

<b>ITEM NO:</b>	<u>Location:</u>	<b>Land adjacent to Townsend House, 24 Lucas Lane, Ashwell, Baldock, SG7 5LN</b>
<b>9</b>	<u>Applicant:</u>	<b>Oakbridge Homes Ltd</b>
	<u>Proposal:</u>	<b>Erection of 4 x 3 bed terraced dwellings with creation of new vehicular access off of Lucas Lane (amended by plans received 26/10/2017)</b>
	<u>Ref. No:</u>	<b>17/01807/ 1</b>
	<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:**

25 September 2017 - Extended until 28 February

**Reason for Delay**

Committee cycle

**Reason for Referral to Committee** (if applicable)

Councillor Paterson would like this called in due to the concern of local residents and the following the objections raised by the Parish Council.

**1.0 Relevant History**

None

**2.0 Policies**

**2.1 National Planning Policy Framework:**

Paragraph 14. Presumption in Favour of Sustainable Development

Paragraph 17. Core planning principles

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Design

Section 10. Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

**2.2 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 - Rural Areas beyond the Green Belt

Policy 14 - Nature Conservation

Policy 26 - Housing Proposals

Policy 29 - Rural Housing Needs

Policy 51 - Development Effects and Planning Gain

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

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

Design

Vehicle Parking Provision at New Development.

SPG18: Ashwell Village Design Statement October 2000

### **2.4 North Hertfordshire District Local Plan 2011-2031**

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy

Policy SP8 Housing

Policy SP9 Design and Sustainability

Policy SP12 Green Infrastructure, Biodiversity and Landscape

Policy CGB1 Rural Areas beyond the Green Belt

Policy T1 Assessment of Transport Matters

Policy T2 Parking

Policy HS3 Housing Mix

Policy HS5 Accessible and Adaptable Housing

Policy D1 Sustainable Design

Policy D4 Air Quality

Policy NE1 Landscape

## **3.0 Representations**

### **3.1 Environmental Health –**

#### **Noise:**

*I do not have any objections to the proposed development. The proposed development is in a residential area. I would appreciate it if an informative could be included in any permission given.*

#### **Land Contamination:**

*There is no requirement for a land contamination condition because the proposed development is on land that has been undeveloped garden land since the late 1800s, with no evidence available to the EP Team to suggest any un-official land uses. However, it would be reasonable to include this informative to remind the applicant of their responsibility to address any land contamination issues that they may become aware of.*

#### **Local Air Quality:**

*An approach to considering the impact of a development on air pollution and the potential mitigation of such is now in place in the form of the air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>*

*Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so only the minimum local air pollution mitigation is recommended. This would be expected to take the form of provision of one electric vehicle (EV) charging point for each property. However, the current site layout is not suited to an EV charging point that is integrated within the houses because of the distance of the parking spaces from the houses.*

*If it is practical to alter the site layout, or if the site layout needs to be altered for other purposes, it is recommended that car parking spaces are provided such that one parking space per property can be served by a wall mounted EV charging point.*

### **3.2 Highways**

*Hertfordshire County Council as Highway Authority has considered that the proposal is of a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application subject to the inclusion of the recommended planning conditions.*

### **3.3 Historic Environment**

*An archaeological evaluation of the site of the proposed new structure(s) and any new access/parking before any development commences.*

*Such appropriate mitigation measures indicated as necessary by that evaluation. This may include:*

- a) the preservation of any remains in situ, if warranted,*
- b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results*
- c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),*
- d) and such other provisions as may be necessary to protect the archaeological interests of the site.*

*I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 12 (para. 141, etc.) of the National Planning Policy Framework. 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.*

### **3.4 Waste Management**

*Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.*

*Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.*

*Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.*

*Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 meters to a bin storage area, or take their waste receptacles more than 25 meters to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.*

*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 (including doorways), with a maximum gradient of 1:12.*

*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.*

*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.*

*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*

### **3.5 Ashwell Parish Council**

Objections were raised following the submission of the amended plans. Their objections are summarised below:

