

11 October 2024

Our Ref Planning Control Committee 24 October  
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,  
LETCWORTH GARDEN CITY, SG6 3JF**

On

**THURSDAY, 24TH OCTOBER, 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>
<p><b>1. APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p><b>2. MINUTES - 26 SEPTEMBER 2024</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on the 26 September 2024.</p>	(Pages 5 - 10)
<p><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.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p><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.</p>	
<p><b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.</p>	
<p><b>6. 24/00444/FP NORTHWAY FILLING STATION, GREAT NORTH ROAD, HINXWORTH, BALDOCK, HERTFORDSHIRE SG7 5EX</b> <b>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b></p> <p>Redevelopment of the existing service station, including replacement of the existing filling station (use Class sui generis), construction of a drive thru coffee shop (use Class E), electric vehicle charging hub, car parking, and landscaping arrangements.</p>	(Pages 11 - 24)

7. **24/00671/FP GREENSIDE, LONDON ROAD, LANGLEY, HITCHIN,  
HERTFORDSHIRE SG4 7PP** (Pages  
25 - 44)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of six detached 4-bed dwellings following demolition of existing dwelling/outbuildings and builder yard buildings. (Amended plans received 13/08/24).

8. **24/00952/FPH 14 OAKFIELDS AVENUE, KNEBWORTH,  
HERTFORDSHIRE SG3 6NP** (Pages  
45 - 50)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Retention of anthracite grey windows.

9. **PLANNING APPEALS** (Pages  
51 - 56)  
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,  
LETCWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 26TH SEPTEMBER, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Nigel Mason (Chair), Amy Allen, Sadie Billing, Ruth Brown, Val Bryant, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson.*

**In Attendance:** *Loretta Commons (Locum Planning Lawyer), Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Andrew Hunter (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Alina Preda (Trainee Solicitor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

**Also Present:** *Councillor Ralph Muncer and 1 member of the public were also present.*

#### 57 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 45 seconds*

Apologies for absence were received from Councillor Elizabeth Dennis.

Having given due notice Councillor Val Bryant substituted for Councillor Dennis.

#### 58 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 1 minute 55 seconds*

There was no other business notified.

#### 59 CHAIR'S ANNOUNCEMENTS

*Audio recording – 2 minutes*

- (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 Members of the ongoing Community Governance Review survey which was being conducted to look at parish arrangements. The survey was open until the 7 October 2024.

**60 PUBLIC PARTICIPATION**

*Audio recording – 4 minutes 10 seconds*

The Chair confirmed that the registered speakers were in attendance.

**61 23/02946/OP 66 PARK LANE, KNEBORTH, HERTFORDSHIRE, SG3 6PW**

Audio recording – 4 minutes 24seconds

The Planning Officer provided an update from the supplementary document included that:

- The original report did not include any public representations, these had been read and considered during the application phase. The supplement summarised the representations as, objections to the access point, concerns regarding maintenance of the vegetation and concerns regarding the possible effect upon the delivery of vehicular access for sites KB1 and KB2 in the Local Plan.
- There had been a request for the integration of swift bricks and for an ecological survey, to consider the Biodiversity Net Gain (BNG) concerns. The Applicant had agreed to these, and they were highlighted in paragraph 4.3 of the report.
- Additional Conditions had been added to the application relating to tree retention and protection.
- The Applicant requested that Condition 9 be amended, this was considered and agreed.
- The location site plan had been superseded with an updated access plan.

The Planning Officer presented the report in respect of Application 23/02946/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Tom Tyson

In response to questions, the Planning Officer advised that:

- There would be no changes to the existing house on the site.
- The site was adjacent to site KB1 to the north with the proposed access to KB1 to the east.
- It was acknowledged that there would be Highways works, but the Highways Authority were satisfied with the visibility splays and did not believe that this site would compromise the access of any new developments on KB1 and KB2.
- The application was for outline planning permission for nine dwellings, although this number could change.
- The request from the Knebworth Parish Council for Section 106 (S106) money was considered but, it was felt that it did not meet the obligations requirement test. There had however, been a payment agreed to Highways for footpath improvements.

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

- Any land within the site boundary would be maintained by the Applicant, land outside the boundary within the highway was the responsibility of the Highways Team. The majority of the land surrounding the visibility splays was outside of the site boundary.

- The Highways Team considered access for sites KB1 and KB2 and concluded that there was no conflict. Access for KB1 and KB2 would be considered when any applications were received.
- No applications to develop sites KB1 and KB2 had been received, therefore this application had been considered on its own merits. Highways would then take into consideration any traffic impacts and assessments when considering their recommendations for sites KB1 and KB2.
- Sites KB1 and KB2 were in the early stages of Master Planning.
- It was a standard requirement in legislation that planning permission would expire after 3 years.
- The request from the Parish Council for £20K to upgrade the Village Hall lighting was deemed unreasonable due to the small size of the site.
- Should there be any applications for sites KB1 and KB2 then requests from the Parish Council for S106 money would be considered.
- The Applicant had agreed to submit a Unilateral Undertaking for the sustainable transport contributions.
- The housing mix would be conserved at the reserved matters stage when scale would be considered.

The following Members took part in debate:

- Councillor Tom Tyson
- Councillor Val Bryant

Points raised in debate included:

- If the site had been part of the KB1 site, then S106 contributions to the village could have been made and it was disappointing that this was not the case.
- There was no reason to object to the application.

Councillor Ian Mantle proposed to grant permission with the amendment to Condition 9 and the additional Conditions 12 to 14 and this was seconded by Councillor Michael Muir and, following a vote, it was:

**RESOLVED:** That application 23/02946/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following amended Condition 9 and the addition of Conditions 12 to 14 as detailed in the Supplementary document.

“Condition 9:

*A subsequent Reserved Matters application should include a site-wide sustainability strategy for consideration and approval in writing by the Local Planning Authority that addresses renewable energy, reducing carbon emissions and water conservation. The agreed measures shall be implemented and maintained thereafter.*

*Reason: To reduce carbon emissions and promote the 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.*

Condition 12:

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

*Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.*

Condition 13:

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

*Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.*

Condition 14:

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

*Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031."*

**62 21/00541/OP LAND BETWEEN 134 AND 148 HIGH STREET, KIMPTON, HERTFORDSHIRE, SG4 8QP**

*Audio recording – 26 minutes 23 seconds*

The Senior Planning Officer provided an update and advised that the Parish Council comments dated the 25 March 2021 were missing from paragraph 3.4 of the report however, these comments were available on the Planning Portal and were included in Appendix A.

The Senior Planning Officer presented the report in respect of Application 21/00541/OP supported by a visual presentation consisting of photographs and plans.

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

- The application was for Local Plan site KM3 which had been allocated for 13 dwellings, this application was for 15 dwellings.
- The village of Kimpton needed starter homes with 1 to 3 bedrooms. This would enable young people to remain in the village and older residents to downsize.



- The site was ideal for a care home.
- Should there be any future developments beyond this site a roundabout would be more logical.
- Each dwelling would require two or more parking spaces.
- Footpath 33 ran adjacent to the right hand side of the development, this should be protected as a condition as this was in constant use by villagers.
- There should be mitigation for adequate drainage on the site.
- The S106 money was welcomed however, the majority of villagers used Harpenden as their nearest town rather than Hitchin, and it would be more appropriate to allocate the money to that area.
- The site should only be considered for 13 dwellings or for a care home.

In response to points of clarification from Councillor Val Bryant, Councillor Muncer advised that:

- The application was submitted in 2021 and concerns would have been raised, had he been a Councillor at that time.
- Concerns regarding Footpath 33 had been raised by residents at local events, who outlined it was used for dog walking and they would like it to be a protected green space.
- Some elderly residents had expressed a desire to stay in the village, but options to downsize were not currently available.

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

- The site was allocated for 13 dwellings however, this was a guide rather than a ceiling.
- There was an indicative housing mix on the site, with adequate parking and drainage.
- Five of the dwellings would be allocated as affordable housing.
- The application was for outline planning and access.
- The matter could be reserved for up to 3 years. A review of the housing mix would be considered at the reserved matters stage,
- There was an agreement for S106 money for Hertfordshire County Council and North Herts District Council.
- The benefits of the application outweighed the harms.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Michael Muir

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

- Ideally a care home required 60 to 70 rooms to be viable and was therefore not appropriate for the size of the site.
- The land beyond the site had the same ownership and was considered green belt land.

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

- The housing mix was deemed acceptable in relation to the Local Plan, and the smaller units would be required for affordable housing.
- The access was considered acceptable by Highways.
- The public footpath 33 ran to the north of the site.
- The east side of the site was used informally by walkers, but there was no public right of way. This area would not be restricted by the proposed development.

**Thursday, 26th September, 2024**

Councillor Tom Tyson stated that the principle of the development and access were fine, however some issues would need to be carefully considered when the application reached the reserved matters stage.

