDonnell has requested that the application be referred to planning control committee for the following reasons:

*"I agree with the parish council on over development of the land. While I appreciate that it's a listed building and the plans are restricted to working within the bounds of the current structure, there is very little outdoor space, only one parking space for a 4 bed home and no grass/outdoor provision for a family home.*

*It's a listed building which has been allowed to go into disrepair rather than focusing on the intended use as a pub.*

*The Bull was listed as an Asset of Community Value but lost it's status when the current owners leased the building to a chef who ran it as a restaurant.*

*It, along with the Bird in Hand, was a popular and well used pub.*

*The residents in Gosmore would like the building to be sold and run as a pub once again. However if it should be awarded change of use, then plans should respect the Heritage and Listing of the building and be in keeping.*

*By calling in the change of use the future of the Bull will be properly debated and scrutinised.”*

The above are considered detailed reasoning based upon one or more valid material planning considerations and details reasons why the matter is in the wider public interest.

## 1.0 **Site History**

1.1 24/00725/LBC - Internal and external alterations to facilitate change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling – Pending

1.2 24/00796/FP - Change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling and associated landscaping, Erection of carport/storage - Pending

## 2.0 **Representations**

2.1 **Neighbour Consultation** – None received.

2.2 **Parish Council** –

*“It was agreed to object to this planning application on the following grounds; it exceeds the proposal referred to as the use of first floor as residential accommodation as ground floor also used and is not only residential, it is dangerous and unauthorised. Parish Council request this is called in by a District Councillor and have previously referred on-going concerns to Planning Enforcement.”*

2.3 Environmental Health – No Objections.

2.4 Conservation Officer:

*“It is considered that the granting of a temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation would not harm the listed building’s special character. I, therefore, raise NO OBJECTION on the basis that the proposal satisfies Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.”*

## 3.0 **Planning Considerations**

### 3.1 **Site and Surroundings**

3.1.1 The Bull comprises a Public House in Gosmore at the crossroads between Waterdell Lane and the High Street. The site is within the Gosmore Conservation Area and the defined settlement boundary of Gosmore. The building is Grade II Listed and its List Entry reads as follows:

***“House, now a public house. C17 or earlier, brick cased in early C18. Timber frame cased in plum brick with red dressings now painted on front and S part. Steep old red tile roofs. Low-pitched slate roof to E part of rear wing. A 2-storeys corner building facing W with single-storey rear service wing at SE.***

*A 3-cells plan formerly roofed with cross-gable to parlour at S end, and a large projecting external chimney on E. Very large N gable chimney as open fireplace the full width of the house. Stair turret to rear of central part with front and rear doors. W front has plat-band, black painted plinth. 4 windows to 1st floor and 2 blocked openings. Segmental arches to the 3 windows on ground floor. Flush 2-lights casement windows with small-panes and external louvred shutters on ground floor. 8-panel door (renewed) in heavy frame up 2 steps. Wrought iron sign to RH end of front”*

### 3.2 Proposal

3.2.1 Temporary Planning Permission is sought for the temporary (12 months) change of use of the first floor of the public house into residential accommodation. The use is current and has not required any internal or external alterations to the listed building.

### 3.3 Key Issues

3.3.1 The key issues for consideration are as follows:

- Principle of the development
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact of the proposal on the significance of the site as a designated heritage asset
- The impact that the proposed development has on the living conditions of neighbouring properties.
- The impact that the proposed development has on car parking provision in the area.
- The impact that the proposed development has on the environment.

#### Principle of Development:

3.3.2 The application site sits within the defined settlement boundary of Gosmore, a Category A Village. Policy SP2 describes how general development will be permitted within the defined settlement boundaries of Category A Villages. The proposal comprises general development and is therefore considered to be compliant with the provisions of this policy.

3.3.3 The development seeks a temporary permission for the change of use of the first floor of the public house into residential accommodation. This falls within the scope of general development and is acceptable in principle.

3.3.4 Whilst the proposed temporary residential use of the first floor does not directly compromise the use of the ground floor as a public house on the site, it is noted that the public house use is not currently operational and the temporary residential use is justified by the applicants for that reason. Therefore, policy ETC7 is considered below. Policy ETC7 provides the following wording:

*“Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:*

*a) There is another shop, service or facility of a similar use available for customers within an 800m walking distance; and*

*b) The proposed replacement use would complement the function and character of the area.”*

- 3.3.5 Surrounding the site, residential dwellings and a public house are present, The Bird in Hand, approximately 30m away. I do not consider that The Bull is within the nearby retail hierarchy based on this local grain of development. It is therefore considered that requirement a) is met. Due to the presence of nearby residential dwellings to both sides of the application site, I consider that the temporary use is complementary to nearby uses and consider that b) is met. Overall, the principle of development is suitably supported for the proposed change of use.

Design and Appearance:

- 3.3.6 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 3.3.7 The application seeks no internal or external changes to the fabric of the building. The design of the building, together with its general character and appearance therefore remains the same and are therefore not harmed. It is acknowledged that the nature of the use differs from the prevailing character associated with a public house, however, given the presence of residential dwellings nearby, I do not consider that this change of use harms the character of the building or the surrounding street scape.
- 3.3.8 A gazebo appears to have been erected in association with the existing residential use of the first floor proposed to be continued in this application for a period of 12 months. It is not known whether the gazebo is fixed to the building, and permission has not been requested for the gazebo within the details submitted with this application. The retention of the gazebo structure in the long-term would be objectionable to both the character of the area, the significance of the listed building and its setting, as well as the appearance of the Conservation Area. Consequently, it is considered that a condition requiring the removal of the gazebo at the end of this temporary permission would be justified and meet the tests of conditions set out in paragraph 56 of the NPPF.
- 3.3.9 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Heritage

- 3.3.10 No physical changes internally or externally of the listed building are proposed pursuant to the temporary change of use of the first floor subject to this application. The temporary use of the upper floors for residential use does not impact or prejudice the ground floor being able to operate as a pub.

Subject to a condition requiring the decommissioning and removal of the existing gazebo, as described above, no objection is raised on the basis that the proposal satisfies Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

Impact on Neighbouring Properties:

- 3.3.11 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 3.3.12 Given that no external changes are proposed, I do not consider that the development gives rise to harm as a result of a loss of light or from dominance being occasioned by the new use of the building. The residential use produces less noise when compared to the public house in operation and is therefore an improvement over the previous arrangement.
- 3.3.13 Given the above, it is considered that the proposed development results in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Occupiers:

- 3.3.14 The unit is used by 4 people, across 3 bedrooms under one household on a single floor. The minimum requirement for a dwelling of this size is 74 sqm, and the dwelling features approximately 77 sqm of floor space. Approx. 6 sqm of built in storage is provided. The space requirements for the dwelling are therefore exceeded and the amenity of occupiers is therefore acceptable.

Highways and Parking:

- 3.3.15 The development is served by on-street parking in the locality. It is therefore considered that the residents has access to sufficient parking so as to not detract from the parking levels afforded to neighbouring occupiers, particularly when compared to the previous, relatively intensive use of the public house.

Environmental Implications:

- 3.3.16 This application benefits from the de minimis exemption for biodiversity net gain, and therefore, measurable BNG is not required as part of this application.

**3.4 Conclusion**

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

**3.5 Alternative Options**

- 3.5.1 None applicable.

#### 4.0 **Legal Implications**

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

#### 5.0 **Recommendation**

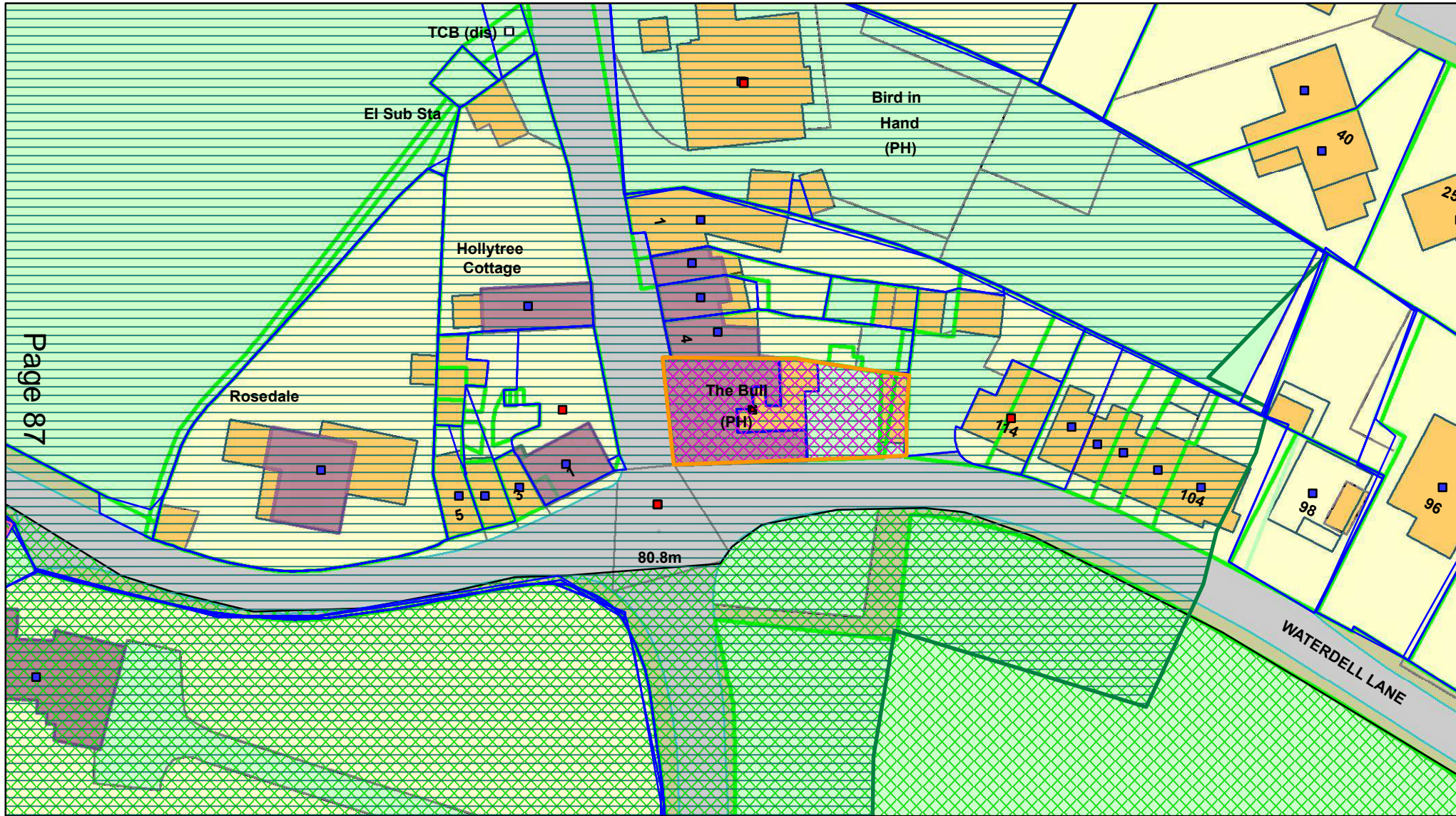
5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The residential use hereby permitted shall only proceed for a temporary period of 12 months from the date of this decision notice and shall cease once this period expires. Within 8 weeks following the expiry of this period, or the cessation of this temporary residential use, whichever is first, the gazebo present on site shall be deconstructed and permanently removed from the site.

