

Location: **Bibbsworth Hall Farm
Bibbs Hall Lane
Ayot St Lawrence
Hitchin
Hertfordshire
SG4 8EN**

Applicant: -

Proposal: **Erection of one semi-detached 5-bed dwelling, one semi-detached 4-bed and one detached 4-bed dwelling including garaging and home office outbuilding following demolition of existing buildings, re-location of public footpath (amended plans received 18/11/20)**

Ref. No: 20/01254/FP

Officer: **Andrew Hunter**

Date of expiry of statutory period:

10 August 2020

Submitted Plan Nos.:

23786A-16 REV P3, 23786A-00 Rev P1, 23786A-01 Rev P3, 23786A-02, 23786A-03, 23786A-04, 23786A-05, 23786A-06, 23786A-07, 23786A-10 Rev P5, 23786A-11 REV P1, 23786A-12 Rev P2, 23786A-13 REV P1, 23786A-14 REV P1, 24369, 23786A-15 REV P2, 23786A-17 REV P2.

Extension of statutory period:

23 January 2021

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.7ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0 **Site History**

- 1.1 20/01255/LBC - Demolition of existing buildings and erection of three dwellings, garaging and office/garden store – Withdrawn 24/11/20.
- 1.2 87/00828/1 - Change of use of land to use as a clay pigeon shooting ground – Refused 30/07/87.

2.0 **Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 – Rural area beyond the green belt
Policy 14 – Nature Conservation
Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
Policy 26 – Housing proposals
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable development in North Hertfordshire
SP5 – Countryside and Green Belt
SP6 – Sustainable transport
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, biodiversity and landscape
SP13 – Historic environment
CGB4 – Existing rural buildings
T1 – Assessment of transport matters
T2 – Parking
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE1 - Landscape
NE6 – Designated biodiversity and geological sites
NE7 – Reducing flood risk
NE8 – Sustainable drainage systems
NE11 – Contaminated land
HE1 – Designated heritage assets
HE4 - Archaeology

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 24/06/2020

Expiry Date: 17/07/2020

3.2 **Press Notice:**

Start Date: 25/06/2020

Expiry Date: 18/07/2020

3.3 **Neighbouring Properties:**

The following objections were received from Ayot View, Bibbs Hall Lane:

- Not informed.
- Main concern is over wildlife, particularly swallows. Applicant mitigation proposed inadequate. Needs to be protection during proposed works.
- Link to Youtube video of swallows.
- Increased traffic. Hope there won't be road widening as this would affect wildflowers and change the character of the area. A management plan is required.
- The new homes will be under the flight path of Luton Airport.

3.4 **Kimpton Parish Council:**

Kimpton Parish Council considered this application and makes the following comments:

1. How is the proposal assisting in supporting the requirements of 'Kimpton Parish Housing Needs Survey March 2019'? This document clearly states the need for 24 additional affordable homes mainly of 1 and 2 bedroom size within the parish. The current applicant proposal offers no contribution to achieving this defined need to the community of Kimpton. The applicant should provide financial contribution to the parish for supporting the delivery of such size properties elsewhere within the parish.

2. KPC and NHDC have adopted a 'climate emergency' policy. Please confirm what the climate impact of the development is and what avoidance of external energy and water usage has been incorporated within the application? There is currently no quantifiable statement within the application. Apart from the provision of SUDs there is no indication of an approach to these matters. No mention is made of providing electric car charging points to either residents or visitors. No mention is made of the energy source for the development.

3. Land Title

The application is not clear on the indication of land that would be within the ownership of individual houses and land that may remain in the ownership of a separate party. Please indicate these.

4. Foot Path.

The records indicate that there is a number of footpaths in the area of Bibbsworth Hall Farm. None are particularly well marked or accessible at this time. We would not see issue to the proposed re-direction of the footpath provided the land owner makes improvement to the ability for the public to access the public footpaths and that clear marking of public footpaths in the area of Bibbsworth Hall Farm is provided. We would not see objection to the wider exploration of footpath route relocation to afford improved connected footpath route access within the local area.

5. Community

The central farm yard appears quite sterile with only provision for car parking indicated. To be a successful community the opportunity for people to interact is important. The creation of potential seating areas particularly in areas receiving sunlight should be considered and means to avoid it becoming an uncontrolled car park.

3.5 Statutory Consultees:

Environmental Health Officer (Noise) – No objections.