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

**RESOLVED:** That application 21/00541/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

The meeting closed at 8.20 pm

Chair

<u>Location:</u>	<b>Northway Filling Station Great North Road Hinworth Baldock Hertfordshire SG7 5EX</b>
<u>Applicant:</u>	<b>Welcome Break Group Ltd</b>
<u>Proposal:</u>	<b>Redevelopment of the existing service station, including replacement of the existing filling station (use Class sui generis), construction of a drive thru coffee shop (use Class E), electric vehicle charging hub, car parking, and landscaping arrangements.</b>
<u>Ref. No:</u>	24/00444/FP
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 14/06/2024

**Extension of statutory period:** 31/10/2024

**Reason for Delay:** Awaiting a committee date and following negotiations to overcome objections.

**Reason for Referral to Committee:** Paragraph 8.4.5 (b) of the Councils constitution  
- The site area for this application is greater than 1 hectare.

## 1.0 **Site History**

1.1 Extensive site history on file. Relevant history set out below:

85/00996/1 - Redevelopment of petrol filling station, including erection of single storey building for shop and toilets, petrol pump islands, underground storage tanks and ancillary works following demolition of existing buildings – Granted Conditional Permission on 29/08/1985.

85/00724/1 - Erection of single storey building for restaurant with 38 parking spaces and ancillary works – Granted Conditional Permission on 27/06/1985.

80/01574/1 - Redevelopment of existing petrol filling station following demolition of cafe and sales kiosk by the erection of a new sales building with ancillary office and storage, new canopy over petrol pump forecourt and relocation of septic tank – Granted Conditional Permission on 27/11/1980.

80/01573/1 - Site and layout for restaurant and ancillary car parking area, installation of septic tank. Approval of details of restaurant and ancillary car parking area – Granted Conditional Permission on 27/11/1980.

## 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 SP3: Employment

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Development Management Policies

Policy CGB1: Rural Areas beyond the Green Belt

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

Policy NE12: Renewable and low carbon energy developments

### 2.2 **Supplementary Planning Documents**

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

Sustainability DPF (2024)

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

Section 2: Achieving sustainable development

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 16: Conserving and enhancing the historic environment

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 04/04/2024

Expiry Date: 27/04/2024

### 3.2 **Press Notice:**

Start Date: 28/03/2024

Expiry Date: 19/04/2024

### 3.3 **Neighbouring Notifications:**

One representation objecting to the proposal has been received from Northway House. The objection is summarised below and is available in full on the NHC website:

- The slip road existing onto the A1 is not shown.
- Northway House has not been shown on any of the plans submitted.
- The plans submitted will have a huge effect on the access in and out of Northway House, which is directly on the slip road out of the Northway Service Station.
- The amount of traffic generated would lead to disruption and likely to cause an accident.
- Many accidents have occurred to the BP service station opposite on the north bound side of the A1.
- Risk of vehicles running into pumps.
- Increase to the volume of noise to the rear garden of Northway House.
- More litter and more vermin.

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

National Highways England – Objection.

HCC Highways – Unable to provide comments as the site location sits beyond HCC's highways jurisdiction.

Lead Local Flood Authority – Objection.

Environment Agency – Objection.

Central Bedfordshire Council – No objection.

East Herts District Council – No comments received.

National Grid – No objection.

NHC Ecology – No comments received.

Environmental Health (Noise) – Objection.

Environmental Health (Air Quality) – No objection.

Environmental Health (Contaminated Land) – Objection.

Caldecote and Newnham Parish Council – No comments received.

Waste and Recycling – No comments received.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 Northway Filling Station is a motorway service station with existing petrol pumps, lorry pumps, and convenience store which forms part of the use of the site. The site features a large area of hardstanding and a large area of maintained grassland. To the south of the site is Northway House, a residential dwelling. There is also a fuel filling station on the opposite side of the A1 to the west. A brook runs along the northern boundary beyond which there is a hotel and restaurant. The northern and eastern edges of the site are bounded by trees, and there is an agricultural field to the east.

4.1.2 The application site is situated within the Rural Area beyond the Green Belt. The site is also situated within Flood Zone 3 (high risk area).

### 4.2 **Proposal**

4.2.1 Planning permission is sought for the redevelopment of the existing service station, construction of a drive-thru, EV charging, car parking, and landscaping.

### 4.3 **Key Issues**

4.3.1 The key issues for consideration include:

- The principle of development.
- The economic benefits
- The design and appearance of the proposal and the impact on the character and appearance of the area.
- 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.

#### Principal of the Development within the Rural Area beyond the Green Belt

4.3.2 The application site is situated within the Rural Area beyond the Green Belt in which Policies SP5, CGB1, and CGB4 of the North Herts Local Plan (NHLP) are relevant in this case.

4.3.3 Policy SP5 sets out that the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of detailed policies.

4.3.4 Policy CGB1 sets out several reasons that development could accord with to be granted. The applicant has set out within their planning statement that the development may comply with e) which states "*is a modest proposal for rural economic development or diversification*".

4.3.5 The proposed development would consist of the redevelopment of the existing service station. This would include the replacement of the existing filling station with a new filling station set further back within the site, the construction of a drive through coffee shop, and the provision of car parking, including 24 electric vehicle charging points.

- 4.3.6 The proposed development would result in a significant expansion upon the existing site. The area of hardstanding, whilst already large, would expand into much of the northern part of the site. In addition, the replacement petrol filling station would be significantly larger than the existing filling station. With the development also proposing the erection of a drive through coffee shop to the northern part of the site, the proposed development would not be a modest expansion of the site and would therefore fail to comply with Policy CGB1 of the NHLP.
- 4.3.7 Policy CGB4 of the NHLP sets out that replacement buildings should not have a materially greater impact on the openness or purposes of the Rural Area beyond the Green Belt.
- 4.3.8 As above, the proposed redevelopment of the site would result in a materially greater impact upon the Rural Area beyond the Green Belt.

#### Economic Benefits

- 4.3.9 Paragraph 85 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 85 goes on to state “*significant weight should be placed on the need to support economic growth and productivity*”.
- 4.3.10 Paragraph 88 of the NPPF sets out that planning policy and decisions should enable the sustainable growth and expansion of all types of business in rural areas.
- 4.3.11 Policy ETC2 of the NHLP sets out that planning permission will be granted provided that the proposal is for small employment development and is appropriate to the location in terms of size, sale, function, catchment area, and / or historic and architectural character.
- 4.3.12 Policy ETC3 sets out that planning permission will be granted for new retail, leisure and other main town centre uses provided the proposal complies with the policy criteria.
- 4.3.13 The proposed development would result in the growth of the site allowing the business to expand. The development of the site would result in the creation of employment opportunities within the site. This includes up to 50 full time jobs, which would be a net increase of 40 compared to the existing site. Furthermore, additional jobs would also be created through the construction of the site and the development could contribute to job creation throughout the supply chain.
- 4.3.14 The economic benefits of the scheme, through the creation of jobs on site and throughout the supply chain, are considered significant in this case. The applicant also cites tourism benefits to the district through the provision of improved facilities to motorists. However, the benefits to tourism within the district are likely to be very limited given that the site would be a temporary stop for users likely travelling through the authority. Nevertheless, rest and refreshment facilities, along with the means to re-fuel vehicles, including electric vehicles on the strategic highway network are important for the users of that network.
- 4.3.15 In conclusion on this matter the proposal would deliver significant economic benefits to which significant weight is attributed in the planning balance.

### Design and Appearance and impacts upon the character and appearance of the area

- 4.3.16 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 of the NPPF goes on to set out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.17 Paragraph 135 of the NPPF sets out that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site to accommodate and sustain an appropriate amount and mix of development, and to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 4.3.18 Policy SP9 of the Local Plan sets out that the Council will '*support new development where it is well design and located and responds positively to its local context*'. This is repeated in Policy D1 of the Local Plan. Both Policy SP9 and D1 reflect the principles set out within the NPPF.
- 4.3.19 The proposed development would consist of a replacement petrol filling station and pumps, EV charging points, the erection of a drive-thru coffee shop, and additional hardstanding that includes parking provision.
- 4.3.20 Approximately half of the existing site is used for both car and lorry fuel filling. There is also a small convenience store on site associated with the petrol filling use.
- 4.3.21 The proposed development would be of a design appropriate to the use of the site. Directly across the A1 from the application site is a recently redeveloped petrol filling station. Given the siting of the development off the A1 and existing development nearby, the proposed redevelopment of the site would be of appropriate design and appearance in the context of the site.
- 4.3.22 Given the above, the proposed development would comply with both local and national planning policies. No objection is raised to the design and appearance of the proposed development and its impact upon the locality. The proposal would not have a significant visual impact upon the wider landscape.

### Impact on Neighbouring Amenity

- 4.3.23 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.
- 4.3.24 The application site is neighboured by two properties. To the south is Northway House, a residential dwelling, and to the north is Brookside Lodge, a hotel. Also, further to the north of the site is Farrowby Farm. Finally, to the west of the site is Astwick Services (BP Filling Station).