Reason: To ensure there are not unacceptable impacts to this Heritage Asset, and to ensure a suitable standard of amenity for occupiers. To comply with the provisions of Local Plan 2011-2031 policies HE1 and D1.

#### **Proactive Statement:**

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



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<u>Location:</u>	<b>The Bull High Street Gosmore Hitchin Hertfordshire SG4 7QG</b>
<u>Applicant:</u>	<b>A E Hoffman and K A Lauder</b>
<u>Proposal:</u>	<b>Internal and external alterations to facilitate change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling</b>
<u>Ref. No:</u>	<b>24/00725/LBC</b>
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of expiry of statutory period:**

3 June 2024

**Extension of time:**

30 September 2024

**Reason for Referral to Committee:**

Councillor Caroline McDonnell has requested that the application be referred to planning control committee for the following reasons:

*"I agree with the parish council on over development of the land. While I appreciate that it's a listed building and the plans are restricted to working within the bounds of the current structure, there is very little outdoor space, only one parking space for a 4 bed home and no grass/outdoor provision for a family home.*

*It's a listed building which has been allowed to go into disrepair rather than focusing on the intended use as a pub.*

*The Bull was listed as an Asset of Community Value but lost it's status when the current owners leased the building to a chef who ran it as a restaurant.*

*It, along with the Bird in Hand, was a popular and well used pub.*

*The residents in Gosmore would like the building to be sold and run as a pub once again. However if it should be awarded change of use, then plans should respect the Heritage and Listing of the building and be in keeping.*

*By calling in the change of use the future of the Bull will be properly debated and scrutinised."*

The above are considered detailed reasoning based upon one or more valid material planning considerations and details reasons why the matter is in the wider public interest.

## 1.0 **Site History**

- 1.1 24/00796/FP - Change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling and associated landscaping, Erection of carport/storage – Concurrent Application
- 1.2 24/00751/FP - Temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation - Pending

## 2.0 **Representations**

### 2.1 **Conservation Officer – No Objection:**

*“Assuming however that the retention of a second pub in the village with only a short distance between the two cannot be sustained, I am minded to offer a NO OBJECTION recommendation on the basis that the scheme satisfies Sections 16(2) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.”*

Recommends condition.

- 2.2 Neighbours: N/A.

## 3.0 **Planning Considerations**

### 3.1 **Site and Surroundings**

- 3.1.1 The Bull comprises a Public House in Gosmore at the crossroads between Waterdell Lane and the High Street. The site is within the Gosmore Conservation Area and the defined settlement boundary of Gosmore. The building is Grade II Listed and its List Entry reads as follows:

***“House, now a public house. C17 or earlier, brick cased in early C18. Timber frame cased in plum brick with red dressings now painted on front and S part. Steep old red tile roofs. Low-pitched slate roof to E part of rear wing. A 2-storeys corner building facing W with single-storey rear service wing at SE. A 3-cells plan formerly roofed with cross-gable to parlour at S end, and a large projecting external chimney on E. Very large N gable chimney as open fireplace the full width of the house. Stair turret to rear of central part with front and rear doors. W front has plat-band, black painted plinth. 4 windows to 1st floor and 2 blocked openings. Segmental arches to the 3 windows on ground floor. Flush 2-lights casement windows with small-panes and external louvred shutters on ground floor. 8-panel door (renewed) in heavy frame up 2 steps. Wrought iron sign to RH end of front”***

### 3.2 **Proposal**

- 3.2.1 Listed Building Consent is sought for internal and external alterations to facilitate the change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling.

### 3.3 **Key Issues**

- 3.3.1 The key issues for consideration are the impact the proposed works to facilitate the change of use of the property to a residential dwelling would have on the character and appearance on the grade II listed building.
- 3.3.2 The proposal would result in the removal of a hanging sign on the front elevation (retaining the gallows bracket), a fascia sign to the front elevation alongside its external lighting, the removal of sign lighting from the side elevation. In addition, a new light fitting above the front elevation door, a new building sign to the side of the front elevation door, and a glazed entrance hall to the rear are proposed. Internally, the proposal would result in the loss of the main bar counter/servery and the removal partition wall forming the w/c block. The Conservation officer advised no objection to the proposed works. On the whole, it is considered that the proposed works would not detract or impact the significance of the listed building to merit an objection. The Conservation officer raises no objections to the introduction of outbuildings and the general principle of the change of use.
- 3.3.3 The impacts of the proposal on the character and appearance of the building and its significance as a designated heritage asset are considered acceptable.

### 3.4 **Conclusion**

- 3.4.1 The proposals are acceptable in listed building terms.

### 3.5 **Alternative Options**

- 3.5.1 None applicable.

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

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

### 4.0 **Legal Implications**

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

## 5.0 **Recommendation**

5.1 That the works to the Listed Building be **CONSENTED** subject to 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.

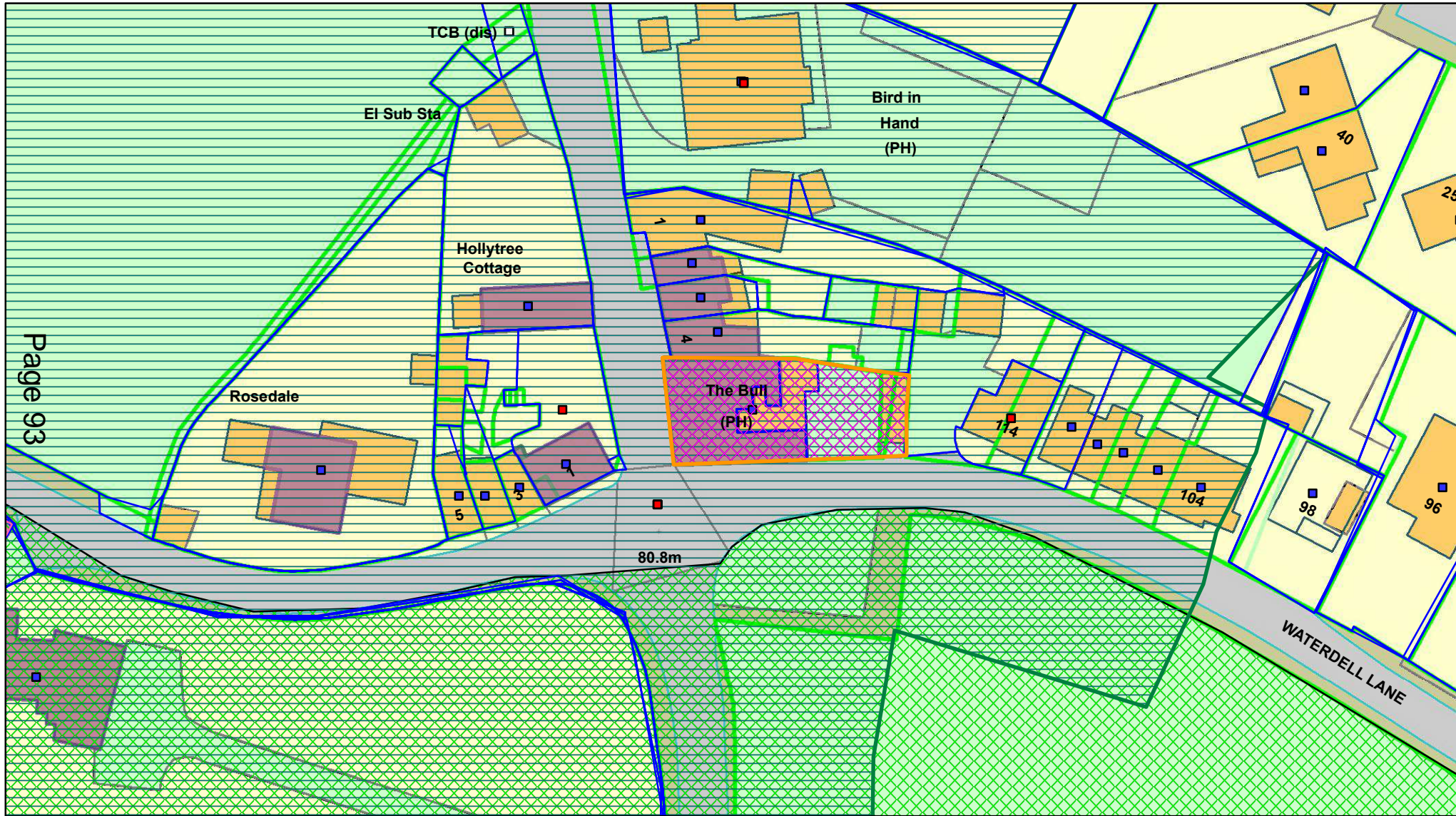
Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Details of the materials and external finish for the glazed rear entrance hall shall be submitted to and approved in writing prior to the manufacture and installation of this feature. The glazed rear entrance hall shall be implemented in accordance with the approved details.