Waste Officer - While the Proposed Site Plan shows a vehicle accessing and egressing in forward gear, no vehicle dimensions are given. We would need to see that a freighter of 12.1m length with a kerb-to-kerb radius of 11.4m could perform this manoeuvre.

Recommend a condition requiring further details.

Environmental Protection Air Quality – No objection.

Landscape and Urban Design Officer - 1. The proposal is to demolish a number of existing barns grouped around the Grade II Listed Bibbsworth Hall Farmhouse and replace with three new dwellings in a style that reflects the character of the existing buildings. The site lies in a rural location on a plateau which provides longer views where existing hedgerows and surrounding woodlands allow. The development will reuse the two existing accesses on Bibbs Hall Lane. Public footpath PROW Kimpton 15 runs across the site northwest–south east and this is proposed to be re-routed to avoid cutting through individual plots. An orchard is proposed in the western part of the site which will provide a buffer between the development and the adjoining cottages.

2. I have no comments on the general layout and style of the development but there are a few details which need resolving either through conditions or submission of further information.

- i) Confirmation of what existing trees and shrubs are to remain and if any are to be removed;
- ii) Details of planting including grassed areas, hedgerows and screening along Bibbs Hall Lane;
- iii) Details of the new orchard planting including species, maintenance and who will be responsible for its management;
- iv) Hard surfacing details;
- v) Boundary treatments for the orchard, plot boundaries, between rear gardens and any gates;
- vi) Details of surfacing for the rerouted PROW and any access and boundary treatment.

Hertfordshire County Council highways officer – Does not wish to restrict permission subject to conditions.

COMMENTS

The proposal comprises of the erection of one semi-detached 5-bed dwelling, one semi-detached 4-bed and one detached 4-bed dwelling including garaging and home office outbuilding following demolition of existing buildings, re-location of public footpath.

VEHICLE ACCESS

The development is located offset from Bibbs Hall Lane that is classified as local access road subject to a derestricted speed limit.

Within section 12 of the application form Pedestrian and vehicle access, roads and rights of way the applicant has implied that there is no new or altered vehicle access proposed to the existing vehicle access to or from the public highway to the property. Within the above recommended planning conditions the accesses are in need of reconstruction to avoid extraneous materials being deposited on the adjacent highway

There is sufficient room in order that waste collection and emergency vehicles can turn around and egress the site in forward gear.

WASTE COLLECTION

The method of waste collection must be confirmed as acceptable by North Herts refuse collection agency.

Waste collection vehicles that serve the site should be able to reach a waste collection point in a reasonable location within 15 metres for two wheeled bins of the waste collection vehicle (MfS 6.8.9) for access for WCVs

HIGHWAY SAFETY - Visibility along the highway from the existing access

Vehicle to vehicle inter-visibility and pedestrian visibility is unaffected by the proposal. The present level of visibility from the existing access is acceptable and is in accordance with "Sightlines at Junctions" (Ref: Manual for Streets [Site Stopping distances table 7.1 page 91 and visibility along the street edge 7.8.3 page 94]

Public Transport

The application site is not within 400 m of a bus stop.

Walking and Cycling

Pedestrians have no access to footways.

Railway station

Other town and villages and local facilities have a realistic access from the development by cycling albeit that there is no dedicated cycle lanes, the rail station of Welwyn Garden City and Harpenden is approximately 8 to 9 km away

PUBLIC RIGHTS OF WAY

The Highway Authority has also recommended a highway informative to ensure the applicant contacts Hertfordshire County Council's Rights of Way Service to obtain their requirements for the ongoing maintenance of the surface of the Right of Way adjacent to the proposed site. This should be carried out before any construction work on the proposed development commences.

CONCLUSION

Hertfordshire County Council as Highway Authority has considered that the proposal is of low scale development therefore the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway consequently has no objections on highway grounds and does not wish to restrict the grant of planning permission, subject to the above recommended planning conditions and highway informative.

Hertfordshire Ecology – No objections.

The Recommendations in the Nocturnal Bat Survey report should be followed by condition.

A Swallow Mitigation Strategy should be produced and implemented prior to demolition of any of the buildings with evidence of nesting swallows, to safeguard the local swallow population that uses the buildings for nesting. This should be secured by condition. Once sufficient alternative nesting sites for swallows are provided, it is recommended that any destructive building work (i.e. clearance and demolition) is undertaken outside the breeding bird season, and I advise the following condition.

An Arboricultural Report has identified a few trees for removal. These will be adequately replaced with the proposal for an orchard on the western side of the development.