- 4.3.25 Northway House, a detached residential property facing west toward the A1, is closest to the application site. There is a mature boundary of trees that run along the entire boundary with the neighbouring property obscuring any view of the application site. Therefore, whilst the replacement filling station would be larger and further set back, any additional overbearing impact compared to the existing situation would be very limited.
- 4.3.26 The northern part of the site is also separated from existing development to the north by mature vegetation and the Cat Ditch River, a brook that runs across the northern boundary of the site.
- 4.3.27 Given the above, it is considered that the impact the proposed buildings would have on the light and privacy, or nearby neighbouring properties would be acceptable.
- 4.3.28 The proposed development would likely result in a substantial increase in the use of the site. Increased use would give rise to additional traffic within the site and therefore more noise. The planning statement submitted alongside the application sets out that due to the ambient noise from the number of vehicles on the A1, the increased noise produced by the development would be mitigated by the ambient noise arising from the A1.
- 4.3.29 Following consultation with NHC Environmental Health, concerns have been raised in relation to the noise impact of the development. The Environmental Health comments are as follows:
- “The proposal represents an intensification of the land use alongside a re-configuration of the existing fuel filling station and the traffic using both sites has been re-routed. Notwithstanding that the site is adjacent to a very busy (and noisy) A1 carriageway, the changes may impact negatively on the adjacent residential premises, specifically towards the relatively sheltered rear. It would be prudent to undertake a noise survey to quantify any change in the noise environment before approving this application.”*
- 4.3.30 Given the lack of a noise survey to accompany the application, it is considered that there is insufficient information to identify whether the increased use of the site would result in a rise to the noise experienced by the adjoining neighbouring property, particularly within the rear garden and to assess the extent of any harm to the amenities of the neighbouring occupiers.
- 4.3.31 Therefore, the proposed development would fail to comply with Policy D3 of the Local Plan by reason of the likely increase in noise arising from the application site and its impact to the amenity of the neighbouring residential occupiers. Given the existing noise environment moderate weight is attributed to this harm.

#### Highway Impacts

- 4.3.32 Paragraph 115 of the NPPF states *“that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 4.3.33 Policy T1 of the NHLP sets out the criteria for which development will be granted, including development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network.

4.3.34 National Highways have been consulted as they are the highways authority in this case. National Highways have recommended the application not be approved until further information be submitted. National Highways require the submission of a Stage 1 Road Safety Audit due to the works proposed being immediately adjacent to a Strategic Road Network (SRN). Time has been given for the applicant to produce a Road Safety Audit (SRA), but this has not been submitted. This is not a matter that can be adequately addressed by a planning condition because the SRA relates to the acceptability of the proposal in terms of highway safety risk. Therefore, the proposal is currently non-complaint with both local and national planning policies and this is a matter to which significant weight is attached.

#### Parking

4.3.35 Policy T2 of the Local Plan sets out that planning permission will be granted provided parking for non-residential development has regard to the standards set out in the supplementary planning document.

4.3.36 The proposed development would have two parking areas with one servicing the drive thru element and the other serving the petrol station kiosk. The first would provide a total of 58 spaces including 4 disabled bays, 24 electric charging bays. The second parking area for the kiosk would provide a further 18 spaces, including 4 disabled bays.

4.3.37 The Council's parking standards does not provide a specific requirement for roadside service areas. The development is however considered to provide enough parking spaces for users of the site.

4.3.38 Whilst no cycle parking is provided for, it is considered unnecessary in this case in the given the nature of the proposal and its location and access off the A1.

4.3.39 In conclusion on this matter, no objection is raised to the number of parking spaces to be provided on site, and neutral weight is attached to this matter in the planning balance.

#### Flood Risk and drainage.

4.3.40 A Flood Risk Assessment (FRA) and Drainage Strategy accompanies the application, and these can be viewed on the Council's website. The FRA confirms that the only significant potential sources of flooding to the application site are fluvial flooding from the adjacent Cat's Ditch, which is an Internal Drainage Board maintained water course, and surface water flooding and that the existing service station is classed as less vulnerable. As the proposal is for the redevelopment and enlargement of an existing facility the FRA indicates that it is not feasible to consider alternative development sites outside Flood Risk Zones 2 and 3. A sustainable surface water strategy has been prepared for the development.

Paragraph 165 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

4.3.41 Paragraph 180 of the NPPF sets out that planning decisions should prevent new and existing development from contributing to soil, air, water, or noise pollution.

4.3.42 Policy NE7 of the Local Plan sets out that planning permission will be granted provided that development be located outside of medium and high-risk flood areas.

- 4.3.43 The application site is in Flood Zone 3, the zone with the highest probability of flooding. The Environment Agency has been consulted and have objected to the proposed development. The objection relates to both flood risk and groundwater protection.
- 4.3.44 Planning Practice Guidance Table 2 provides guidance on which developments are incompatible with certain Flood Zones. Table 2 makes it clear that this type of development is not compatible within the Flood Zone and therefore should not be permitted.
- 4.3.45 The Environment Agency have also raised concerns that the type of development could potentially be contaminative to the principal and secondary aquifer on which the site is located.
- 4.3.46 Given the above, it is considered that the proposed development would fail to comply with both local and national planning policies. The proposal is situated within Flood Zone 3b and risks contributing to water pollution. This matter is attributed significant weight in the planning balance.

#### Ecology and Biodiversity

- 4.3.47 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.48 The application has been accompanied by a Biodiversity Net Gain (BNG) calculation which states that there would be a 52.47% net gain in area units and a 2828.48% net gain in hedgerow units however, there would be no change or gain in watercourse units.
- 4.3.49 Whilst the proposed development would provide a net gain in area units, the proposal would fail to provide any net gain watercourse units. Nevertheless, the BNG that would arise from the proposal is given significant weight in the planning balance.

#### Environmental Health:

- 4.3.50 Following consultation with Environmental Health, objections have been raised to noise and land contamination arising from the development due to insufficient information being provided for consideration.
- 4.3.51 The proposed development would represent an intensification in the use of the land. The changes could negatively impact the adjacent residential premises, specifically towards the sheltered rear garden of the neighbouring property. A noise survey has therefore been requested by Environmental Health. This matter has already been considered in the planning balance in terms of impact upon residential amenity.
- 4.3.52 Further information has also been requested in relation to land contamination. Whilst this matter could be addressed by an appropriately worded pre-commencement condition, the Environment Agency has indicated that a preliminary risk assessment must accompany the application to better understand the risks to ground water at the application stage. Such an assessment has not been submitted.

4.3.53 No objections have been raised to the proposed lighting scheme provided as part of the application.

#### 4.4 **Conclusion**

4.4.1 The proposed development would result in a large increase to the scale of development within the site. The proposal would therefore not be considered a modest proposal for rural economic development in this case and would therefore fail to comply with Policy CGB1 of the Local Plan.

4.4.2 The development would however provide significant economic benefits in terms of the development of the site, job creation both on site and throughout the supply chain, and allowing the business to expand.

4.3.3 Given that the site features an established use similar to that proposed which would be of an acceptable design in the context of the locality, the harm to the Rural Area beyond the Green Belt would be outweighed by the economic benefits of the development proposed.

4.4.4 However there are objections from the Environment Agency and Highways England. The Environment Agency have raised two concerns. One relating to the risk of flooding with the site being within Flood Zone 3b. The second concern relates to the risk of water pollution from the use of the site. The development would fail to comply with Policy NE7 and NE11 of the Local Plan.

4.4.5 The Highways England objection relates to a lack of information being provided to ensure that the development would not result in a risk to highways safety. The proposal would therefore fail to comply with Policy T1 of the Local Plan.

4.4.6 Furthermore, objections have been raised to the impact the development would have to neighbouring amenity in terms of noise. In the absence of information to show that the intensification in the use of the site would not give rise to unacceptable noise to the living conditions of neighbouring residential occupiers it is considered that this weighs against the proposal and that the development would fail to comply with Policy D3 of the Local Plan.

4.4.7 Therefore, on balance, in the absence of information necessary to make a positive recommendation, it is considered that the economic benefits that would arise from the development would not outweigh the harm identified and the proposed development would fail to comply with the provisions set out within both the North Hertfordshire Local Plan and the National Planning Policy Framework.