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.

### **Informatives:**

This application does not propose works to existing windows. Repairs to existing window frames do not require listed building consent, however, replacement windows will require a separate application for listed building consent.



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<u>Location:</u>	<b>Land West Of Avenue One Letchworth Garden City Hertfordshire SG6 2WW</b>
<u>Applicant:</u>	<b>Wheatley Group Developments Ltd</b>
<u>Proposal:</u>	<b>Erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping.</b>
<u>Ref. No:</u>	<b>23/02706/FP</b>
<u>Officer:</u>	<b>Melissa Tyler</b>

## **Reason for Delay**

**COMMITTEE CYCLE – extension of time agreed**

## **Reason for Referral to Committee**

The development provides greater than 500sq. metres floorspace on a site of more than 1 hectare or other operational development with a site area of 1 hectare or greater.

## **1.0 Policies**

### **National Planning Policy Framework**

- 1.2 Section 2 – Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 9 - Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Requiring good design.
- Section 14 – Meeting climate change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

## **1.3 Supplementary Planning Document.**

- 1.4 Design Supplementary Planning Document 2011

## **1.5 North Herts Local Plan 2011-2031 Local Plan and Proposals Map**

- 1.6 SP1: Sustainable development in North Hertfordshire
- SP3: Employment
- SP6: Sustainable transport
- SP9: Design and sustainability

SP11: Natural resources and sustainability  
SP12: Green infrastructure, landscape and biodiversity  
SP13: Historic environment  
ETC1: Appropriate Uses in Employment Areas  
T1: Assessment of transport matters  
T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
NE2: Landscape  
NE4: Biodiversity and geological sites  
NE7: Reducing Flood Risk  
NE8: Sustainable drainage systems  
NE10: Water conservation and wastewater infrastructure  
NE11: Contaminated land  
HE4: Archaeology

## 2.0 **Site History**

- 2.1 20/00441/FP Erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping. **CONDITIONAL PERMISSION**
- 2.2 23/00812/S73 Variation to Condition 2 (revised plans) of planning permission 20/00441/FP granted on 05.08.2020 for erection of headquarters building for Wheatley Group Developments Ltd including workshop, storage facilities, associated car parking and landscaping. **WITHDRAWN**

## 3.0 **Representations**

- 3.1 **Lead Local Flood Authority** – Await further representations following amended Drainage Strategy.
- 3.2 **Highways – No objection – Conditions recommended.**

*The proposal is for two buildings comprising a combination of 1,208sqm office (E(g)(i), former B1(a)), 265sqm light industrial (E(g)(iii), former B1(c)) and 530sqm storage/distribution (B8) uses with 36 car parking spaces and 20 long-term staff cycle spaces and 10 short term visitor cycle spaces covered and are secure by virtue of being in a gated car park.*

*The proposed car parking provision is the responsibility of the LPA to determine the level and suitability of the car parking proposals, however, it is essential that it is operated in efficient and safe manner to minimise the impact on the local highway network which is the responsibility of the HCC HA.*

*The HA has reviewed the TS and acknowledges based on the appraisal undertaken the proposed development is not expected to have any significant/detrimental impact on the operation and safety of the local highway network.*



*Furthermore, given that the site is located within an existing industrial estate. the HA also acknowledges that the site is sustainably located with easy access to the town centre and nearby local facilities by sustainable modes of transport and facilities provided to encourage their greater use (Travel Plan).*

*In view of the above comments, the HA raises no objection subject to the listed conditions.*

**3.3 Environment Agency - Conditions recommended.**

*Considering the information provided, we have no objection to the proposed development subject to the inclusion of the following conditions on any grant of decision notice. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.*

**3.4 Environmental Health (Contaminated Land) - Conditions recommended.**

*Although the proposed application is for a relatively low-sensitivity use, (offices, workshop, storage). It is in an area which has been subject to many industrial uses, and therefore there is a high potential for the presence of contamination in soil beneath, and close to, the site. Also, the groundwater regime in soil beneath the site is considered to be sensitive to contamination. In view of this historic commercial use, it is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. For these reasons, I would recommend that the following condition is attached.*

**3.5 Environmental Protection (noise and other nuisances) – Conditions recommended.**

*Construction/Demolition – considering the scale of the proposed development the following condition is recommended.*

**3.6 Environmental Protection (Air Quality) - Conditions recommended.**

*Local Air Quality The following conditions are recommended in line with the NHDC Air Quality Planning Guidance as issued in October 2018. An approach to considering the impact of a development on air pollution and the potential mitigation of such is in place in the form of the air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-andplanning>. Application of the guidance to a development of this scale is defines the proposal as being a Minor scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.*

**3.7 North Herts Waste and Recycling – Conditions recommended.**

**3.8 Anglian Water – Conditions and Informatives recommended.**

**4.0 Planning Considerations**

#### 4.1 Site & Surroundings

- 4.1.1 The site is a commercial site on the western side of Avenue One and currently consists of a vacant plot. The site is bounded to the rear by commercial units on Dunhams Lane and on Avenue One it has the post Office Sorting Office to the northern Boundary and Kite building to the south.
- 4.1.2 The site is within an industrial/employment area with surrounding sites being uses consistent with this character. In the adopted Local Plan the site is within Employment Area LE1.

#### 4.2 Proposal

- 4.2.1 The proposal is for a headquarters building for Wheatley Group Developments Ltd, with workshop and storage facilities and associated car parking and landscaping. The Headquarters Office building would be sited back from the Avenue One pavement. The access to the car parking area and rear workshop/storage building would be gained along the southern boundary along the side of the office building. The Workshop/storage building would be set behind the front office building.

#### 4.3 Key Issues

- 4.3.1 The key issues in the determination of this application are:

- Principle;
- Design and visual impact;
- Neighbour amenity;
- Highways and parking;
- Flooding and drainage;
- Archaeology;
- Landscaping;
- Environmental impacts;
- Climate change.

##### Principle

- 4.3.2 Full planning approval was granted for a head office and warehouse under application number 20/00441/FP on 5 August 2020. The principle of development on this site was determined within that application as in accordance with the applicable local plan policies.
- 4.3.3 Since the previous approval the Local Plan has been adopted. The site lies within an Employment area where Policy SP2 states: ***The Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer.***

- 4.3.4 The site is within an Employment Area in the adopted Local Plan. Local Plan policy ETC1 supports business / industrial applications within the employment land areas. Policy ETC1 states that within employment land areas planning permission will be granted for office, research and development, industrial processes, industrial and storage and distribution uses. It goes on to state that planning permission for other uses will be granted as an exception provided they are:
- I. Ancillary to the uses listed above;
  - II. Essential to the continued operation of an established premises;
  - III. Would bring comparable benefits to office, research and development, industrial process, industrial and storage and distribution uses in the same location; or
  - IV. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.
- 4.3.5 The proposal would support a local business and would accord with the purpose of the planning system to contribute to sustainable development and the objectives set out in the National Planning Policy Framework. Furthermore, the application would accord with the policies set out in the Local Plan in regard the location of the development.

#### **Design and visual appearance**

- 4.3.6 There are no buildings currently on this site and those in the surrounding area are typical of the local industrial/business use landscape. There are some variations in heights of structures in the area and a variety of finished materials. In general units along Avenue One benefit from a front buffer zone of landscaping to the highway boundary. An appropriate development would have the potential to enhance the site given that it is not occupied and is currently unkempt.
- 4.3.7 The proposed development consists of two buildings, the frontage building being the offices, with a warehouse and workshop building set to the rear of the site. Between these structures would be the car parking and service areas with landscaping illustrated within these zones. The rear building would be similar to other industrial and warehouse buildings in the vicinity. It would have a shallow pitched roof and materials would be of Metal composite cladding roof and side panels with roller shutter doors. The siting is such that it would have little impact upon the character or appearance of Avenue One and would not be readily visible from Dunhams Lane. Existing structures flanking the site would on the whole screen this part of the development.
- 4.3.8 The most prominent structure would be the main HQ building to be located along Avenue One. This would be of a more innovative design utilising three floors of accommodation. Materials include brick and a feature stone panelling at the entrance of the building and metal cladding roof with aluminium windows. The detached building would not add an element of design innovation that I would consider to be within the spirit of the Garden City. The DAS states that it is intended to create a "landmark" building and I would concur that this is achieved in the design approach. I consider that the development would be acceptable in this employment area and will not appear out of place. A further benefit would be the provision of a new facility meeting modern standards and the consequent provision of new employment and benefits to the economy.