The road verges in the lane outside the property are floristically diverse with some interesting species. They should be protected from unnecessary disturbance from construction vehicles where possible.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The reports propose enhancements for biodiversity in the form of native species planting, orchard tree planting, and the provision of 10 bat and 15* bird boxes. To bring all these biodiversity aspirations together, and to ensure net gain is achieved, I

recommend the production of a Landscape and Ecological Management Plan (LEMP) should be secured by way of condition.

Herts and Middlesex Wildlife Trust – No objections.

The ecological survey identifies a significant population of swallows and house sparrows, and recommends artificial nest provision. This site is reported to be the only swallow nesting site in the area and must be preserved. If compensation is not provided they will be lost from the local area because they will have nowhere to nest. They are almost totally dependent on buildings for nesting.

HMWT agree with the need to provide compensatory features, but it needs more information regarding where these boxes will be located. Location is particularly important for swallows. Boxes must be erected in buildings and this presents a design implication for the scheme. Having looked at the plans, the garages provide the most acceptable solution. Artificial nests should be placed in the bin stores, the wood stores and the garages. They will require access to these and that will involve suitable sized access holes. Nests in the garages will also need ledges beneath to prevent droppings. All this information must be provided either pre application or via a condition. Similarly house sparrows should have permanent nest sites provided. These should be detailed in a nest plan but should consist of integrated sparrow terraces in the brickwork of the buildings.

In addition to a bird nesting plan, the requested condition should also require a continuity plan to ensure that the swallows are not left without an existing or compensatory nesting resource. They are likely to desert the site if nesting sites are not available for even 1 nesting season.

Lead Local Flood Authority - As this is a minor application, we are not a statutory consultee.

CPRE – Object to the development as it is contrary to the relevant policies in the current and submission Local Plans:

- Conflicts with Policies 6 and CGB1.
- Car-dependent unsustainable location.
- Whether there will be any impacts on the setting of the nearby listed building.
- Benefit to the District's housing land supply marginal.

Environmental Health Contaminated Land – No objections.

Hertfordshire County Council Archaeologist – No objections.

The historic environment record (HER) notes that Bibbs Hall was first documented in the late twelfth century and incorporates a Saxon name Bibba. The site is later mentioned in a document from 1560 as Bybseworth Hall (HER15442). The adjacent farmhouse is Listed as being of architectural and historic significance and dates from the eighteenth century (LB1102780). OS mapping from the nineteenth century suggests the site underwent further development at this time. Post medieval farms in Hertfordshire have frequently been found to have medieval origins, as suggested in this instance by the documentary record.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Conservation Officer - I have given great weight to the conservation of these Heritage Assets (para 193, NPPF). This is not a barn conversion scheme, hence, I accept that there will be overtly domestic elements to this scheme which would not necessarily be the case with a conversion. Having said that, in my opinion, it is essential that the scheme overall is perceived as having an agrarian theme and that, therefore, the 3no. new dwellings do not immediately read as dwellinghouses in the context of the grade II listed farmhouse's setting. The architect has applied a degree of sensitivity to the scheme that assures that the agrarian theme prevails. Subject to the aforementioned conditions, it is considered that the proposed development would not occasion harm to the setting of Bibbsworth Hall Farmhouse. I, therefore, raise **NO OBJECTION** on the basis that the proposal would satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will meet the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and the aims of Section 16 of the NPPF.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises ten agricultural buildings (barns) of varying sizes, in addition to a number of smaller more temporary buildings such as shipping containers and sheds, together with related hardstanding and grassland/vegetation within the site. Some mature trees are sited near/on the front north boundary. The site has two vehicular accesses onto Bibbs Hall Lane. The last lawful use of the site was agricultural, with the buildings being presently vacant. A public footpath passes through the site from west to east and from front to rear.

4.1.2 Close to the east site boundary is the farmhouse for Bibbsworth Hall Farm. The farmhouse is a grade II listed two storey detached dwelling. Barn B4 adjacent to the east site boundary is considered to be curtilage listed. On the advice of the Council's

Conservation Officer, the buildings within the application site are not considered to be curtilage listed.

