

ITEM NO:**11**

Location: Glyfada
Gosmore Road
Hitchin
SG4 9BE

Applicant: Peter David Homes Limited -

Proposal: Erection of 6 detached five bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling.

Ref. No: 17/02466/1

Officer: Tom Rea

Date of expiry of statutory period: 22nd January 2018

Reason for Delay

N/A

Reason for Referral to Committee

This application is being reported to Committee because the site area exceeds 0.5 hectares.

1.0 Relevant History

1.1 None relevant

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

Policy 2 – Green Belt

Policy 8 – Development in Towns

Policy 21 – Landscape and Open Space Patterns in Towns

Policy 55 – Car Parking Standards

Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework.

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring good design.

Section 9 – Protecting Green Belt land

2.3 Submission Local Plan Local Plan 2011-2031

Policy D3 'Protecting Living Conditions'

Policy SP1 'Sustainable Development in North Hertfordshire'

Policy SP7 'Infrastructure requirements and developer contributions'

Policy SP8 'Housing'

Policy T1 'Assessment of transport matters'

Policy T2 'Parking'

Policy HS3 'Housing Mix'

Policy D1 'Design and Sustainability'

Policy NE7 'Reducing Flood Risk'

Policy NE8 Sustainable Drainage Systems'

3.0 Representations

3.1 Site Notice / Adjoining residents:

Letters have been received from five local residents with two commenting and three raising objections against the proposals. The following concerns / comments have been made:

- Objection to Green Belt boundary being altered
- Proposed development would significantly change the character of the neighbourhood
- Adverse impact on neighbours amenity (loss of privacy/ overlooking)
- Noise and disturbance
- Precedent for further development
- Query management of trees behind parking spaces
- Request obscure glazing to bathroom to Plot 1
- Considerations to be given to orientation of plot 3
- Gosmore Road is dangerous and there are several places where two cars cannot pass
- Large increase in traffic in recent years
- Detrimental to pedestrian and highway safety
- Moving of the access point will not improve highway safety
- Adverse impact on rural and ecological aspects of adjoining areas
- Boundary Leylandii trees will be removed eventually and therefore consequent impact on rural aspect of the Green Belt

3.2 Hertfordshire Highways

Raise no objections subject to conditions and a highway informative

3.3 NHDC Environmental protection officer (contamination/ air quality)

Advises no objection to the proposed development with regards to land contamination or air quality. Recommends conditions and an informative.

3.4 NHDC Environmental Health officer (noise)

Raises no objections – recommends informatives concerning construction phase.

3.5 St. Ippolyts Parish Council

Advises that the Parish Council have no objections to this development

3.6 Hertfordshire Ecology

Raises no objections – recommends conditions

3.7 Anglian Water

Do not wish to provide comments as the development is not a major development.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises a residential property known as 'Glyfada' a two storey dwelling set in a substantial plot of 0.57 hectares (1.4 acres) and located on the southern edge of Hitchin and north of the village of Gosmore. Vehicular access to the property is directly off Hitchin Road.

The majority of the site at present lies within the urban area of Hitchin however a rectangular southern section of the site of approximately one third of the total site area (2070 sqm) lies within the Green Belt as designated by the current proposals map of the North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies 2007). All of the site is currently in residential use.

To the south of the site is a field and then to the south of that the village settlement of Gosmore which is currently washed over by the Green Belt designation in the current local plan. .

There are no public rights of way within the immediate vicinity of the site and no footpaths along Hitchin Road immediately outside of the site outside of the site however there is a footpath link north of Brick Kiln Lane into Hitchin (approximately 80 m north of the site entrance).

Hitchin Road is a classified road maintained by Hertfordshire County Council as the local highway authority.

The site itself has a slight rise in levels from west to east and the southern boundary is defined by a substantial length of conifer trees up to 6 metres in height.

4.2 **Proposal**

4.2.1 This application seeks permission to demolish the existing dwelling and erect six detached two storey dwellings on the site. All of the dwellings would have double garages and four visitor parking spaces are proposed. An amended access point is proposed roughly in the centre of the site frontage to improve highway visibility.