- *Contrary to green space policy (Ashwell Village Design Statement)*
- *Contrary to settlement pattern guidelines (Ashwell Village Design Statement) and materials not in keeping*
- *Pedestrian safety – new access*
- *Chestnut Tree – should have TPO protection*
- *Access would result in loss of hedgerow*
- *Waste/recycling bins – on collection days would cause hazard to pedestrians*
- *Insufficient parking spaces and width of access road.*
- *Concerns to hedgerow along north boundary – close proximately to the hedge*
- *Green space should be considered a heritage asset.*

### **3.6 Local Residents**

Neighbouring residents have written in raising the following concerns:

- *Negative impact on parking issues along Lucas Lane*
- *Materials do not match rendered cottages*
- *Contrary to open development pattern of traditional cottages and open space*
- *Negative impact on conservation area*
- *Over development – scale*
- *Removal of ancient hedgerow to create the access*
- *Concerns regarding the impact on the existing tree*
- *No visitor parking*
- *Loss of open space*
- *Highway safety issues*

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The site is currently garden land of Townsend House defined by a mature and well established hedgerow on the north/east and southern boundaries. It is located with the Ashwell Conservation area and is located opposite the recreation/cricket ground.

### **4.2 Proposal**

4.2.1 Planning permission is sought for the creation of 4 x 3 bed semi detached dwellings fronting Lucas Lane. Amended plans were submitted following a number of concerns raised.

4.2.2 The amended new dwellings would be sited approximately 4 metres from the front boundary behind the retained hedgerow. The pair of dwellings are approximately 1.4 metres off the boundary with the driveway of No. 32 Lucas Lane and approximately 11 metres from the side elevation of No. 30 Lucas Lane.

4.2.3 Each pair of dwellings would have a width of 11 metres, a depth of 12 metres and a maximum ridge height of 8.5 metres and eaves height of 5.5 metres. Each dwelling has a 1.5 metre single storey projection to the rear and a front bay window and canopy over the front door projecting 1 metre from the front elevation.

4.2.4 Each dwelling has a kitchen located at the front of the property and open plan diner and lounge to the rear. At first floor there are three bedrooms, one en-suite and one main bathroom. No side windows apart from a single bathroom window with obscure glazing are proposed on both pairs of semi's.

4.2.5 Each plot has 2 car parking spaces allocated to the rear of the dwellings with an access in between the two dwellings. This access has a width of 4.1 metres. Each parking space has a depth of 5 metres and a width of 2.4 metres. There is approximately 6 metres turning area from the rear of the gardens of the proposed dwellings.

### **4.3 Key Issues**

4.3.1 For ease of understanding I have broken the consideration of this scheme down into a number of discrete headings. These discussion headings in the report are:

- Principle of development
- Site Layout and design and Context (including impact on neighbours)
- Highways, access and car parking provision
- Noise, contamination and waste
- Arboriculture

#### **Principle**

4.3.2 There is no objection to the principle of residential development in my view, with the site being within the core of this sustainable village and there being no policy objection in regards to Policy 7 – Selected Villages beyond the Green Belt.

4.3.3 The NPPF sets out a presumption in favour of sustainable development. Given, as discussed above, there is no objection to the principle of the residential development of this site, in my view, no significant material weight can be given to the assertion that building on garden land is not sustainable in principle. Looking at the site in the broader context of sustainability, Ashwell has a train station, primary school, public house, local shops and a vibrant community spirit. Even though secondary school aged children and most people in paid employment commute out of the village for these, Ashwell is still regarded to be a sustainable settlement. No objection is made to the application on the basis of sustainability.

### **Design**

4.3.4 The proposed entry level market housing of 4x3 bed dwellings for Ashwell have a simple layout and are an appropriate level of development for this site. The uncomplicated form of the houses respects that of post-war housing in Ashwell.

4.3.5 Internal layouts of rooms would provide a good standard of amenity for occupiers. The ridge heights of the semi-detached dwellings at 8.5 metres is acceptable. They would not be of the vast dominating scale or have an overbearing impact. I consider the design and form to be acceptable for this site and its surrounding character.