### **Neighbour amenity**

- 4.3.9 Adjacent land to the side and rear boundaries is occupied by other businesses in the employment area, which won't be affected by the proposal.
- 4.3.10 The layout of the site, with parking and loading/unloading taking place to the rear and behind the front office structure would reduce the impact of day to day activities on the highway frontage.  
The development is proposed to operate Monday to Friday only from 8am to 5pm, where it would be reasonably expected that loading/unloading would take place during these hours. These operating hours are not considered unreasonable for an industrial development. I do not feel that a condition for operating hours is necessary in this instance given the sites location and surroundings. The Council's Environmental Health Officer has not objected to the proposal on the grounds of adverse noise or other impacts. No objections or other comments were received in relation to noise issues. It is considered that no loss of amenity would be caused as a result of this development.

### **Public highways and parking**

- 4.3.11 The development would provide disabled parking bays, cycle parking and adequate off-street parking to meet the needs of the development. The total parking provision is considered reasonably close to the maximum, with any additional parking not considered likely to adversely affect the public highway.
- 4.3.12 Internally the site is considered to provide sufficient space for manoeuvring of cars and larger vehicles. The County Council as local highways authority have not objected subject to the imposition of conditions to safeguard the new vehicular access and a Construction Traffic management Plan to be submitted, and there are no reasons evident for officers to take a different view.

### **Flooding/drainage**

- 4.3.13 In regards to the previous planning application the Lead Local Flood Authority (LLFA), following initial advice and re-consultation upon additional details, had not objected to the proposal on flood risk grounds and consider the site would be drained adequately and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.
- 4.3.14 Following consultation under this application, the LLFA sought additional information. The applicant has also provided new plans relating to details of drainage measures that the LLFA have been consulted on, but they have not yet responded. It is considered that any outstanding matters relating to these new plans are technical and can be dealt with by condition as necessary. This matter is addressed in the recommendation at 6.1 a) of this report.
- 4.3.15 The Environment Agency were consulted on the Flood Risk Assessment provided. They comment that ***"The proposed development site is located upon a principal aquifer within source protection zone 1 (SPZ1). It has been subject to potentially contaminative previous industrial uses, as part of a steel and engineering works, and as part of an unspecified works.***

**We are also aware from other information sources that groundwater in the vicinity of this site is impacted by a range of contaminants including PFAS, chlorinated solvents and metals. In spite of this, the contamination assessment reports submitted do not provide sufficient confidence that the site itself is not a source of such contaminants to groundwater. Given the site is in a highly sensitive location for the water environment, potential pollutant linkages could present a risk to controlled waters if not properly managed.**” They consider that the imposition of three conditions would be appropriate to safeguard against potential unacceptable risk of water pollution.

The advice they have provided has been passed on the applicants agent with regard to the details required for eventual formal discharge of these conditions as set out in my recommendation below.

- 4.3.16 The detailed comments received from Anglian Water suggest that the scheme is acceptable subject to a condition and a series of informatives. The advice from Anglian Water ties in with the conditions previously advised by the LLFA and currently advised by the Environment Agency to ensure appropriate drainage at the site and prevention of pollution.

#### **Archaeology**

- 4.3.17 The Historic Environment Advisor previously commented under the previous application confirms that **“the proposed development site is located less than 500m to the south of the course of the Icknield Way [Historic Environment Record No. 4182], which is an ancient route along the Chiltern ridge, parts of which were re-engineered in the Roman period. The site is also c.100 metres to the south of an undated inhumation burial [HER no. 1301] that was discovered in the north east corner of a factory owned by Shelvoke and Drewry Ltd during the Second World War. Several Roman coins [HER no’s 1257, 1258, 1278] have been found nearby.”**

Details provided with the application suggest that the construction of the existing hard standing may have involved only limited ground disturbance and in the absence of a report on ground investigations this is not certain. It is therefore advised that the development may have an impact on heritage assets. The County Archaeologist recommended that conditions be imposed in this instance in order to provide properly for the likely archaeological implications of this proposed development.

- 4.3.18 As part of the current application the Historic Environment Team were consulted but they have not yet responded. I therefore have proposed that the previous conditions that were required as part of the previous application be recommended (Conditions 18-20).

#### **Landscaping**

- 4.3.19 The proposal shows indicative landscaping to the site and currently there are no trees here that would be removed. The indicative details need to be expanded upon and solidified. Conditions are suggested that would achieve this. The conditions suggested have been agreed by the applicant and would in my view be appropriate to the development.

## **Environmental Impacts**

- 4.3.20 The Councils Environmental Protection Officers have considered the scheme and recommend conditions and informatives to safeguard, air quality, land contamination, noise and nuisance. I consider these measures to be wholly appropriate for the scale and nature of the development and reasonable to secure the finished scheme.
- 4.3.21 With regard to waste management, I have added a further condition which relates to on-site storage facilities for waste and recycling at the site. Currently the plans show an allocated area for bins but this does not clarify waste management for the whole site. The applicants agent has agreed to this condition.

## **Climate change**

- 4.3.22 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.
- 4.3.23 If permission were granted, I would recommend a condition that a sustainability Report outlining the renewable energy and energy saving functionality be submitted and approved prior to commencement (Condition 21).
- 4.3.24 Appropriate climate change mitigation measures are considered to be a requirement by condition for electric vehicle charging points. The provision of cycle parking can encourage more sustainable travel. The buildings will be built to more modern efficient standards, and this expected to reduce carbon emissions.

## **Biodiversity net gain**

- 4.3.25 The Local Plan sets out a clear strategic approach for the protection, enhancement, creation and management of networks of green infrastructure. This is detailed in Policy SP12 (Green Infrastructure, landscape and biodiversity). Policy NE4 (Biodiversity and geological sites) states that planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with SP12.
- 4.3.26 This application was submitted prior to the legal requirement exempt from BNG as per Legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **4.4 Conclusion**

- 4.4.1 The development proposed would have an acceptable visual impact and it is considered that they would not have an adverse impact on highways safety or parking. The proposal would not have an adverse impact in terms of, archaeology or contamination subject to the recommended conditions. I am satisfied that the details provided and the additional conditions and informatives to be imposed are satisfactory to ensure an acceptable standard of development that would not occasion harm to this locality.

In the absence of any material or sustainable grounds for objection I have framed a favourable recommendation accordingly.

#### 4.5 **Alternative Options**

- 4.5.1 None applicable in this instance given that the scheme presented in its present form is considered acceptable.

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

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

#### 5.0 **Recommendation**

- 5.1 That planning permission is resolved to be **GRANTED** subject to the following:

A) The resolution of the LLFA matters to the satisfaction of the Local Planning Authority with the imposition of planning conditions or amendment of planning conditions as necessary with any actions required pursuant to LLFA response being devolved to the Development and Conservation Manager and Chair of the Planning Control Committee; and

B) Conditions and Informatives as set out below:

#### **BNG**

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

#### **Standard**

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.

## **Materials**

3. The office building hereby permitted shall only be finished in buff colour brick, shoulder course brick, and stone finish panelling, Grey colour cladding mansard roof, Grey colour Aluminium frame window and the Warehouse shall be finished in Vertical metal composite cladding panels metal composite panel roof, Grey colour Aluminium frame window as stated on the application form thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the building is in-keeping with the host property and to protect the visual amenities of the locality and to comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011 to 2031.

## **Landscaping**

4. Before any development commences on site full details the hard and soft landscaping shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved details can be implemented on site. The details must include:
  - a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - d) details of any earthworks proposed

Reason: To safeguard and enhance the appearance of the completed development and the biodiversity and visual amenity of the locality and to enhance biodiversity including any species and their habitats and in accordance with the NPPF and Policies NE2 in the Local Plan.

5. The approved landscaping details 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 in accordance with the NPPF and Policies NE2 in the Local Plan.



## **Waste**

6. Prior to the commencement of groundworks for each of the individual units of development, full details of the on-site storage facilities for commercial waste, including waste for recycling for that particular unit of development shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure that waste is adequately managed in the interests of visual amenity in accordance with policy D1 of the Local Plan

7. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied.

No part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections in accordance with policy D1 of the Local Plan

## **Environment Agency**

### **Remediation Strategy**

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraphs 180, 189, and 190 of the National Planning Policy Framework.

### **Unsuspected Contamination**

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.

### **Piling**

10. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework

### **Highways**

11. The cycle parking shall be constructed and laid out in accordance with the approved plans, agreed details and completed prior to occupation of the development hereby approved and shall thereafter be retained and maintained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.

- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

## **Environmental Health**

### **EV Recharging Infrastructure Condition**

13. Prior to occupation, the proposed new development shall incorporate Electric Vehicle (EV) ready domestic charging points on the following basis: A minimum of 10% of parking spaces designated for EV charging, which may be phased with 5% initial provision and the remainder at an agreed trigger level based on usage. The final provision and EV specification should be submitted to and agreed with the Council on the basis of a detailed proposal. The Electric Vehicle Charging Points and associated infrastructure details forming part of the planning application submission and indicated on the approved plans shall be implemented and brought into operation prior to the occupation of any commercial use hereby approved commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

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 in accordance with Policy D4 of the Local Plan and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

## **Construction/Demolition**

14. Prior to the commencement of the development the applicant shall submit in writing a demolition and construction management plan to the local planning authority for approval. Within the construction management plan, it must consider the but not be limited following requirements:

- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974);
- Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).

Reason: To protect the interests of the amenity of surrounding locality residential/business premises in accordance with Policy NE11 of the Local Plan.

## **Contamination**

15. No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

- Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.
- Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment, and controlled waters in accordance with Policy NE11 of the Local Plan.

### **Anglian Water**

16. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy NE8 of the Local Plan.

### **Archaeology**

17. 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 suggested by the evaluation results
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.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan.

18. 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 (18).

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan.

19. 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 (18) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan.

### **Sustainability Strategy**

20. Prior to commencement a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 in the local plan.

### **Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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.

### **HIGHWAY INFORMATIVES:**

The Highway Authority recommends inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

## **Environmental Health**

### **Air Quality**

- 1) EV Charging Point Specification: A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)
  - 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.
  - 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).
  - 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.
  - 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> • UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.
  