- 4.1.3 The site is in the countryside, where the predominant character of the locality is of rural agricultural land. The closest neighbouring properties outside of the red-edged site plan are the farmhouse to the east, and one pair of two storey semi-detached dwellings to the west (these three dwellings are within the blue-edged area).
- 4.1.4 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to be within the Green Belt.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the demolition and removal of all buildings, structures and hard surfaces, and the erection of three new dwellings with ancillary buildings on a similar siting to most of the existing buildings.
- 4.2.2 All the dwellings would be a mix of two and one storeys, and are designed of an agrarian character and appearance appearing as converted barns or other agricultural buildings. The dwellings would predominantly have pitched tiled roofs, with walls of brick, weatherboarding and flintwork. One dwelling (Unit 2) would have 5 bedrooms, with the other dwellings having 4 bedrooms. A combined double garage and store building would be sited at the front of the site, which would serve two of the dwellings. A separate double garage and outbuilding would be at the rear of the site.
- 4.2.3 Both existing vehicular entrances would provide access, each of which would include gates. New hard surfacing would be created for vehicle parking and manoeuvring. One tree and minor vegetation would be removed. A new orchard would be planted on the western third of the site, and other new trees and vegetation planted elsewhere within the site. The public footpath would be diverted in two places to the west, remaining within the site.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
 - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area and on designated heritage assets.
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - The impact that the proposed development would have on car parking provision and the public highway in the area.
 - The quality of landscaping proposed and the impact the proposed development would have on trees.
 - The impact that the proposed development would have on ecology and protected species.

Principle of Development:

- 4.3.3 In the adopted Local Plan, the site is in the Rural Area beyond the Green Belt (RA). The site is not in a Selected Village beyond the Green Belt, therefore Policy 6 is relevant as to whether the proposal is acceptable in principle. Policy 6 has the overall aim of maintaining the existing countryside and villages, and their character. A proposal should also comply with one of parts i. to iv. of that Policy. For reasons that will be set out in more detail below, I consider that the proposal will maintain the character of the countryside; and would comply with part of part iii. that states development should not have any other adverse impact on the local environment or other policy aims within the Rural Area.
- 4.3.4 The site is within the Green Belt in the emerging Local Plan (ELP). The relevant policy relating to development in the Green Belt in the ELP is SP5, which states that development will be permitted only where it is not inappropriate. National policies on what type of development is acceptable in the Green Belt and not inappropriate are contained within paragraphs 145 and 146 of the NPPF. Paragraphs 145 and 146 state:

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

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

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

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 4.3.5 The proposal does not meet the above criteria as the site is agricultural and therefore not previously developed land (PDL), and as the new buildings would not be in the same use as the ones they would replace (with the other criteria also not being relevant). The proposal is therefore inappropriate development when assessed against Green Belt policy.
- 4.3.6 Inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC's). Substantial weight is given to this harm. VSC's will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The VSC's stated by the applicant in the Planning Statement can be summarised as:
- If the buildings were converted to employment use under permitted development or by planning permission they would then become PDL, which would comply with NPPF 145 g).
 - The enhancement to the listed farmhouse as a designated heritage asset.
- 4.3.7 With regard to the VSC's, the proposal is not considered to be an enhancement to the listed building on the basis of the Council's Conservation Officer's comments (although no objections have been raised either by the CO). There is no certainty over whether planning permission would be granted for a change of use of the existing buildings, therefore this is not a VSC. The buildings could potentially be converted to commercial uses under the prior approval process, however there is not clear certainty that prior approval would be granted as such applications are subject to various criteria being fulfilled. I do not therefore consider that these are VSC's.
- 4.3.8 The proposal would however result in a reduction of buildings (in footprint of approx. 300 m²) and hardstanding on the site, and would improve the openness of the Green Belt in this respect. There would be visual improvements to the site (which is beginning to show effects of the ceasing of much of the agricultural use since September 2017), the provision of three new dwellings, and new planting/vegetation and associated benefits. These can be viewed as benefits (and potentially VSC's), which will be factored into the planning balance as part of the assessment of the proposal. At the time of writing this report, matters relating to the Green Belt in the emerging Local Plan examination had not yet concluded, therefore I give moderate weight to the proposed designation of the site in the Green Belt.

Heritage, character and appearance, and sustainability:

- 4.3.9 The existing buildings, structures and hardstanding to be removed are not curtilage listed or listed, and no objections to their removal have been raised by the Conservation Officer. These buildings are not considered to be of significant architectural or historic merit, therefore there are no objections to their removal.
- 4.3.10 The proposed new dwellings, ancillary buildings, hardstanding and other alterations to the site are considered to be designed to a high standard on the basis of the comments from our Conservation Officer (the development at this stage has gone through detailed pre-application discussions and some amendments during the course of the planning application to reach this stage). The proposed dwellings and the development as a whole would be of an agrarian design, character and appearance that would not immediately appear as dwellings and is important to the context of the

setting of the listed farmhouse. I agree with our Conservation Officer that there would not be harm to the setting of the farmhouse, therefore the proposed development is considered acceptable with regard to its impacts on this designated heritage asset.