4.3.6 The materials have not been specified which are the subject of planning condition for submission of full details and samples of proposed materials for the dwellings, together with hardsurface area details.

4.3.7 I have also recommended a condition to remove all permitted development rights (Part 1: Classes A-F) for the proposed dwellings. 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.

### **Impact on neighbouring properties and future living conditions**

4.3.8 Taking the comments of the neighbours into account, I do not consider that the proposed dwellings would result in any unacceptable level of over dominance of the neighbouring properties, given the distances between the proposed houses and the neighbouring properties.

4.3.9 I therefore consider that the proposed houses would be sufficient distance from the neighbouring properties not to have an adverse built impact on the neighbouring properties in terms of loss of daylight/sunlight or being unduly dominant in the outlook they currently enjoy.

4.3.10 In terms of the new residents, the proposals would not have an adverse built impact on neighbouring properties, given the distance between them and retained vegetation surrounding the properties. It is important to ensure that this development provides a satisfactory living environment. Although the rear gardens proposed would be below the residential guidelines and standards set out in Policy 57. Whilst the three of the properties would have smaller rear gardens in my view the amenity space would be acceptable. The fourth properties would have more than 100 square metres of amenity space (as recommended by Policy 57) due to the location of the tree with in the garden. As part of the amendments I requested that this garden be larger to accommodate the tree and to offer some protection of the future of the tree but providing a bigger garden.

## **Highway impacts, access and parking**

- 4.3.11 The Highways Authority has been consulted on the application and have raised no objections following amended plans and have recommended a number of conditions if planning permission is to be granted.
- 4.3.12 The layout shows a total of 8 parking spaces (two spaces for each dwelling) meeting the standards set out in Supplementary Planning Document: Vehicle Parking Provision at New Developments (adopted November 2011) I would not raise an objection to the provision no visitor spaces, particularly given that the site is off the main road and there are no parking restrictions on Lucas Lane. Each dwelling is indicated as providing an area for the storage of bins and the parking of bikes.
- 4.3.13 I have included comments from Highways in regards to some issues raised by neighbours and the Parish Council.

*“The vehicle access is to be provided at 4.1 metres wide as part of the development. The width of the access road is acceptable at 4.10 metres wide for two-way traffic for small vehicles such as cars and small vans and the occasional delivery van. The proposal includes a 4.10 metres wide access road with a turning area which will have the capacity for the level of traffic generated by the scale of development.*

*As the development has access from a classified road a turning area has been specified including appropriate off-road parking the details of which meet the required highway design size and layout*

*A site visit revealed that visibility for vehicles entering and exiting the site are acceptable each side of the access.*

*The access has an acceptable level of vehicle to vehicle inter-visibility and accords with the principles found in Manual for Streets. (MfS 2007) (Reference: Visibility along the street edge, Manual for Streets, Section 7.8.3, Page 94).*

*Given the proposal involves a total provision of 8 off-street parking spaces this has been considered not to have a significant impact on the local highway network.*

*The highway authority has considered that the development is located along Lucas Lane that is a local access road with the capacity to accommodate the volume of traffic for the traffic generated and has been considered not to have a significant impact on the local highway network.”*

## **Arboriculture and landscaping**

- 4.3.14 Following objections regarding the removal of the hedgerow along the shared boundary with the driveway of No. 32 amended plans were submitted. The plans now should that the hedgerow would be retained along the eastern boundary. The amended plans also changed the location of the access to the middle of the two sets of semi-detached dwellings. Therefore a section (approximately 6 metres) of

the hedgerow on the front boundary would need to be removed to allow for the access on to Lucas Lane. The existing hedgerow is a fine specimen and well established therefore I have recommended a number of conditions to protect the hedgerow during and following construction of the dwellings if permission is granted.