- 2) The above condition is considered relevant and reasonable for the following reasons:
  - Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).

- Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra-low emission vehicles.
- HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to ‘preserve the character and quality of the Hertfordshire environment’ and ‘make journeys and their impact safer and healthier’, as well as its Emissions Reduction Policy 19.
- It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

## **EH Noise Informative**

- i. If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors the Environmental Protection Team at the Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.
- ii. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- iii. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- iv. Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency
- v. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- vi. All site lighting shall be located, shielded, or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- vii. Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise & Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.
- viii. Please note that where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements.

## **Anglian Water Informatives**

1 INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2. INFORMATIVE -Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

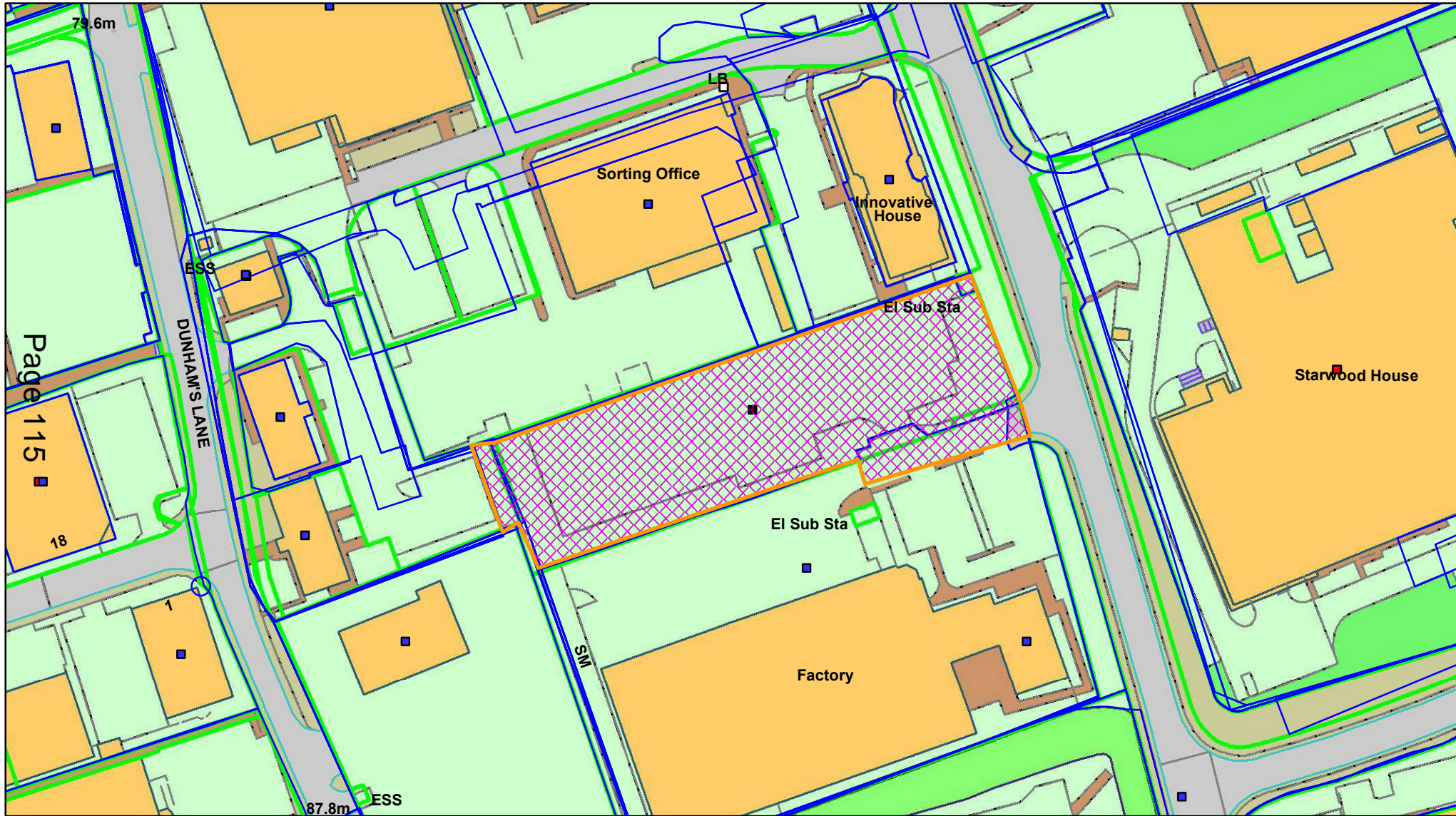


3. INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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<u>Location:</u>	<b>Land North Of 68 London Road Baldock Hertfordshire SG7 6JL</b>
<u>Applicant:</u>	<b>Foxberry Developments Ltd</b>
<u>Proposal:</u>	<b>Variation of Condition 2 of planning permission 20/02507/FP granted on 04/07/2022 (for the erection of 24 dwellings including extended access from Knights Templar Court and all associated works following demolition of existing dwelling and outbuilding). Revised site plan for the provision of garages to plots 21 &amp; 22.</b>
<u>Ref. No:</u>	<b>24/01285/S73</b>
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period :** 11.09.2024

**Target Determination date:**

11<sup>th</sup> September 2024.

**Reason for delay**

N/A.

**Reason for referral to committee**

The site area is larger than the 0.5 ha threshold requiring for new residential development to be presented to PCC for determination.

**Supporting documents**

1. 19003 P03E – Site plan.
2. 19003 PL31 – Garage plans and elevations.

## **1.0 Policies**

### **1.1 National Planning Policy Framework:**

1. Section 2 - Achieving Sustainable Development;
2. Section 4 - Decision Making;
3. Section 5 - Delivering a Sufficient Supply of New Homes;
4. Section 8 - Promoting Healthy and Safe Communities;
5. Section 9 - Promoting Sustainable Transport;
6. Section 11 - Making Effective Use of Land;
7. Section 12 - Achieving Well Designed Places;
8. Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

## 1.2 North-Herts Local Plan 2011 - 2031:

1. SP1 - Sustainable Development in North Hertfordshire;
2. SP6 – Sustainable Transport;
3. SP7- Infrastructure Requirements and Developer Contributions;
4. SP8 - Housing;
5. SP9 - Design and Sustainability;
6. SP10 - Healthy Communities;
7. T1 - Assessment of transport matters;
8. T2 - Parking;
9. HS2 - Affordable housing;
10. HS3 - Housing mix;
11. HS5 - Accessible and Adaptable Housing
12. D1 - Sustainable design;
13. D3 - Protecting living conditions;
14. D4 - Air quality;
15. NE4 – Bio-diversity and geological sites;
16. NE7 - Reducing flood risk;
17. NE8 - Sustainable drainage systems;
18. NE9 - Water Quality and Environment;
19. NE10 - Water Framework Directive and Wastewater Infrastructure;
20. NE11 - Contaminated land;
21. HE4 – Archaeology

## 1.3 Supplementary Planning Document.

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

## 1.4 Baldock, Bygrave and Clothall Neighbourhood Plan.

1. G3 – Creating well-designed places;
2. G4 – Sustainable design.

## 2.0 **Site History**

- 2.1 Pre-application submission 17/02793/1PRE for the residential development comprising 10 dwellings including new access to Night Court following demolition of existing dwelling. This raised no objection to the principle of re-development and gave some comments on design.
- 2.2 Planning application 18/02586/OP was an outline application for the residential development with 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extensions to Knights Court off Weston Way (all matters reserved except layout and access). This application was refused on 18/02/19 for two reasons, appealed and dismissed at appeal.
- 2.3 Pre-application submission 19/02979/PRE for the residential development comprising 24 dwellings. This raised no objection to development of the site and was generally supportive of the proposed layout and design, suggesting a larger central landscaping and tree area in the centre of the site to complement and be in keeping with the character of the area. The vehicle access was via Knights Court and this access and the new layout and design was considered to overcome the previous reasons for refusal.

2.4 Application 20/02507/FP for the erection of 24 dwellings including extended access from Knights Templar Court and all associated works following demolition of existing dwelling and outbuildings with pedestrian access onto London Road. This was granted conditional permission on 04/07/22.

### 3.0 **Representations**

3.1 The application has been advertised with site and press notices and neighbour notification letters. No replies have been received.

### 4.0 **Planning Considerations**

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

4.1.1 The application site is formed from no.68 London Road, which was a chalet bungalow with a range of detached outbuildings including a garage and greenhouses, which have now all been demolished, and its extensive gardens, which forms the southern part of the site. And the former allotments (previously owned by NHDC) which form the northern part of the site. The site area is 1.08 hectares and is a roughly 'tri-angular' shaped plot of land. It has a 'back land' position, lying to the east of Weston Way, south of Clare Crescent and west of Ashton's Lane and London Road. The area is a large area of green open land, verdant in character with many mature trees and areas of overgrown grassland and shrubs. It is not within the Conservation Area and it does not neighbour any listed buildings.

#### 4.2 **Proposal**

4.2.1 This is a S73 application to vary the 2020 permission. It does not supersede the 2020 permission but will stand alongside the approved development with the proposed alterations sought. The sought changes are the addition of a single garage to plot 22 and a double garage to plot 21. Both garages would have a ridged, pitched roof design and include bike storage. The single garage would be 3.6m wide, 7.4m long with a ridge height of 3.9m. The double garage would be 6.3m wide, 7.4m long with a ridge height of 5m.

#### 4.3 **Key Issues**

4.3.1 Given the planning history, there is no objection to the residential development of this site and the full committee report for application 20/02507/FP is attached at Appendix 1 for information purposes.