#### 5.0 **Alternative Options**

5.1 None applicable.

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

6.1 None applicable.

## 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**

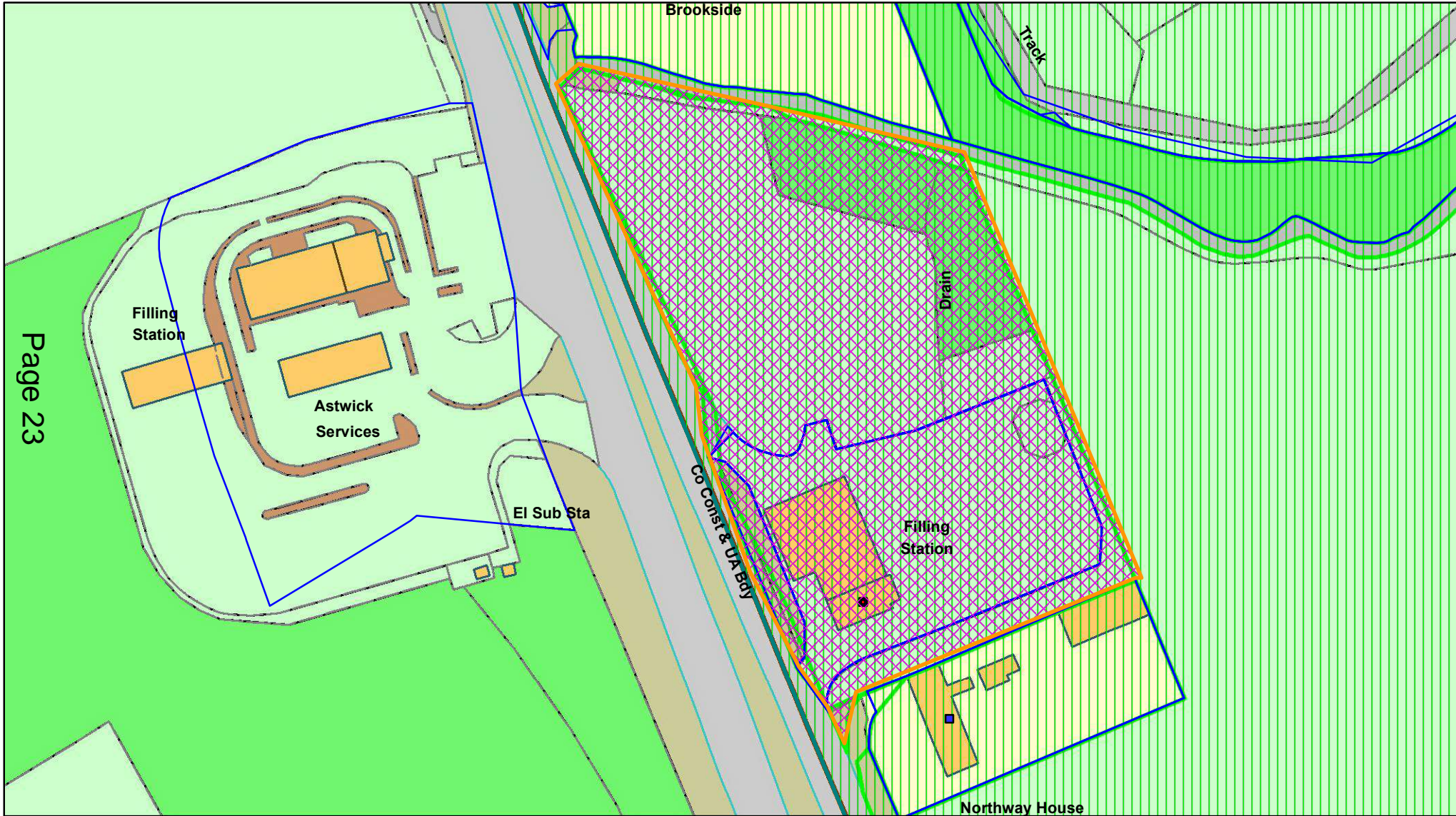
That planning permission be **REFUSED** for the following reasons:

1. Insufficient information has been provided to show that the proposed development, by reason of its siting and intensification of use, would not result in unacceptable harm to the amenities of the neighbouring residential occupiers. Therefore, the proposed development would be contrary to the provisions of Policy D3 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (December 2023).
2. Insufficient information has been provided with the application to show that the proposed development would not result in a risk to highway safety. Therefore, the proposed development would fail to comply with Policy T1 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (December 2023).
3. The proposed development, by reason of its siting in Flood Zone 3, is not a compatible development within this flood zone as set out in Table 2 of the Planning Practice Guidance (Reference ID: 7-079-20220825). The proposed development would therefore fail to comply with Policy NE7 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (2023).
4. The proposed development is located upon a principal and secondary aquifer. Insufficient information has been provided with the application to show that the proposal would not result in contamination of the aquifer and in the absence of information to indicate otherwise the proposal would fail to comply with Policy NE11 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (2023).

## **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Page 23

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<u>Location:</u>	<b>Greenside London Road Langley Hitchin Hertfordshire SG4 7PP</b>
<u>Applicant:</u>	<b>Mr J Pateman</b>
<u>Proposal:</u>	<b>Erection of six detached 4-bed dwellings following demolition of existing dwelling/outbuildings and builder yard buildings. (Amended plans received 13/08/24).</b>
<u>Ref. No:</u>	24/00671/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Target Determination date:** 17<sup>th</sup> May 2024.

### **Reason for delay**

Time taken for bat survey work to be undertaken and for these results to be considered by the HCC Ecology team.

### **Reason for referral to committee**

The site area is greater than 0.5 ha so this application is being presented to Planning Control Committee for determination on the basis of the requirements of the Council's Constitution.

### **Supporting documents**

1. Planning, Design and Access Statement.
2. Transport Report.
3. Tree Survey Report.
4. Preliminary Bat Roost Assessment July 2024.
5. Bat Activity Survey.
6. Ecological Appraisal.

### **Plan numbers:**

1. Location plan.
2. 2023-16-PL-230 – house type 2B elevations.
3. 2023-16-PI-220 – house type 2A elevations.
4. 2023-16-PL-200 – house type 1A elevations.
5. 2023-16-PL-130 – house type 2B floor plans.
6. 2023-16-PL-120 – house type 2A elevations.
7. 2023-16-PL-100 – house type 1A floor plans.
8. 2023-16-PL-002 – existing site plan.
9. 2023-16-PI-001 – proposed site plan.
10. TCP01 – tree constraints plan.
11. 2023-16-PL – house type 1 floor plans.
12. 2023-16-PL-150 – cycle and bin stores

13. 2023-16-PL-211A – house type 1B elevations.
14. 2023-16-PL-601A – existing and proposed visuals sheet 1.
15. 2023-16-PL-602A – existing and proposed visuals sheet 2.
16. 2023-16-PL-603A – existing and proposed visuals sheet 3.
17. 2023-16-PL-605A – existing and proposed site section.

## 1.0 Policies

### 1.1 National Planning Policy Framework:

Section 2 – Achieving Sustainable Development;  
 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;  
 Section 13 – Protecting Green Belt Land;  
 Section 15 – Conserving and enhancing the natural environment;  
 Section 16 – Conserving and enhancing the historic environment.

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

SP1: Sustainable development in North Hertfordshire;  
 SP2: Settlement Hierarchy and Spatial Distribution;  
 SP5: Countryside and Green Belt;  
 SP6: Sustainable Transport;  
 SP9: Design and sustainability;  
 SP12: Green Infrastructure; landscape and biodiversity;  
 SP13 – Historic Environment.

T1: Assessment of transport matters;  
 T2: Parking;  
 D1: Sustainable Design;  
 D3: Protecting living conditions;  
 NE4: Biodiversity and geological sites;  
 HE1: Designated Heritage Assets

### 1.3 Supplementary Planning Document Vehicle Parking at New Development SPD.

## 2.0 Site History

### Relevant Site History

- 2.1 22/01835/FP – Erection of 4 detached dwellings following demolition of existing dwelling / outbuildings and builders yard – Granted conditional permission on 06/06/23. This was determined under delegated authority due to an error regarding the size of the site area.
- 2.2 21/01439/PRE – Erection of 8 dwellings with associated infrastructure. The reply concluded that 8 dwellings could not be supported in this Green Belt location as this would fail to comply with the NPPF para 154 exception g advice, as 8 dwellings would have a materially greater impact on the Green Belt than the buildings to be removed.
- 2.3 00/00345/1HH - Single storey side extension rear and side conservatory to include new porch – Granted Conditional Permission on 27/04/2000.

2.4 90/00586/1 - Single storey rear extension. (As amended by plans received 24th May 1990) – Granted Conditional Permission on 25/05/1990.

2.5 89/00512/1 - Detached dwelling with garage (outline - siting, design, external appearance and landscaping reserved) (As amended by plans received 5th May 1989)

### 3.0 **Representations**

3.1 **HCC Ecology** – application can be determined with no ecological objections subject to an informative and condition, which are recommended.

3.2 **HCC Highways** – no objection but this is an interim response as we consider there are opportunities to provide a ‘betterment’. The highways officer states:

*“The previous application was for four dwellings which has been updated to six dwellings. Drawing PL01 proposes an access with a 6m radii including pedestrian crossing facilities. This is acceptable, however LTP 4 resonates and supports the National Planning Policy Framework (NPPF) Section 9 Promoting sustainable transport. Sub-section 104 (c) which states: opportunities to promote walking, cycling and public transport use are identified and pursued. With this in mind there is opportunity for the footways shown on drawing PL01 be extended into the site approx. 28 meters to allow pedestrians to move past the radii of the access more safely”.*

3.3 **HCC Archaeology** – no comments received.

3.4 **HCC Rights of Way** – no comments received.

3.5 **NHDC Conservation** – there are no objections on the proviso that the layout includes a greensward (as in the previous four dwelling scheme) between the proposed development site and the setting of the neighbouring listed building, The Forge.

3.6 **NHDC Environmental Health** – no objection subject to an EV parking and land contamination conditions, which are recommended.

3.7 **NHDC Waste Services** – no objection. Response states that in this location waste collection will be curb side and provide advice on external bin storage and the width of pathway needed to allow bins to be dragged out for collection.

3.8 **Langley Parish Council** – no comments received.

3.9 The application has been advertised with a site notice and press notice and neighbour notification letter. Six replies have been received. Key points raised include:

1. Lack for information on drainage. (Officer note – as the site is for less than 10 dwellings, the drainage details do not need to be submitted for consideration and foul water drainage will be a building control consideration during the build process).
2. Support the re-design of the houses which are more in keeping with the locality.
3. Concern that neighbour’s access track will be blocked.
4. Concern that landscaping is shown blocking footpaths.
5. Objection to any part of the footpath being built over or blocked.
6. The site has not been used as a builder’s yard for over 20 years and is being used by a firm ‘Women with Waders’ (a pond restoration company) for over 10 years. The loss of this business is detrimental to the rural economy.
7. The existing neighbouring buildings are mainly bungalows.