- 4.3.11 The design, size, layout and detailing of the development are considered acceptable in design terms in all other respects due to the high standard of design and sensitivity to the heritage asset. The agrarian design and layout of the development would maintain the character and appearance of the wider locality and countryside. There will in addition be some benefits from the provision of three new dwellings, improvements to the appearance of the site through its redevelopment, and additional trees and vegetation. I consider it necessary to withdraw Classes A, B, C, D and E permitted development rights to the dwellings to ensure that their agrarian appearance would not be harmfully altered in the interests of preserving the setting of the listed building and the character of the development. Refuse can be satisfactorily collected inside the site based on the proposed site plan showing two 12m refuse vehicles with tracking in the site (and a condition will be imposed requiring further details as recommended by the Council's Waste Officer), with bin collection areas within reach of collection vehicles.
- 4.3.12 The site is however isolated and outside of any settlements. Potential occupants would be largely reliant on the private car to access shops and services, with the closest settlements with at least one shop (Kimpton and Wheathampstead) being approx 1.7 miles and 2.4 miles away respectively along narrow lanes without footways or cycle paths. The site is less sustainable with regards to its location which is an adverse impact, albeit only three new dwellings are proposed.

Impacts on Neighbouring Properties:

- 4.3.13 There are only three dwellings in close proximity to the proposed development, which are all inside other land owned by the applicant. These are the listed farmhouse to the east, and Nos. 1 and 2 Bibbs Hall Cottages to the west. Starting with Bibbs Hall Cottages, the closest proposed dwelling would be approx. 29m from its curtilage, with the two storey part of that dwelling being further away (as would the other dwellings and their ancillary buildings). The proposed dwellings would also be obscured from Nos. 1 and 2 Bibbs Hall Cottages by the proposed planting on the west side of the site, albeit this would take a bit of time to be established. Due to the above, the amenity of the occupants of Nos. 1 and 2 Bibbs Hall Cottages would not be harmed.
- 4.3.14 The proposed development would be visible primarily from the front elevation and garden of the farmhouse. The Unit 2 dwelling would be the closest building, however it would be at an oblique angle and would be partially obscured by existing buildings, with no upper floor openings proposed facing the farmhouse, therefore I do not consider that Unit 2 would cause loss of amenity. The other closest building would be the long garage/store building, which would be approx. 17m from the front of the farmhouse. Due to this distance and as the building would have a hipped roof sloping to the west, I do not consider that this building would be harmful. No other aspects of the development are considered harmful to amenity.

Amenity of Future Occupiers:

- 4.3.15 Paragraph 127 (f) of the NPPF states that "*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*". Paragraph 127 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

4.3.16 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and space sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants. Living conditions of future occupiers are considered acceptable.

Parking and Highways:

4.3.17 Each dwelling would have at least three parking spaces – this is in excess of the Council's minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. The four visitor parking spaces are acceptable. Each dwelling would include a garage and storage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable.

4.3.18 The County Council highways officer has not objected to proposal subject to conditions requiring the diversion of the existing public footpath and re-construction of the existing vehicular access to a width of 4m for a length of 10m, both of which conditions are recommended. Impacts on the public highway and parking provision are therefore acceptable.

Trees and Landscaping, and Ecology:

4.3.19 The site contains a small number of trees in its front section and around its front boundary, which are not protected by TPO's or another form of Council protection. Four trees are to be removed, three of which are young and small and not considered worthy of retention. One mature Lombardy Poplar would be removed on the basis of storm damage and decay, which is not considered objectionable. The proposal would retain the majority of trees in and near the site, and would in addition include new tree planting on its western third and to the rear. This will more than offset the small loss of trees, and will benefit the appearance of the site and be beneficial towards biodiversity. Details of trees and other planting proposed can be sought by an appropriate condition.

4.3.20 The amount of hard landscaping would be small relative to the soft landscaping provided, which is considered would result in an acceptable quality and finish to the site in isolation and taking into account its rural countryside surroundings. Further details of hard surfaces and boundaries for the dwellings are however required, which can be secured by an appropriate condition. Landscaping is considered acceptable.

4.3.21 Hertfordshire Ecology provided comments on 3rd June 2020 advising that the recommendations in the Bat Survey report should be followed by condition; a Swallow Mitigation Strategy should be secured by condition; and a Landscape and Ecological Management Plan should be secured by condition to bring an increase in biodiversity. These measures are considered sufficient to ensure biodiversity would be protected and enhanced.