4.3.2 There are no objections to the addition of the two garages to the development. The design of the proposed garages is sympathetic and complementary to the design of the overall development. The double garage to the side of plot 21 would be positioned behind the front elevation of this house, so will appear as a subservient outbuilding and would have no material adverse visual impact on the appearance of the development. It is positioned to the rear of no.29 Clare Crescent, but due to the good-sized garden of that house, and the retention of boundary trees, it would not appear as an adversely over dominating or over bearing structure to the occupiers of this house or have adverse harm on their residential amenities as a result.

4.3.3 Likewise the single garage proposed for plot 22, would be positioned to the side of the house, 'tucked' into a corner of the development and would not have adverse harm on the setting or appearance of the development. It would be located behind the rear garden of no.27 Clare Crescent and would be visible to these occupiers from their rear garden and to a lesser extent, the rear of this neighbouring house. Due to the garage being set to the side of the house in plot 22, the bulk of the garage will be seen set against / in front of the bulk of the side flank of the house, which will minimise any visual harm. Again, due to good spacing and the retention of existing trees providing some visual screening, the garage will not appear overbearing in outlook or materially harm the living conditions of the occupiers of no.27 Clare Crescent and there is no objection to it.

4.3.4 Therefore, it is considered that the proposal would comply with the aims of Local Plan Policies D1, requiring good design, and Policy D3, which seeks to protect the living conditions of neighbouring occupiers.

#### **4.4 Conclusion**

4.4.1 Grant conditional permission.

4.4.2 Since the granting of the 2020 permission, there has been progress in getting the details required by the conditions imposed on that permission agreed. Therefore, the conditions below / recommend reflect this progress and refer to the relevant DOC application when relevant.

#### **4.5 Alternative Options**

4.5.1 None applicable

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

4.6.1 I can confirm that the applicant agrees with the pre-commencement conditions that are proposed.

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

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

A) the completion of a Deed of Variation to the signed and completed S106 Agreement dated 24/06/22 (agreed under application 20/02507/FP) referring to this application case ref number (24/01285/S73) to ensure the S106 is also binding to this decision;

B) the agreement to the necessary Extensions of Time to the statutory time period to cover the time needed to resolve the Deed of Variations; and



C) the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date the application 20/02507/FP was granted planning 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.

4. The hardstanding materials are to be in accordance with the details agreed under application ref. no. 23/00595/DOC unless otherwise agreed in writing by the LPA.

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

5. The boundary treatments are to be in accordance with the details agreed under application ref. no. 23/00596/DOC unless otherwise agreed in writing by the LPA.

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

6. The scheme for external lighting is to be in accordance with the details agreed under application ref. no. 23/00597/DOC unless otherwise agreed in writing by the LPA.

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

7. The soft landscaping scheme is to be implemented in accordance with the details agreed under application ref. no. 23/00598/DOC unless otherwise agreed in writing by the LPA.

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

8. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, 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.

9. 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.

10. 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.

11. No gates shall be provided across the access to the site following the completion of the development.

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

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

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

13. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Drainage Statement produced by Wormald Burrows Partnership Limited, reference E3846-MA-Drainage Statement - Rev1, dated May 2021 and the following mitigation measures:

1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff generated for all rainfall events up to and including the 1 in 100 year plus 40% climate change event.
2. Providing storage in trench soakaways, permeable paving and individual crate soakaways to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
3. The surface water from the site will discharge from a split network of adoptable access road and private network into the ground.

The drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

14. The detailed surface water drainage strategy is to be implemented in accordance with the details to be agreed under application ref. no. 23/00883/DOC unless otherwise agreed in writing by the LPA.

Reason: To prevent the increased risk of flooding, both on and off site.

15. The management and maintenance plan for the SuDs features and drainage network is to be in accordance with the details to be agreed under application ref. no. 23/00883/DOC unless otherwise agreed in writing by the LPA.

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

16. Prior to the commencement of development (save for the access road into the development) hereby permitted the main vehicular access shall be provided 6.0 metres wide that narrows to 4.8 m near to the end of the cul-de-sacs and thereafter the access shall be retained at the position shown on the approved Proposed-Site-Plan number 19003\_PL03\_D Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

17. The gradient of the vehicular accesses shall not exceed 1:20 for the first 12 metres into the site as measured from the extended carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan and to provide adequate visibility for drivers entering and leaving the site and to ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan

18. The Construction Traffic Management Plan details, as agreed under application ref. no. 23/00599/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

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).

19. The Archaeological Written Scheme of Investigation (Part A of condition 19) details as agreed under application ref. no. 22/01800/DOC and the details approved for Parts B and C approved under application ref. no. 23/00600/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

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

20. Prior to occupation of the new housing development, Electric Vehicle (EV) ready charging point car park spaces shall be provided as follows:

On Plot Parking - one EV charge point for each of the 16 dwellings (16 in total)  
Designated Apartment Parking - one EV charge point for each of the 8 dwellings (8 in total)  
Visitor Parking - a minimum of one EV charge point ( Minimum of 1)

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.

21. During the construction 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.

Reason: To protect the residential amenity of existing residents.

22. The construction phasing and environmental management programme details as agreed under application ref. no. 23/00601/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

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

23. The written preliminary environmental risk assessment (Phase 1) details as agreed under application ref. no. 22/01870/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

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

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

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

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

28. The Site Waste Management Plan details as agreed under application ref. no. 23/00602/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

Reason: To reduce construction waste in accordance with the HCC Waste Policy 12.

29. The Landscape Ecological Management Plan details as agreed under application ref. no. 23/00604/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

Reason: To protect ecology on site.

30. For plots 9 - 20 and 24 prior to the first occupation of each dwelling its secure cycle storage is to be provided in the rear garden. For plots 21 and 22 prior to the first occupation, the cycle parking in the garage is to be provided.

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

**Proactive Statement:**

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

**Informative/s:**

1. LEAD LOCAL FLOOD AUTHORITY:

1. We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.

2. ANGLIAN WATER:

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

4. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

5. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### 3. HCC HIGHWAYS INFORMATIVES:

1. Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need. In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

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

(ii) Directly related to the development;

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

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

The above financial contributions have been based on the minimum requirement to upgrade the above mentioned bus stops. This approach is consistent and relate to the scale and impact of development.

The sustainable contribution means the sum of sixteen thousand pounds (£16,000) (Index Linked) as a contribution towards the upgrading to DDA standards for the improvements to public transport to encourage users of the Development to travel to and from the Development by means of transport other than the private car which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.

2. As a requirement of the section 106 agreement the bus stop adjacent to Ashtons Lane is required to be upgraded to Disability Discrimination Act standards in order to maximise accessibility of the site.

The bus stop will need to be upgraded with easy access kerbs (shelters may not be appropriate). This will need to be agreed in conjunction with appropriate parties. These works shall be secured through the s106 agreement.

### 4. EV CHARGING SPECIFICATION:

1. A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- 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.
- 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).

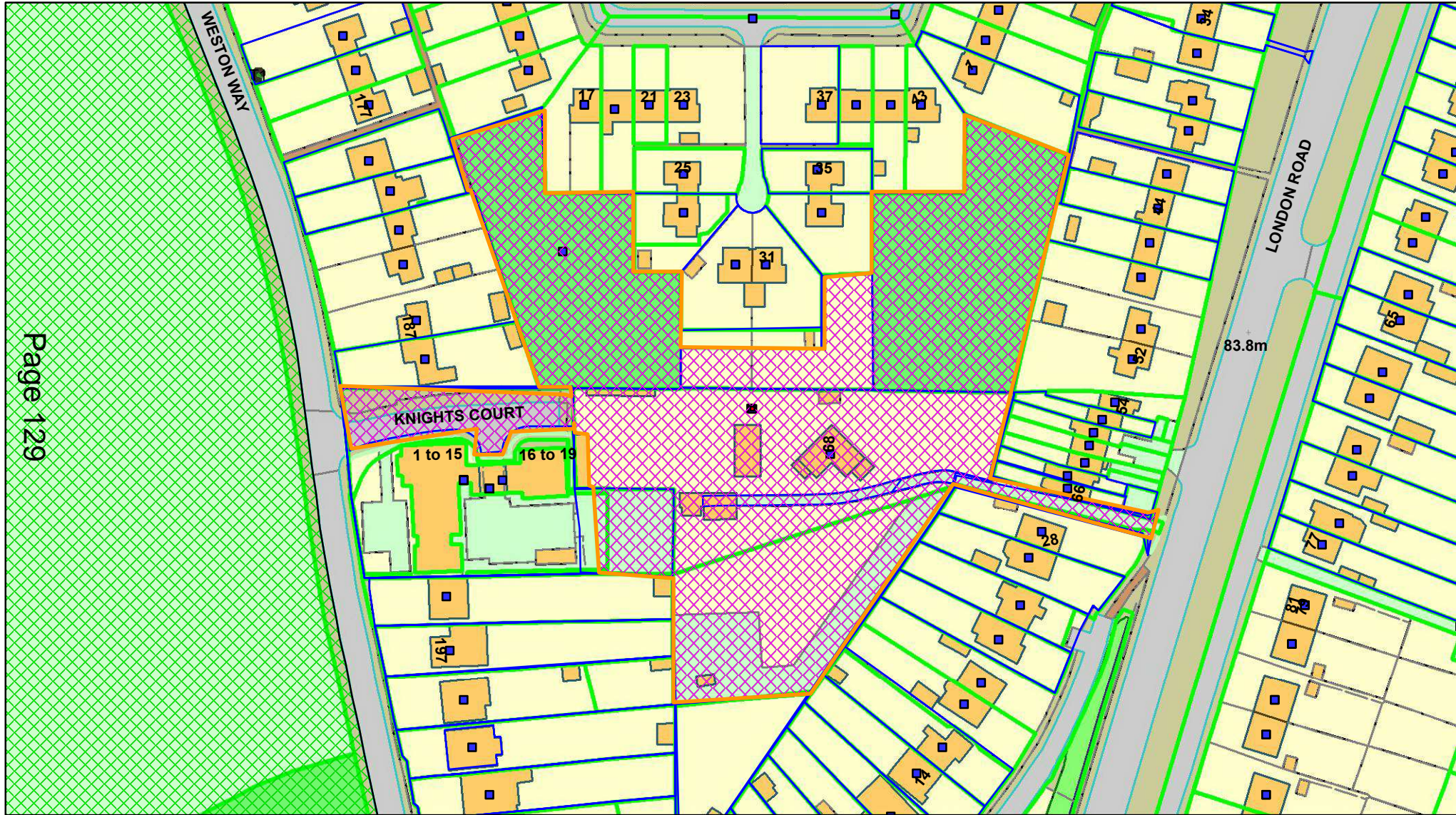
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used.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

5. The applicant is to note that a Natural England European Protected Species licence is required to be obtained due to the presence of protected species on the site

## 7.0 **Appendices**

7.1 Appendix 1 – [Agenda for Planning Control Committee on Thursday, 4th November, 2021, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](#).