8. No case of Very Special Circumstances is provided. The development is greater than the existing buildings in terms of bulk.
9. The housing types does not contribute to affordable housing.
10. The houses will generate more traffic movements than the existing business which is only open 8am to 4pm on Mondays – Fridays.
11. If granted this application could set a local precedent for other development in the Green Belt.
12. No detailed landscaping plan.
13. Not a sustainable location for new development.
14. There is no secondary access to this site and the DAS is wrong when it states this.

#### 4.0 **Planning Considerations**

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

- 4.1.1 The application site, known as Greenside, is situated on the east side of London Road and within the settlement of Langley. The site is described as containing a dwellinghouse, builders' yard, and ancillary outbuildings.
- 4.1.2 The application site is situated within the Green Belt. The public rights of way footpath no.14 runs along the western boundary of the site outside of the red line planning application site area.

##### 4.2 **Proposal**

- 4.2.1 This is a full application for the demolition of the existing house on the site, the clearance of all existing buildings and the construction of six detached chalet-bungalows with a central shared surface access road through the middle of the site, with three dwellings on each side. Each dwelling has off street parking for at least two cars, a bin and bike store and a large rear garden. There are four visitor spaces proposed on the north-west side of the access road.
- 4.2.2 The dwellings are all four bedroom homes, with a good sized hallway with plant room store off it, a large kitchen dining room with separate utility, separate lounge and two bedrooms, one with an en-suite and a family bathroom at ground floor and two further bedrooms, one with an en-suite at first floor level. The ridge height of the houses is just under 6m. The footprint of the houses are all roughly 'L' shaped, with house type 1A being 14.5m wide and part 8.7m and part 14m deep with house type 2A and 2B being 15.6m wide and part 8.8m and part 12m deep. All of the houses have a reddish rustic brick, a red plain tile and sections of black (composite) weather board cladding with ridged pitched dormer windows at first floor level. Each house has a generous rear garden, with plot 1 having the smallest rear garden at just over 220 sqm and plot 3 the largest at 430 sqm.
- 4.2.3 As set out above, documents have been submitted in support with the application. Key points from these include:

##### Planning Design and Access Statement:

1. The general siting and width of the principle elevations will be in keeping with the parameters of the local vernacular echoing a rural barn style dwelling.
2. The existing bungalow and outbuildings are not listed, nor is it of any particular architectural merit.

3. The principle, in terms of the development of previously developed land, is generally considered acceptable. By way of a previous planning consent for 4 new dwellings Ref: 22/01835/FP.
4. It is felt that the scale and massing of the new building will have no greater impact on the greenbelt setting but will in fact clean up the site and enhance the area.
5. The proposed scheme utilises a modern layout with a single access route into the site and a hammer head turning point at the back of the site.
6. The dwellings are situated off of the new shared access road.
7. The road layout within the site has been laid out to maximise the garden amenity space for the proposed dwellings and further adding to the openness across the site. This arrangement also provides some privacy and interest when viewed from London Road.
8. The existing landscape levels will generally be retained. A detailed landscape scheme will be submitted at the appropriate stage to deal with the soft and hard landscaping proposals.

Transport Statement:

1. The note demonstrates that the proposed access arrangement has been designed to accommodate vehicles associated with servicing and refuse and is appropriate for the scale of development.
2. The level of visibility identified is appropriate based on the recorded speeds along London Road.
3. The provided information demonstrates that the proposed access arrangements are safe and suitable.

Bat Survey Report:

1. During the Preliminary Bat Roost Assessment walkover carried out on the 3rd July 2024, all buildings underwent full internal and external inspection.
2. The main house was classed as low potential to support roosting bats therefore a further bat survey was recommended.
3. An emergence survey was carried out on the 8th August 2024. With the use of night vision aids and surveyors, the building was monitored and no bats were seen emerging from the building. Limited foraging or commuting activity was picked up on either detector.
4. Two Common pipistrelle emerged from the adjacent property to the southwest and commuted north.
5. No other activity was detected.
6. Recommendations: R1: In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. R2: It is recommended to install bat tubes on all the properties to be constructed. (Officer note – conditions are recommended covering these recommendations).

### **4.3 Key Issues**

Principle of development and Green Belt considerations

- 4.3.1 Section 13, Protecting Green Belt land, of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belts being their openness and permanence. Paragraph 152 states that inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 sets out that a local planning authority (LPA) should regard the construction of new buildings in the Green Belt as inappropriate development unless it complies with one of the seven exceptions listed in paragraph 154. Exception g) states:

*“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development”.*

- 4.3.2 Whilst Local Plan Policy SP2 identifies Langley as a Category C settlement where only limited affordable housing or facilities with local community needs will be permitted, this application is being presented for determination on the basis that this proposal complies with this NPPF 154 criterion (g), as an exception to the approach that new buildings within the Green Belt are inappropriate development.
- 4.3.3 However, Application 22/01835/FP approved four dwellings, with detached garages, accepting this argument, and concluded that the proposed new houses would not have a greater impact on the openness of the Green Belt than the existing development. The report for that application sets out that the application site currently consists of a single storey residential dwelling, three large outbuildings that serve a variety of purposes, and a group of outbuildings along the southern boundary of the site. These buildings total approximately 1,012 sqm in footprint. The proposed 4-bedroom, two storey houses with detached garages, proposed a combined footprint of 604 sqm, giving a decrease in built footprint across the site of 408 sqm.
- 4.3.4 This application is now proposing six smaller dwellings with no garages, although they are still generously sized 4-bedroom homes. The Planning, Access and Design statement sets out that the six dwellings and six bin and bike store structures combined have a built footprint area of 974 sqm. Therefore, this proposal is still showing a reduction in the built footprint across the site.
- 4.3.5 The site as existing has a mix of single and two storey buildings. The proposed buildings are chalet-bungalow homes, and would be taller than some of the existing buildings on the site. The proposed layout plan, also shows some ‘floorspace trade areas’ with the new homes either side of the access road, introducing two new homes at the east end of the site, but removing and not replacing buildings on the south-east side of the site, which are proposed to be gardens, and along the north-west boundary with The Forge, allowing for more space to this listed neighbour. As a result, it can be concluded that with the homes positioned more centrally within the site, than the existing layout, the gardens provide for openness to the site’s edges and whilst there is a different layout and impact of built form on the site, there is no greater impact on the openness of the site in the Green Belt. The proposal is therefore considered to comply with the requirements of paragraph 154 g and it not considered to be inappropriate development in the Green Belt.
- 4.3.6 Development in the Green Belt must also be considered against the five purposes of the Green Belt as set out in paragraph 143 of the NPPF. This states the five purposes as being:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.7 This proposal is to re-use a brownfield site in a village location, and does not conflict with any of the purposes of the Green Belt and no objection against the application is raised on this basis.

4.3.8 It is noted that a neighbour objection is against the loss of the existing business located on the site. Whilst Section 6, 'Building a strong and competitive economy' of the NPPF, seeks to support the sustainable growth and expansion of rural businesses, it does not specify the protection / retention of rural businesses. There are also no Local Plan Policies seeking the retention of premises for a rural businesses, whilst there is policy support for the delivery of 'windfall' housing schemes on sites that are not allocated as housing sites, as together, these can make a material contribution to the delivery of new homes in the District over the Local Plan period. Therefore, no weight can be given to the loss of the rural business from this site in the consideration of this application. As a result, with the proposal considered to comply with a Green Belt exception criterion and no objection to the loss of a premises for a rural business, there is no objection to the principle of this proposal.

#### Sustainability

4.3.9 The NPPF December 2023 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1.

4.3.10 Regarding economic sustainability, the build process will provide for local jobs and will contribute to the local economy. Socially, friendships may form between new neighbours and residents can join in with local clubs and activities if they wish. The new houses will have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings and an energy efficient boiler and each house will be provided with EV parking provision secured by condition. Solar panels and ground source heat pumps are not included on the plans. A condition is recommended to ensure that a scheme of sustainability measures to address the climate change emergency is agreed and implemented on site. On this basis, the development is considered to be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

#### Layout, design and heritage considerations

4.3.11 Local Plan Policy SP9 states that the Council considers good design to be a key aspect of sustainable development and that we will support new development where it is well designed and located and responds positively to its local context. These aims are supported by Policy D1 which requires for new development to 'respond positively to a site's local context'.

4.3.12 There are no objections to the layout and design of the proposal. The chalet-bungalows are considered to be complimentary to the locality both in terms of building height and external materials, and will form an attractive development with good sized frontages and large rear gardens. On this basis, the proposal can be considered to be good place making.