Climate Change Mitigation:

4.3.22 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the

natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned to be installed on each of the proposed new dwellings. The new trees that are proposed to be planted will also absorb and reduce potential carbon emissions.

4.4 **Conclusion**

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is not however engaged as the proposal is not considered harmful to assets or areas of particular importance set out in footnote 6 of that paragraph. The proposal should therefore be assessed according to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

4.4.2 The benefits are considered to be an improvement to openness from a reduction in the amount of buildings and hardstanding, three new dwellings, visual improvements to the site, and new planting. These benefits are considered moderate. The adverse impacts are considered to be new dwellings in a less sustainable location, which are considered limited. The benefits would outweigh the adverse impacts.

4.4.3 The proposed development is therefore considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. The granting of conditional permission is recommended.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

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

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

Purchase Act 2004.

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

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

3. Prior to the commencement of development above slab level, eaves details and the means of ventilating each roof shall be submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be undertaken in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

4. Prior to the commencement of development above slab level, details/samples of all new roof materials for all three units, garaging and home office outbuilding shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the roofs shall be covered in the approved materials.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

5. Prior to the commencement of above ground works, a sample brickwork panel(s) for all new facing brickwork and a sample flintwork panel for all new facing flintwork shall be made available for inspection on site and the panels approved in writing by the Local Planning Authority. Thereafter, the brickwork and flintwork shall be undertaken in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

6. A sample of the weatherboarding including external finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the weatherboarding shall be undertaken in accordance with the approved sample.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

7. The joinery details (including glazing bar profile) for all new windows and external doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the window and external door joinery shall be undertaken in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 and to maintain the character of the area.

8. Full details of all garage/store doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the garage/store doors shall be manufactured and installed in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

9. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the rainwater goods shall be installed in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

10. 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, D 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.

11. Prior to occupation of the approved development, the following landscape details shall be submitted:

- a) which, if any, of the existing vegetation inside and adjoining the site 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. Hard surfacing shall be permeable or porous, or shall include provisions to prevent the discharge of surface water runoff onto the public highway.

Landscaping shall be implemented in accordance with the approved details.

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

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

completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

13. Prior to occupation, each dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

14. The development hereby permitted shall not be brought into use until the proposed accesses have been re-constructed for the first 10 metres approximately 4.0 m wide and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

15. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through any of the country lanes in the area and shall be carried out as approved.

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).

16. Prior to the commencement of the works a Footway Diversion Order shall be promulgated to divert the existing footway 15 around the development as identified on drawing number 23786A-10 P5. The route and surfacing condition shall be constructed to the satisfaction of the Highway Authority to accord with advice from HCC Rights of Way Team with the ultimate design being technically approved prior to commencement on site to the local Planning Authority's satisfaction.

Reason: To ensure that work undertaken on the bridleway is constructed to the satisfaction of the local planning authority and current specification of the Highway Authority, to an appropriate standard and by a contractor who is authorised to work in the public right of way.

17. Land Contamination Condition
(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology
 - (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
 - (c) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and, if required, a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
 - (d) Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

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

Reason: In the interests of archaeology.

19. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 18.

Reason: In the interests of archaeology.

20. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

21. The recommendations set out in the Nocturnal Bay Surveys report by MKA Ecology (date November 2018) shall be implemented as set out in the report. These measures shall thereafter be retained in perpetuity.

Reason: In the interests of ecology.

22. Prior to the commencement of the approved development, a Swallow Mitigation Strategy, detailing suitable protection, mitigation and compensation measures to demonstrate how the favourable conservation status of the swallow population can be maintained, shall be produced and submitted to the Local Planning Authority for written approval. The strategy shall provide details of the number of swallow nest sites that will be lost and an appropriate number of replacement nesting sites with their location.

Reason: In the interests of ecology.

23. Prior to any destructive building works (including clearance or demolition) sufficient alternative Swallow nest sites shall be provided in a suitable location to maintain the swallow population that currently depends on the buildings for nesting. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Reason: In the interests of ecology.

24. Prior to commencement of development above slab level, a Landscape and Ecological Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall include details of planting / sowing, orchard maintenance and management, as well as the location and number of habitat structures (for bats, birds, etc) to be installed. The plan shall be submitted to the LPA to demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met.

Reason: In the interests of ecology.

25. No development shall be occupied until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the

scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.