The proposed dwellings would be positioned around a 5.5 metre wide internal access road with a t- shaped cul-de-sac and turning head. Dwellings would in the main face onto the internal access road. The conifer tree belt along the southern boundary would be maintained and new trees are proposed within the site to supplement existing landscaping.

The dwellings would have a mixture of gables and part hipped roofs and external materials would include facing brickwork and timber boarding. The generally traditional design of the dwellings is reinforced with chimneys, projecting gables, string courses, dormer windows, brick plinths and slate and pantiles for the roofs.

The application is supported by the following documents:

- Planning, Design and Access statement (DAS)
- Ecological appraisal
- Technical note assessing the highway impact of the development.

4.3 **Key Issues**

4.3.1 The key issues to the determination of this application relate to the principle of the development, character and appearance, living conditions of existing and proposed residents, access and parking issues, environmental matters and the Planning balance.

4.3.2 Principle of the development

As stated in the officer pre-application response to a proposed residential development on this site (see extract on page 8 of the DAS) the southern third of the site is within the Green Belt according to the current local plan and therefore development on this area would be inappropriate development requiring very special circumstances to be demonstrated. There can be no objection in principle to development on the northern part of the site which is within the urban area.

The applicant recognises that very special circumstances need to be demonstrated to justify the development (at least for the southern portion of the site) and has set these out as follows:

- The current green belt boundary is an anomaly that runs through the existing garden with no defined physical features supporting it
- The existing conifer hedge that runs along the southern boundary of the property demarks the change between the settlement of Hitchin and open countryside and Green Belt
- The Council has recognised the anomaly and proposes for the boundary to be changed to reflect the conifer hedge boundary in its Submission Local Plan
- Given that the Submission Local Plan is at an advanced stage it should be given substantial weight in accordance with paragraph 216 of the National Planning Policy Framework
- The Council does not have a five year housing land supply. The emerging local plan proposes over 50% of all new housing allocations on Green Belt land
- The application site should be considered comprehensively as to do so otherwise would result in a poor quality and incongruous development
- The development would not harm any of the five purposes of Green Belts

I consider that the above VSC's cumulatively amount to a convincing case that clearly outweighs the harm of the development by reason of its inappropriateness. In terms of any other harm I agree with the applicants agent that the development would not undermine the five purposes of the Green Belt or result in harm to its openness or permanence.

In terms therefore of the principle of development I conclude that the particular circumstances surrounding this development are such that there can be no objection given that the majority of the site is within the built up area and secondly that there are compelling VSC's to justify development within the currently designated Green Belt area of the site.

4.3.3 Character and Appearance

Glyfada is a two storey dwelling with a large detached triple garage. The dwelling is set back from Hitchin Road and the site contains a number of trees and shrubs. Two storey residential development flanks the site on the northern and eastern boundaries. The surrounding houses tend to be detached dwellings with large gardens and detached garages. Plot sizes vary and there are a range of architectural styles. There are a number of residential cul-de-sacs in the immediate area such as Newlands Close (East and West), New England Close, Millfield Lane and Ransom Close and there are several backland plots where additional dwellings have been added in rear gardens. Further south is Gosmore Ley Close a cul-de-sac of 8 dwellings on a similar site area as the application site. Given this prevailing form of development I consider that the development of the site as a cul-de-sac of six dwellings with generous gardens and double garages would not be out of keeping in the neighbourhood.