4.3.13 It is noted that the neighbour, The Forge, is a Grade II listed building, and that the NPPF, in paragraph 205 requires for great weight to be given to the asset's conservation. This is supported by Local Plan Policy HE1. The Conservation Officer has raised no objection to the proposal on the proviso that they would prefer that the whole of the area of the site alongside the western boundary with The Forge is 'green'. The extant 2022 scheme shows the whole of this area as lawn. However, in this proposal, along the western boundary with The Forge, whilst most of this area would be lawn, four visitor parking spaces are proposed adjoining the access road, rear of existing outbuildings at The Forge. The applicant has declined to amend the scheme to remove the proposed

visitor parking from this location as this is the best location for the visitor parking in the layout. The surface of the parking spaces can be laid with grasscrete, which would allow for grass to 'green up' within the parking areas, and a condition is recommended to achieve this. Given the parking spaces are set away from The Forge, separated from The Forge by its own garden and outbuildings, the public footpath and proposed planting, in my view there will be no adverse impact on the setting of The Forge from the visitor parking in this location.

- 4.3.14 The proposed dwelling on plot 4, would replace the existing bungalow that currently sits close to the party boundary with The Forge. Due to the acceptable design of the proposed new dwelling combined with new planting along the west site boundary following the removal of barns and outbuilding which will open the setting of the rear of The Forge, it can be concluded that there will be no harm to the setting of The Forge from the proposal. There are further listed buildings located away to the north, but due to an existing field between these listed buildings and the application site, it is not considered that the application site is within the immediate setting of these buildings.
- 4.3.15 The proposal is not considered to represent harm to the setting of The Forge and is development in accordance with the aims of paragraph 205 of the NPPF. The layout and design of the application is therefore considered to be acceptable.

#### Amenity

- 4.3.16 Local Plan Policy D1 also requires for new development to meet or exceed the National Described Space standards. The houses are generous in size, all exceeding the minimum space requirements of these standards. This, along with large private rear gardens, on plot parking and bin and bike storage means that these houses can be considered to represent a good standard of amenity for future occupiers, and Policy D1 is considered to be met in this regard.
- 4.3.17 Local Plan Policy D3 seeks to protect the living conditions of existing and future occupiers. The new homes will form a 'street' providing a fairly traditional relationship with each other and will not give rise to unacceptable overlooking of each other's homes. With regards to the location of the new homes to existing neighbours, plot 1 is positioned with its front elevation 26m rear of Pen-y-Bryn and the side of the house in plot 4 is 19m apart from the side flank of The Forge. Given that there are existing trees and shrubs on the boundaries of The Forge and Pen-y-Bryn as existing, plus there will be new planting along the boundary of the site separating the public footpath and the low ridge height of the chalet-bungalows, whilst The Forge and Pen-y-Bryn will be aware that there is new development on this site, it cannot be concluded that there would be any undue adverse harm on the residential amenities of these homes by way of any unacceptable adverse overlooking, bulk or dominance.
- 4.3.18 I note concern from a neighbour that the existing business on the site is open 8am – 4pm on Mondays and Fridays and as a result does not generate much traffic, and there is a concern that the comings and goings of six houses will have harm on the residential amenities of the neighbours from traffic noise. This concern is not supported on the basis that the additional traffic movements from the two extra homes in comparison to the approved four house scheme will be minimal. There will also be a degree of road traffic noise in the locality from the traffic on London Road, and the additional noise from the access road past the neighbours will not be so noticeable or adverse over and above the traffic noise from London Road, to justify the refusal of this application. Finally, the site as existing could be used more intensively by business use without needing any planning permission from the LPA, which could result in HGV movements to and from



the site, and this would be more harmful than the proposed six houses. On this basis, whilst this concern is noted, it does not justify the refusal of planning permission.

- 4.3.19 The application is therefore considered to be in accordance with the aims of Policy D3 of the Local Plan.

#### Highways and Public Right of Way

- 4.3.20 The Highways Authority did not raise any objection to the previous application for four houses, recommending conditions and an informative. As set out above, for this application they do not raise objection, but do consider that a 'betterment' of a footpath along both sides of the access road could be achieved. This is not supported on the basis that an urban style footpath in this location would be harmful to the setting of the listed The Forge building, as well as visually urbanising of this small development that has a shared surface for the development with good sized front gardens, which is considered appropriate for this rural location. Therefore, this request from the HCC Highways is not supported and the application is being recommended for approval contrary to this request. In the interests of consistency, the highways conditions from the previous application are recommended for this proposal.

- 4.3.21 Footpath no.14 runs outside of the red line application site, on its western side. Whilst it crosses the access road, which it does now, it remains unaffected by the proposal. A condition is recommended to ensure that it is not affected by the development.

#### Parking and bins

- 4.3.22 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements. Regarding parking, the parking standards require for each new house of two or more bedrooms to have two parking spaces and between 0.25 – 0.75 visitor parking with the higher number where there are no garages and the lower number where garages are provided. Each house has space to park at least two cars on plot, and there are four visitor parking spaces, so this proposal meets the parking requirements of the Local Plan.

- 4.3.23 Each house would have a bin and bike store in the frontage of each plot. These are 4m wide, 1.1m deep and 1.7m tall with slatted elevations and a green roof. Each store can hold three wheelie bins and two bikes. The provision of these stores is supported as providing secure cycle parking is in accordance with the parking requirements, and a bin store will prevent the bins from being left cluttering the parking area. At 4m wide and 1.7m tall, these will be visually apparent in the development. However, these are located in relation to each dwelling, and with a green roof top, are not considered to be visually unacceptable.

#### Bio-diversity and landscaping

- 4.3.24 Local Plan Policy NE4 seeks to ensure that there is a net gain of bio-diversity on site. The application was submitted before the achievement of 10% net gain of bio-diversity on sites became mandatory. As existing there are sections of hardstanding, and this will be removed and more lawn areas and gardens are to be created. A condition is recommended to ensure a scheme of bio-diversity measures is achieved on site, and there is no objection to the application on this basis.

- 4.3.25 With regards to landscaping, whilst some indicative landscaping is shown around the edges of the site, full landscaping details are not included. A condition is therefore recommended to ensure planting across the site is achieved.

## Other matters

- 4.3.26 A condition is recommended removing permitted development rights to prevent extensions to the dwellings, that may harm neighbouring residential amenity, but more importantly as these houses have large rear gardens, and the justification for the principle of this proposal is that the proposed development will not have a greater impact on the openness of the Green Belt, to prevent large garden outbuildings from being constructed without the consideration of the LPA.
- 4.3.27 The conditions from the existing 2022 scheme are largely recommended again for this proposal with the addition of the ecology and sustainability measures conditions for this proposal.

## **4.4 Conclusion**

- 4.4.1 This application is recommended for conditional permission on the basis that the proposed six (smaller dwellings that those approved under the four-house scheme) will not have a greater impact on the openness of the Green Belt than the existing arrangement of buildings on the site. The six new homes will make a minor contribution to the delivery of housing numbers in the District, which is a planning benefit, and the proposed scheme will have no harm on the setting of the listed neighbouring building The Forge, or adverse harm on the amenity of the neighbouring occupiers. The benefits of the application are therefore considered to be in accordance with the aims of Section 13 of the NPPF and Local Plan policies T1, T2, D1, D3, NE4 and HE1 and the application is recommended for conditional permission.

## **4.5 Alternative Options**

- 4.5.1 None applicable

## **4.6 Pre-Commencement Conditions**

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

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

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

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.

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, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

6. All public right of way routes (Langley footpath 014) shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted or closed temporarily for the purpose of works on the footpath, by a Temporary Traffic Regulation Order, Road traffic Regulation Act 1984. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted

to, and approved in writing by, Highway Authorities Rights of Way Service throughout the course of the development.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Before the development hereby permitted is occupied, landscape details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following:

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

Reason: To ensure a satisfactory appearance to the completed development and to ensure biodiversity net gain is delivered

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

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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

contamination likely to be harmful to human health, and the built and natural environment.

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

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

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

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

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

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

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

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

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

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

i. Access arrangements to the site.

ii. Traffic management requirements.

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

iv. Siting and details of wheel washing facilities.

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

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

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

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

12. Prior to any above ground works being commenced, full details of all external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. This should include non-intrusive light fittings and locations designed to minimise light spill into adjoining residential properties. Thereafter, the development shall be completed in complete accordance with the approved details.

Reason: In the interests of residential amenity and to minimise light nuisance

13. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features, has been submitted to and approved in writing by the local planning authority. These shall include:

- 1. One integrated bat box per dwelling should be incorporated in the design of the building;
- 2. Hedgehog highways should be formed to ensure hedgehogs can freely forage across the site - one hedgehog gap per fence should be created;
- 3. One integrated bird box per dwelling should be incorporated in the design of the building;
- 4. The provision of bee and insect habitats across the site and the agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse and thereafter retained on site.

Reason: To ensure development secures bio diversity enhancements in accordance with Policy NE4 of the Local Plan.

14. Prior to the commencement of development a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling prior to its first occupation.

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.

15. 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.

16. Notwithstanding the details on the proposed site layout plan, drawing no. 2023-16-PL-001, the four visitor parking spaces are to be laid with grasscrete and thereafter retained as such.

Reason: To allow for a green edge buffer to the edge of the application site in the interests in the setting of the neighbouring listed building, The Forge. LP Policy HE1.