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**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 05 September 2024**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr Kevin Henderson	12 July 2024	Change of use of existing detached 2-bed ancillary accommodation barn to one detached 2-bed self-contained residential dwelling and erection of boundary fence.	Sun Hill Cottage 3 Sun Hill Royston SG8 9AU	23/02389/FP	Written Representations
3 Counties Land Ltd	17 July 2024	Erection of 2no. detached 3-bed, two storey chalet style dwellings. Vehicular access onto the highway at Norton Road (as amended by plans received 2nd and 3rd April 2024).	Land To The Rear Of 33 The Sycamores Baldock SG7 5BJ	23/02324/FP	Written Representations
Mr Rama Coceal	17 July 2024	Erection of one detached 3-bed dwelling including parking, landscaping and creation of vehicular access off Folly Close	137 Stevenage Road Hitchin SG4 9D	24/00329/FP	Written Representations
Mr Stephen Chown	22 July 2024	Insertion of dormer window to existing rear roofslope and window to existing second floor side elevation to facilitate conversion of loftspace into habitable accommodation.	2 Storehouse Lane Hitchin SG4 9AB	24/00551/FPH	Householder Appeal Service
Oakmont Estates Ltd	24 July 2024	Conversion of part of ground floor from commercial use (Class E) to residential use to create one 2-bed flat (as a resubmission of application reference 23/02351/FP).	3 High Street Baldock SG7 6AZ	24/00106/FP	Written Representations
Mr J Northern	13 August 2024	Erection of four link-detached 3-bedroom dwellings with garaging, access and landscaping.	Downs Barns Ashwell Road Bygrave SG7 5EE	24/00151/FP	Written Representations

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**PLANNING CONTROL COMMITTEE**

**DATE: 05 September 2024**

**PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
K D Duke & Partners	Erection of three 2-bed, three 3-bed, and one 4-bed dwellings and associated parking and formation of vehicular access onto the highway.	Nicholls Yard Crow Lane Reed SG8 8BJ	22/02225/FP	Appeal Dismissed on 15 July 2024	Delegated	The Inspector stated that the proposal would fail to preserve or enhance the character and appearance of the Reed Conservation Area and would harm its setting. Moreover, it would fail to preserve the setting and thus the contribution that the setting makes to the special interests of the Grade II listed buildings known as Crabtree Cottage, North Farm House and Wisbridge Farm House. As a result, the proposal would harm the significance of these designated heritage assets. In this regard, the proposed development would have a harmful effect on the character and appearance of the local area.
Mr J Sapsed	Erection of agricultural storage building and hardstanding.	Land At Mill End Sandon Hertfordshire SG9 0RN	23/01404/AG	Appeal Dismissed on 24 July 2024	Delegated	The Inspector concluded that the proposed development would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit. Prior approval of the siting, design and external appearance of the proposed development is required. However, for the reasons given in the decision notice, the siting of the proposed building would be unacceptable. As such, prior approval is refused, the proposed development is not permitted development under the provisions of Class A of Part 6 to Schedule 2 of the GPDO

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# Appeal Decision

Site visit made on 2 July 2024

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 July 2024**

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**Appeal Ref: APP/X1925/W/23/3335318**

**Nicholls Yard, Crow Lane, Reed, Royston, Hertfordshire SG8 8BJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by KD Duke & Partners against the decision of North Herts Council.
  - The application Ref is 22/02225/FP.
  - The development proposed is the erection of 7.no dwellings and associated parking.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Reed Conservation Area (CA) boundary dissects the appeal site. As part of the site is in a CA, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Moreover, as the Council's concerns relate to the setting of the Grade II listed buildings known as Crabtree Cottage, North Farm House, and Wisbridge Farm House, I have also had regard to the statutory duty under section 66(1) of the Act.

## Main Issue

3. The main issue is the effects of the proposed development on the character and appearance of the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings known as Crabtree Cottage, North Farm House, and Wisbridge Farm House and whether it would preserve or enhance the character or appearance of the Reed CA.

## Reasons

### *Special interest and significance*

4. Reed CA covers much of the village of Reed, which is characterised by scattered low density housing. The medieval settlement has numerous open parcels of land which, combined with the dispersed and low density housing, farm houses and associated farm buildings emphasises the historical rural qualities of the CA.
5. The appeal site comprises of two open parcels of land separated by an access drive serving several residential properties. A public footpath passes through the eastern parcel of land connecting Crow Lane with the adjacent farmland. The soft open qualities of the appeal site on the edge of the settlement have a distinctly semi-rural character as the village peters out and connects with the surrounding farmland.

6. The character and appearance of the CA, in so far as it relates to this appeal, is largely derived from the low density of housing, gaps and open parcels of land, the special interest/significance of listed buildings, organically dispersed buildings, including farmsteads, and the historic relationship with the surrounding farmland. Moreover, the open parcels of land, trees, hedgerows, and surrounding farmland all make a positive contribution to the setting of the CA. In this regard, the appeal site's soft open qualities forming a gap between housing, near the open farmland, and also enabling attractive views towards the threshing barn, make a small but important contribution to the CA and its setting.
7. Crabtree cottage is a modest, timber framed, predominantly rendered cottage with a thatched roof. It is located with farmland opposite on the southern side of Crow Lane, near a corner when leaving or entering the village. From the evidence before me, the special interest and significance of the listed building, insofar as it relates to this appeal, is largely derived from its historic and architectural interests as an early seventeenth century cottage. The dwelling's age, plan form, traditional materials, and construction techniques, combined with its rustic appearance and its position and setting adjacent to open farmland make important contributions to the special interest and significance of the listed building. In these respects, the appeal site's open and semi-rural characteristics, makes a positive contribution to the significance of the listed building, albeit to a very small degree due to the distance.
8. The listing for North Farm House indicates that this also dates from the seventeenth century or earlier. It is a timber framed property built on a brick base, with weatherboarding and a thatched roof. From the evidence before me, the special interest and significance of this listed building, insofar as it relates to this appeal, is largely derived from its historic and architectural interests as a farm house within the historic settlement of Reed.
9. Despite alterations, its age and historic core and plan form, traditional materials, and construction techniques, combined with its rustic appearance and its position and setting near the edge of the settlement, with open parcels of land and close links to the farmland make important contributions to the special interest and significance of the listed building. The appeal site forms part of the setting of the listed building on the opposite side of Crow Lane. Its proximity, open and semi-rural characteristics contribute positively to the significance and special interest as a designated heritage asset.
10. Wisbridge Farm House dates from the late sixteenth to early seventeenth century. It is a timber framed building on a brick base with predominantly roughcast walls and a tiled roof. From the evidence before me, the special interest and significance of this listed building, insofar as it relates to this appeal is, like North Farm House, largely derived from its particular historic and architectural interests as a farm house within the historic settlement of Reed. Despite later additions, its age and historic plan form, traditional materials, and construction techniques, its setting with the building group around the threshing barn, open parcels of land and close links to the farmland make important contributions to the special interest and significance of the listed building.
11. Given the presence of the residential building group including the converted threshing barn between the appeal site and Wisbridge Farm House any



historical associations with the appeal site have been eroded. However, the appeal site does form part of how the group is experienced in its historically rural context. In these respects, the appeal site's open and semi-rural characteristics, makes a positive contribution to the significance of the listed building, albeit to a very small degree due to the distance and intervening buildings.

*Appeal proposal and effects*

12. The proposed development would infill the two open parcels of land with residential development. In combination with the existing housing set back to the south of the site the housing would create a large grouping of considerable depth from Crow Lane. Moreover, the continuous unbroken ridgeline, the formality of the design, and layout of units 1-3, along with the size and grouping arrangement of units 4-7, accessed off the formal turning circle would have a dense and urbanising appearance. Taken together, the proposed development would overtly clash with the prevailing organic pattern of housing as it gradually dissipates into the open farmland. Moreover, in doing so the housing would intrude into the attractive open views toward the threshing barn.
13. In this regard, the combination of the loss of the soft open qualities of the appeal site, the number, and the density of housing, along with its design would significantly erode the semi-rural qualities of this part of the CA and its setting. The design of the houses is bespoke and incorporates features found nearby and there are groups of modern housing elsewhere in the settlement. However, this would not be sufficient to effectively harmonise the scheme with this part of the CA and its setting. This would be evident to varying degrees from the public views along Crow Lane, in private views, and from the public footpath passing through the appeal site. Accordingly, the proposed development would harm the character and appearance of this part of the CA and its setting.
14. Both main parties accept that there would be harm to the setting of North Farm House, although the level of harm is disputed. The proposed dwellings would be set back from Crow Lane, but they would still be prominent in views along it, the footpath and from North Farm House itself. The loss of the appeal site's open and semi-rural characteristics, combined with the density and design of the scheme, in close proximity would harm the historic setting and context of the listed building to a moderate degree.
15. The housing scheme would also be a prominent feature in the wider setting of Crabtree Cottage eroding its semi-rural setting. However, the open views to the farmland from Crabtree Cottage would remain unaltered and the cottage is best appreciated in close views within its grounds and from Crow Lane which would be unchanged. As such, the extent of harm from the erosion of its wider setting would be very low.
16. The amount of housing, in combination with the existing grouping would result in a scheme of considerable depth, which would enclose the grouping around Wisbridge Farm House, including the threshing barn, from Crow Lane. In this regard, although there would be no harm to any views of the Farm House, the proposed development would still erode, and thus harm, its wider historical semi-rural setting, albeit to a very small degree.