- 4.3.15 There is an existing tree located in the south western corner of the plot. It is my opinion that the existing tree is a fine specimen and I support the retention of the tree. There were a number of concerns raised by neighbours and the Parish Council to the risk to the tree during and after development of the site. Due to the site location within the conservation area, it already affords a certain level of protection. I had concerns with the impact the original development proposals would have had on the tree. Through negotiations and the submission of amended plans, the plot with the tree in the garden was enlarged to reduce the impact and pressure on the tree. The rear elevation is approximately 13 metres from the trunk of the tree with a total garden depth of 24 metres.
- 4.3.16 I have recommended a number of conditions which include the submission of a full landscaping management plan and conditions to protect the tree and hedgerows during construction and for the life time of the development.

#### **Planning Obligations / affordable housing**

- 4.3.17 Planning obligations and affordable housing would not be applicable in this case as there are no specific projects to which contributions can be levied and the amount of development is below Local Plan and emerging Local Plan thresholds for affordable housing.

#### **Waste and recycling**

- 4.3.18 The site plan shows bins and boxes to be stored at the front of the proposed dwellings behind the retained hedgerow on the front boundary. Occupiers would present these to the pavement on the frontage on collection day. These arrangements would minimise the appearance of waste and recycling receptacles in the streetscene of the development, retaining an attractive appearance to the development. The Waste Officer had made comments and recommendations for the developer to follow if permission is granted.

#### **Other technical issues**

- 4.3.19 Conditions have been recommended following consultation with Environmental Health, Hertfordshire Historical Environment Team. No objections were received.

#### **4.4 Conclusion**

- 4.4.1 Overall, there is no objection to the principle of the proposed dwellings, with acceptable scale and design, amenity for occupiers and parking provision. The impact upon neighbouring properties are acceptable. There are no sustainable planning objections to raise to this proposal and I have framed a favourable recommendation accordingly.



## **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.

Materials

3. **Details and samples of materials to be used on all external elevations and the roof of the dwellings hereby permitted, together with details and samples of hardsurfacing and details of boundary treatments, 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.**

Landscape

4. Landscaping details of new trees, shrubs and hedges, together with the species proposed and the size and density of planting, 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.

Tree retention

5. The trees and hedgerows to be retained on the application site shall never be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed, without the prior written agreement of the Local Planning Authority. Any replacement hedgerows or trees shall be agreed in writing by the Local Planning Authority and shall be maintained for the lifetime of the development.

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

6. A detailed site specific Arboricultural Method Statement regarding protection of the existing hedgerows and tree on the site, 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. The works shall be undertaken by only competent and suitably qualified arboricultural contractor or tree surgeon, and agreed in writing by the Local Planning Authority as capable of carrying them out to an acceptable standard.

Reason: In order to safeguard the existing tree and hedgerows on the site and, in order that the agreed works are undertaken by a suitably qualified contractor.

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

### **PD Rights**

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no development as set out in Classes A to F 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.

### **CO41 – Parking**

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

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

### **Highways**

10. The development hereby permitted shall not be brought into use until the proposed access has been provided 4.1 metres wide for the first 6.0 metres from the back edge of the adjacent footway as identified on drawing number 504 – 03 revision C to the local Planning Authority's satisfaction.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

**PLANNING CONTROL (17.01.17)**

11. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles as identified on drawing number 504 – 03 revision C has been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interest of highway safety.

### **Historic Environment**

12. **A** *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

1. *The programme and methodology of site investigation and recording*
2. *The programme and methodology of site investigation and recording as suggested by the archaeological evaluation*
3. *The programme for post investigation assessment*
4. *Provision to be made for analysis of the site investigation and recording*
5. *Provision to be made for publication and dissemination of the analysis and records of the site investigation*
6. *Provision to be made for archive deposition of the analysis and records of the site investigation*
7. *Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

**B** *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

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

### **Informative 1:**

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

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

### **Informative 2:**

Where a development is proposed, it is the developer who is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Therefore, if during development of the site any ground contamination is suspected, or encountered, it shall be brought to the attention of the Local Planning Authority as soon as practically possible so that a scheme to render the contamination harmless can be agreed.

## **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.