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. "If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.  
To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.  
In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed".
2. Environmental Health Informative:  
  
During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
3. Environmental Health Informative:  
  
During the construction works phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
4. EV CHARGING POINT SPECIFICATION INFORMATIVE:  
  
Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

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

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

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

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

5. External materials informative:

Further to condition X (external materials), with regards to submitting details to the Council when an application to discharge the condition is made, in the first instance please provide a website link / photographs / brochure details of the proposed material choice. If it is necessary to submit an actual sample, this Council will only accept a single brick or tile or sample panel without prior agreement. If you need to submit a sample larger than this, please contact the named case officer for your discharge of condition application to determine if the materials are to be viewed on site or if it / they can be delivered to the NHDC Council Offices. In the event that a larger sample is delivered to the Council Offices please ensure that you arrange collection / removal of the sample once the discharge of condition application is agreed.

6. Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/business-licences/businesslicences.aspx> or by telephoning 0300 1234047

7. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and



nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development-management.aspx>

8. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
9. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
10. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
11. Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, with a maximum gradient of 1:12. Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a

collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

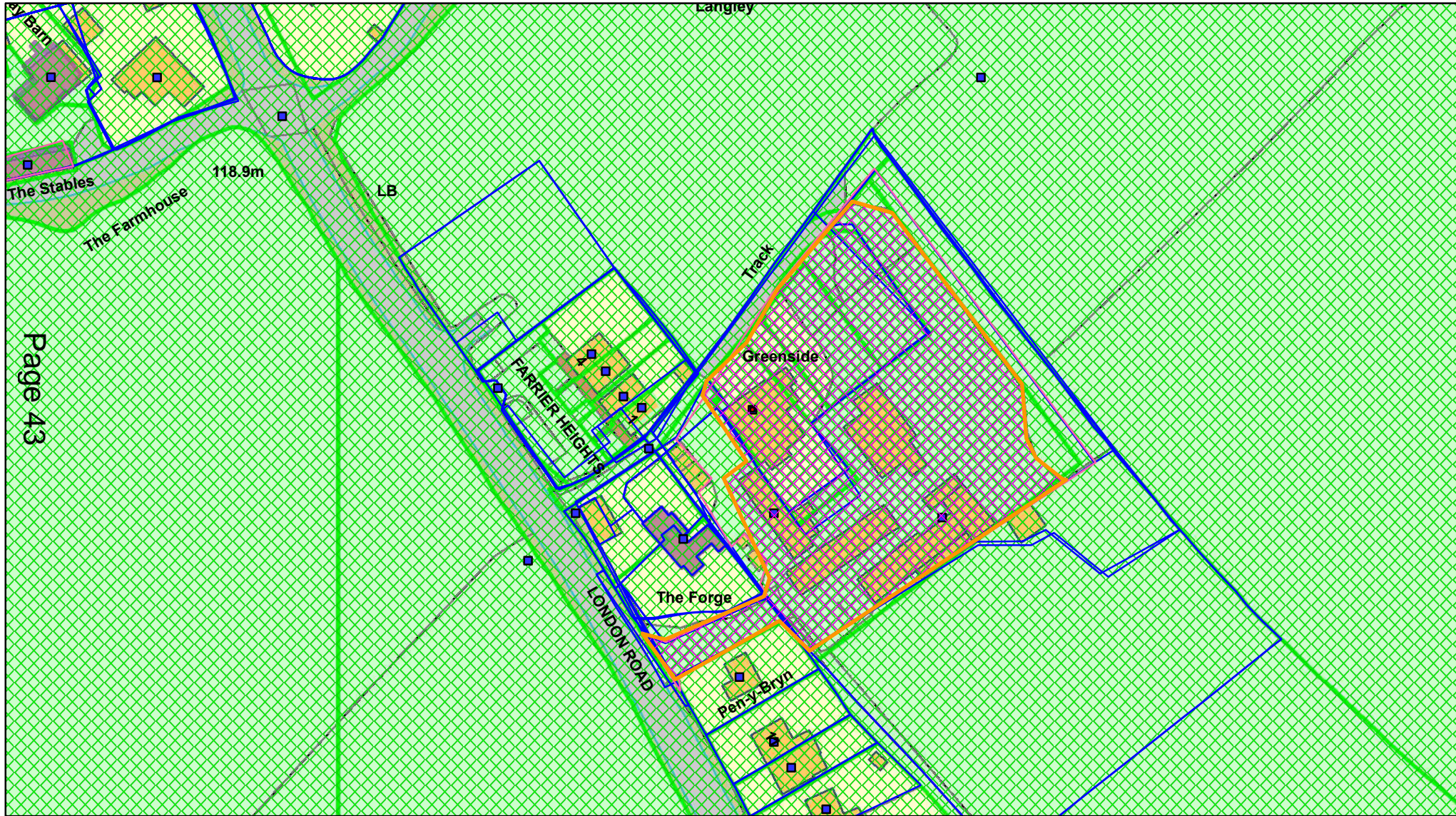
Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited. For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

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

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day. Further general advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recyclingprovision>



Page 43

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<u>Location:</u>	<b>14 Oakfields Avenue Knebworth Hertfordshire SG3 6NP</b>
<u>Applicant:</u>	<b>Mr Glencross</b>
<u>Proposal:</u>	<b>Retention of anthracite grey windows</b>
<u>Ref. No:</u>	24/00952/FPH
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of Expiry of Statutory Period:**

24 June 2024

**Extension of Time:**

31 October 2024

**Reason for Referral to Planning Control Committee:**

An objection was received from Knebworth Parish Council. Councillors Lisa Nash and Paul Ward were notified of this objection and given an opportunity to call the application into planning control committee. Councillor Ward advised on 2 July of the intention for the application to be determined at planning control committee. The following reasons were provided:

*"1. Breach of the Development Plan - specifically the Knebworth Neighbourhood Plan. The anthracite grey windows are in breach of the Character Area design and relevant policies in the adopted Knebworth Neighbourhood Plan for that area and more generally.  
2. Design and materials - They are clearly out of character with respect to all nearby properties on Oakfields Avenue, which exhibit the archetypal small white windows with close Georgian bars typical of the Garden Village style and Picton houses,  
3. Previous decisions - Grey windows have already been installed against the specific stipulations of the Planning Control Committee conditional approval for external materials to match the existing (at the time) dwelling on 22/01920/FPH, plus the delegated approval on the roof alternations 23/00619/FPH in which the officer's report specified in keeping materials."*

**1.0 Site History**

- 1.1 23/00619/FPH - Alterations and extension to roof to create additional habitable space at first floor level. – Conditional Permission
- 1.2 22/01920/FPH - Single storey rear and side extensions. Erection of attached double garage to the front of existing dwelling. – Conditional Permission
- 1.3 22/01921/FPH - Single storey front/side infill extension – Conditional Permission

## 2.0 **Representations**

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

- Fails to comply with planning policy.
- Does not accord with previously approved plans and conditions.
- Local area comprises a character neighbourhood and the works do not respond to this.
- The windows and doors, by reason of their colour, style and design are not suitable for the location.
- Windows are out of character.
- Lack of Georgian bars fails to comply with local character of area.
- Consistent materials pallet of street scene is disrupted.

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

- o The believed there to have been breaches to the plans and recommended an inspection of the site to see how the actual build versus plans deviate*
- o There are now bold white markings in place for what looks like a new construction on a site that has already been rejected*
- o A beech tree was felled when they applicants were advised not to fell as the tree was undergoing a protection order but the work was done regardless and prior to the protection order being put in place*
- o The Grey anthracite windows are out of character with the neighbourhood and against the application approval*
- o They are not in keeping with Knebworth Parish Council's neighbourhood plan.*
- o The windows have a ridge line that is not in keeping with the planning application.”*

## 3.0 **Planning Considerations**

### 3.1 **Site and Surroundings**

- 3.1.1 The site lies within an established residential area to the north of Knebworth within the village boundary. No. 14 comprises a 2 storey/chalet bungalow dwelling off Oakfields Avenue, Knebworth.
- 3.1.2 Oakfields Avenue is a cul-de-sac off Stevenage Road, of detached dwelling houses of varying size and design, set back from the road with parking mostly within the front gardens. The front boundaries are mostly formed hedges, which contribute the character of the street scene.

### 3.2 **Proposal**

- 3.2.1 Retrospective planning permission is sought for anthracite grey windows and doors.

### 3.3 **Key Issues**

- 3.3.1 The key issues for consideration are as follows:

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

#### Design and Appearance:

- 3.3.2 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 dwelling 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.
- 3.3.3 This application follows previous applications approved for extension works to the dwelling. Oakfields Avenue is a relatively long cul-de-sac comprising dwellings of varying scale from large two storey detached dwellings to smaller chalet bungalows. Some dwellings benefit from windows without glazing bars. Front doors and garage doors vary in colour and design including anthracite or grey. All the windows to other dwellings that are visible from within the street comprise white windows frames with different window bar types, including Georgian.
- 3.3.4 The existing windows to this dwelling comprise anthracite grey frames with no glazing bars. Whereas, most dwellings in the vicinity have glazing bars. However, the character of the street scene is not one of uniformity, but of diversity of design and form dwellings. An important characteristic of the street scene are front boundary hedges of varying species and height, which sometimes screen views of the dwellings from the street.
- 3.3.5 It is considered that the windows do not appear out of place when viewed in isolation at No. 14 given its dark brick and roof tile colouring. Nevertheless, the windows appear as a departure from fenestration design and colour to dwellings nearby and the character of the street scene. However, the set-back nature of the dwelling together with hedging to the front boundary significantly reduces these visual impacts. Consequently, the windows do not appear as prominent features within the street scene and the dwelling does not appear out of place within this street comprising dwellings of varied design and scale with prominent front boundary hedges. Whilst white framed windows would be more appropriate, within the context of this street, it is considered that the windows and doors do not result in the dwelling appearing incongruous within the street scene and they are therefore considered acceptable.
- 3.3.6 The development therefore complies with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework together with Policy KBBE4 of the Knebworth Neighbourhood Plan. The design and appearance are therefore acceptable.