17. To conclude on this section, the proposal would fail to preserve or enhance the character and appearance of the Reed CA and would harm its setting. Moreover, it would fail to preserve the setting and thus the contribution that the setting makes to the special interests of the Grade II listed buildings known as Crabtree Cottage, North Farm House and Wisbridge Farm House. As a result, the proposal would harm the significance of these designated heritage assets. In this regard, the proposed development would have a harmful effect on the character and appearance of the local area.

#### *Public Benefits*

18. Paragraph 205 of the National Planning Policy Framework (2023) (the Framework) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
19. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of these designated heritage assets, the magnitude of that harm should be assessed. In this instance, as the harm would be confined to a small section of the CA and setting of the respective listed buildings, the harm to these heritage assets would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal. In this regard, even in circumstances where a lower level of less than substantial harm exists, this should not be equated with a lesser planning objection and is still of considerable importance and weight.
20. The scheme would provide social benefits from seven additional dwellings. This would boost the supply of houses suitable for families with good living conditions, by making an effective use of a windfall site within the development limits of a category A village settlement. In this regard, it would garner support from the Council's Local Plan and the Framework. The proposal would also stimulate employment and the commissioning of services. Moreover, future occupiers would bolster the demand for local services and facilities and would bring economic benefits from spending in the local area.
21. It is put to me that the high standard of design should be afforded moderate weight. However, given I have found harm from the overall design this does not weigh in favour. The absence of harm in relation to other considerations such as highway safety carries neutral weight.
22. To conclude on the main issue, even though the public benefits weigh strongly in favour of the proposal, they would not outweigh the great weight that I attach to the harm I have found. Accordingly, the proposal would be contrary to the requirements of the Act, the Framework and Policy HE1 of the Council's Local Plan, when taken together and in so far as they relate to this main issue. These say, amongst other things, that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they 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.

23. Moreover, it follows that the proposal would also be contrary to the requirements of Policies SP1, SP9 and D1 of the Council's Local Plan and section 12 of the Framework, when taken together and in so far as they relate to this main issue, which broadly seek high quality design.
24. The Council have referred to Policy SP2 in its reasons for refusal. However, this is concerned with the settlement hierarchy and spatial distribution of housing and the appeal site lies within the development limits of a category A village where general development is accepted. This policy has not subsequently been determinative in my assessment.

### **Other Matters**

25. There is no substantive evidence before me that the Council is currently falling short in its housing supply or delivery figures, notwithstanding the reference to an appeal referred to by the appellant, which referenced the Housing Delivery Test results published in January 2022. In any case, after undertaking the heritage balance, the harm to designated heritage assets provides a clear reason for refusing the proposal. As such, any presumption under paragraph 11d of the Framework would not be engaged even if there was a shortfall.

### **Conclusion**

26. The proposal would not accord with the development plan when read as a whole and I find there to be no material considerations, that would indicate that the decision should be taken other than in accordance with it.
27. For the reasons given above, the appeal is dismissed.

*Mr R Walker*

INSPECTOR

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# Appeal Decision

Site visit made on 2 July 2024

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> July 2024**

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**Appeal Ref: APP/X1925/W/23/3334845**

**Land at Mill End, Sandon SG9 0RN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr J Sapsed against the decision of North Herts Council.
  - The application Ref is 23/01404/AG.
  - The development proposed is the erection of agricultural storage building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits, amongst other things, works for the erection of a building on agricultural land, comprised in an agricultural unit of 5 hectares or more in area, which is reasonably necessary for the purposes of agriculture within that unit. Paragraph A.2(2)(i) states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.
3. The Council's reason for refusal is concerned with the siting, design, and external appearance of the proposal. However, since it issued the decision, additional applications have been submitted by the appellant to the Council. As a result of the evidence in those submissions the Council dispute that the proposal is reasonably necessary for the purposes of agriculture within the unit. The appellant has had the opportunity to comment on this during the appeal process and has subsequently not been prejudiced by the Council's position.

## Main Issues

4. Taking the above into account, the main issues are:
  - whether or not the proposed building would comply with the conditions and limitations of Class A of Part 6 to Schedule 2 of the GPDO, with particular regard to whether or not it would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit; and
  - if so, whether or not prior approval can be given having regard to the siting, design, and external appearance of the proposed building.

## Reasons

### *Whether reasonably necessary*

5. The land at Mill End is currently used for the growing of cereals and has been laid to grass previously and there is no dispute between the parties that it is agricultural land. After purchasing the land, the appellant has made several applications for different buildings and locations. This includes both for use in connection with livestock and hay/silage. As a result, the Council consider that the appellant has no clear plan for the land or demonstrated need.
6. Whilst the planning history confirms that the appellant has sought to develop a livestock enterprise requiring a building, that is not what is before me. Moreover, having purchased the land, I do not find it unusual for the appellant to explore options to support his enterprise. Indeed, I am equally mindful that the appellant's intentions may change in the future, or a future owner might farm the land differently. What is before me, is a building to support the existing arable use of the land and future grazing. This includes machinery and equipment, fertilisers, materials, and feed used for future grazing.
7. This is consistent with the proposal dismissed for a similar scheme at appeal (Ref: 3298494). Here the Inspector concluded that it would be reasonably necessary due to the size and nature of the holding and to avoid movements between the land at Mill End and Slate Hall Farm, which is also within the appellant's agricultural unit. The Council's officer report highlights the wording of other policies in its Local Plan, which refer to whether there is a clearly established existing functional need. However, the test set out in the GPDO is whether a building is reasonably necessary for the purposes of agriculture within the unit and that is how I have considered the proposal.
8. Moreover, there is a distinction between whether a building is absolutely necessary, or reasonably necessary, for the purposes of agriculture within the unit. In this regard, based on the evidence before me I have no reason to reach a different conclusion to that previously reached by the Inspector in respect of the proposed building being reasonably necessary.
9. I therefore conclude on this main issue that the proposed building would comply with the conditions and limitations of Class A of Part 6 to Schedule 2 of the GPDO, with particular regard to whether or not it would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit.

### *Siting, design and external appearance*

10. The field in which the proposed building would be sited in rises up from Mill End. A public right of way (PROW) from Mill End into the field enjoys broad open and exposed views of the agricultural landscape and expansive sky above the horizon. The size of the field, its wide-open qualities and views upwards to the horizon results in an exposed and large-scale landscape. This contrasts starkly with the more intimate qualities along Mill End, with its buildings, trees and planting close to the road and the enclosed pattern of smaller paddocks and structures at Mill End Equestrian.
11. Set within this landscape, the proposed building's siting would result in an overtly dominant and exposed structure that would detract from its landscape setting from public views. I have reached this conclusion even though its

design and external appearance would be of a type and size common in the countryside. The Inspector for the previously dismissed appeal (Ref: 3298494) raised concerns about its positioning remote from residences and other buildings in Mill End and about the prominence in the field and from the PROW. Whilst I accept that the building is closer to the road than the previously dismissed scheme, its exposed highly prominent siting within the field would still be harmful.

12. Mill End Cottage, a Grade II listed building, is located adjacent to the field that the proposed building would be positioned. It dates from the sixteenth century and has a distinctive thatched roof. Its special interest and significance, in so far as it relates to this appeal, is derived from its age, traditional materials, and construction techniques, combined with its rustic appearance. Its historic and visual relationships with the village and the open countryside, including around the appeal site, contribute positively to its setting and thus its significance.
13. The siting of the building would be seen in some views in combination with the listed building. From the PROW in the field the exposed prominence of the building's siting would compete in attractive views of the thatched roof. In this regard, its prominence in this exposed position would erode its open countryside setting to a small degree. Having regard to the remaining gap between the listed building and the proposed building, the extent of harm would be low and thus less than substantial, using the language of the National Planning Policy Framework. Even so, this adds to my concerns regarding how the building would be experienced in the proposed location.
14. I therefore conclude on this main issue that prior approval can not be given having regard to the siting of the proposed building.

### **Other Matters**

15. The appellant has sought to consider previous concerns on siting and design. However, when deciding whether or not to grant prior approval for a proposed development my deliberations are confined to the matters set out under Class A of Part 6 to Schedule 2 of the GPDO as subject to the determination. In this regard, suggestions of wider public benefits, or whether the proposed development in this location is absolutely necessary and has to go somewhere on the land are not matters for my consideration in this appeal. Nor are the merits of possible alternative locations.

### **Conclusion**

16. To conclude, the proposed development would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit. Prior approval of the siting, design and external appearance of the proposed development is required. However, for the reasons given above, the siting of the proposed building would be unacceptable. As such, prior approval is refused, the proposed development is not permitted development under the provisions of Class A of Part 6 to Schedule 2 of the GPDO and the appeal is dismissed.

*Mr R Walker*

INSPECTOR

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