#### Impact on Neighbouring Properties:

- 3.3.7 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.
- 3.3.8 The windows and doors do not allow for overlooking or losses of light. Therefore, it is considered that the works hold an acceptable relationship with the amenities of neighbouring occupiers. No neighbour objections were raised citing amenity concerns.
- 3.3.9 Given the above, it is considered that the 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.

Environmental Implications:

- 3.3.10 The development, by virtue of its limited scale in general terms together with the sustainable location has no significant implications for the local environment in terms of carbon emissions and therefore is generally in compliance with Section 14 of the NPPF.

Biodiversity Net Gain:

- 3.3.11 This is a householder application which is exempt from BNG Legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**3.4 Conclusion**

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

**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.

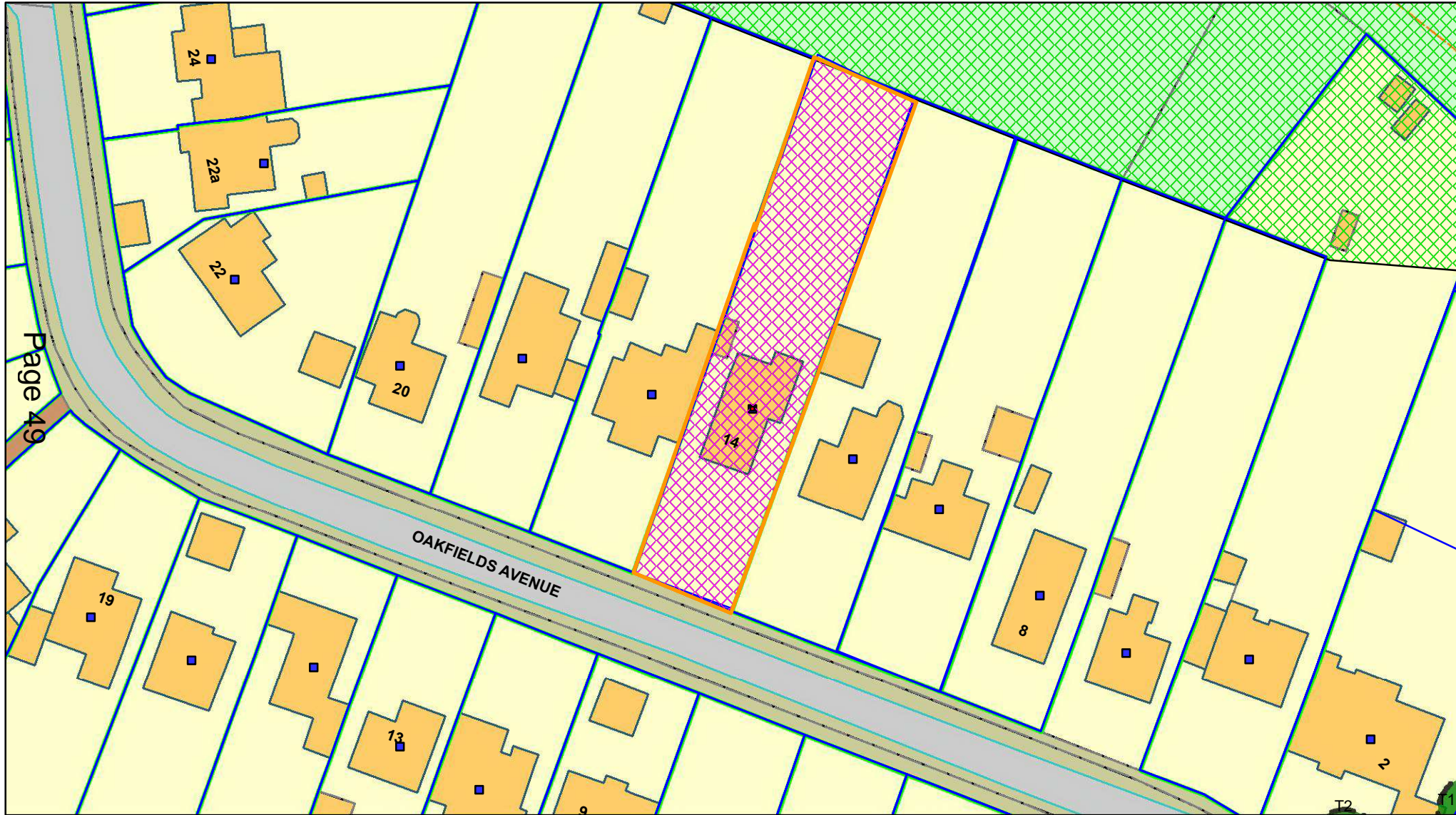
**5.0 Recommendation**

- 5.1 That unconditional planning permission be **GRANTED**.

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.





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**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 24 October 2024**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Chalkdene Developments LLP	25 September 2024	Proposed residential development for 42 dwellings, access, parking, landscaping and associated works, including provision of an electrical sub-station (as amended by plans and documents received 23.08.2022, 29.09.2022, 20.12.2023 and 27	Land East Rhee Spring And Orwell View Royston Road Baldock Hertfordshire	21/01882/FP	Hearing

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**PLANNING CONTROL COMMITTEE**

**DATE: 24 October 2024**

**PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
24/00551/FPH	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 Hertfordshire SG4 9AB	24/00551/FPH	Appeal Dismissed on 8 October 2024	Delegated	The Inspector stated that whilst they acknowledged the benefits with regard to the need for the extended accommodation and improved living space for the appellant's children; the high quality materials; and the investment that would result, the Inspector was not satisfied that there were sufficient public benefits to outweigh the harm to the conservation area. In addition to the conflict with the heritage requirements of the Framework, the proposal would also be at odds with the design and heritage requirements of policies D1(a&b) (Sustainable design), D2(a) (House extensions, replacement dwellings and outbuildings) and HE1(c) (Designated heritage assets) of the North Hertfordshire Local Plan 2011-2031 (2022).

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## Appeal Decision

Site visit made on 23 September 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

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**Appeal Ref: APP/X1925/D/24/3345961**

**2 Storehouse Lane, Hitchin, Hertfordshire SG4 9AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Chown against the decision of North Hertfordshire District Council.
  - The application reference is 24/00551/FPH.
  - The development proposed is a rear dormer roof extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

### Reasons

3. The appeal property is located within the Hitchin Conservation Area, which comprises the town centre and parts of the surrounding residential areas. The appeal site is located within Character Area 3: Queen Street and Hermitage Road, as identified in the Hitchin Conservation Area Character Statement 2011. The statement advises that this area includes a number of late 19<sup>th</sup> century 'positive' paired cottages in Storehouse Lane. The appeal property and its neighbour represent such a pair of cottages with a roofscape that remains largely unaltered.
  4. A previous appeal, APP/X1925/W/19/3238313, related to a larger dormer which was not found to be acceptable. Care has been taken in the design of the newly proposed dormer; and with regard to its materials, in order to reduce its dominance and to give it a more sympathetic form and appearance. However, it would still appear overly large; it would not reflect the scale or positions of the windows below; and it would dominate the roof of this cottage. It would represent a prominent new feature that would detract from the simple form of these two properties. Given that the rear of the house is clearly evident and prominent in views from the adjacent Lyles Row, which is a popular pedestrian route, the proposal would not represent a suitable design in this specific context. It would detract from the appearance of these cottages and the wider
-

- area. It would fail to preserve or enhance the character or appearance of the conservation area.
5. There are larger dormer windows on a number of properties within this row of houses. The applications date back to 2004 and 2009 and I am not certain that the same policy position was applicable. In any event, they differ significantly from this proposal as they are less prominent in public views and as such, have a lesser impact on the wider conservation area. These developments are not positive features and do not offer significant weight in favour of this proposal. Reference has been made to a number of other approved developments, some in and some outside, the conservation area. I have not found any of these to be directly comparable and must, in any event, consider this proposal on its own merits.
  6. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The *National Planning Policy Framework 2023* is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. The harm to the conservation area would be less than substantial. Whilst I acknowledge the benefits with regard to the need for the extended accommodation and improved living space for the appellant's children; the high quality materials; and the investment that would result, I am not satisfied that there are sufficient public benefits to outweigh the harm to the conservation area. In addition to the conflict with the heritage requirements of the *Framework*, the proposal would also be at odds with the design and heritage requirements of policies D1(a&bi), D2(a) and HE1(c) of the North Hertfordshire Local Plan 2011-2031 (2022).
  7. I have had regard to the personal circumstances of the family of the appellant and the benefits with regard to the improved and extended accommodation. I am also mindful that no objections to the proposal were received. Whilst there are a number of matters that weigh in favour of allowing alterations to the property, they are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**