- 4.3.4 Paragraph 60 of the NPPF says that it is proper to seek to promote or reinforce local distinctiveness and I believe that a residential cul-de-sac of large family dwellings with similar roof forms as those of surrounding dwellings will achieve this aim. The proposed dwellings are reasonably well spaced apart and in this edge of settlement location the introduction of some timber boarding will reflect the semi-rural character of the site. The front boundary of the property and its landscaping will be retained and the width of the new bellmouth access will be no wider than the existing access to be closed up. The conifer screening along the southern boundary is also to be retained. No significant changes to the land form or gradient of the land are proposed.
- 4.3.5 Given all of the above I consider that the development will reinforce local distinctiveness and that many elements of the proposals including density, materials and roof form are evident in the immediate vicinity. As a result I consider that the development will integrate well with existing development and maintain the character and appearance of the area.
- 4.3.6 **Living conditions of existing and proposed residents**
Concerns have been raised with regard to overlooking and consequent loss of privacy to existing residents. In respect of plot 1 a condition can be attached ensuring that the en-suite window on the northern elevation is obscure glazed. Plot 2 is angled away from Gosmore Cross and over 40 metres away from the rear elevation of that property. Plots 3 and 4 have a rear balcony or Juliet window which in the case of Plot 4 are within 10 metres of the rear garden boundary however the new properties are angled to these boundaries and the rear gardens of the adjoining properties at 'The Reddings' and 'Kurinji' are at least 50 metres in length. In addition there is a high hedge along the eastern boundary and several mature trees within adjoining gardens. Together with these factors and the fall in levels on the application site I consider that there would be no significant loss of privacy to existing residents. Plots 5 & 6 have no affect on adjoining properties as they overlook the field to the south.
- 4.3.7 It is appreciated that some of the adjacent properties have some open views across the application site that will be changed with this development. However there is no right to a view and I consider that the development itself would not result in any overbearing impact or loss of privacy to adjacent properties.
- 4.3.8 Each of the new dwellings will have large gardens comfortably in excess of Policy 57 guidelines. In addition the residents will have convenient access to open countryside. Adequate car parking is provided to serve the size of the new dwellings.
- 4.3.9 In conclusion I consider that maintain and or provide an adequately high standard of environment for existing and future residents.
- 4.3.10 **Access and parking issues**
- 4.3.11 The application is accompanied by a technical document to demonstrate that the proposed replacement access can be suitably provided and would be safe in highway terms. It confirms that there has been no recorded accidents on the adjacent highway in the last 5 years (from information provided by HCC Highways). The removal of the existing front access boundary walls and hedging and the re-siting of the access serving the development to the south would actually improve visibility and highway safety. Traffic generation levels would be very low i.e. the proposal would generate a maximum of 3 movements during the AM peak hour, 2 movements in the lunchtime peak hour and 3 movements during the evening PM peak hour. The document demonstrates that a refuse collection vehicle currently used (12.8m in length) would be able to access the development and turn around within the site.

4.3.12 In accessibility terms the site is within 80 metres of the public footpath to the north which leads into Hitchin. Hitchin station is within a relatively easy cycling distance. There are several primary and secondary schools within a short travelling distance and local community and recreational facilities exist in Gosmore and St. Ippolyts.

4.3.13 The proposed development would comfortably meet the standards required as set out in the Council's supplementary planning document on parking at new development – including visitor parking provision. In addition the proposed garages provide cycle parking areas.

4.3.14 No objections are raised by the Highway Authority and it concludes that the development would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of informatives and planning conditions.

4.3.15 Given the above analysis I consider that the development is acceptable in highway safety terms and that sufficient on site parking can be provided.

4.3.16 Environmental matters

4.3.17 The submitted ecological appraisal advises that the site has been appraised by a standard phase one habitat survey and a preliminary bat roosting assessment has been carried out. The surveys reveal that the site is not of nature conservation importance and has limited biodiversity with some minor bird nesting habitat. The existing buildings were found not to have any suitable Areas for bat roosting. The report recommends site clearance outside of the bird nesting season and the siting of two artificial bat roosting features in plots 3 & 4 to provide a net biodiversity gain.

4.2.18 The Council's ecological advisors acknowledge that reasonable biodiversity enhancements have been included in the proposed development in the form of integrated bat roost units and they recommend that the development is carried out in accordance with the submitted ecological appraisal.

4.3.19 There are no land contamination issues however a standard preliminary environmental risk assessment condition is attached as a precaution. Issues connected with the site construction phase can be dealt with via a construction management plan / method statement and informatives.

4.3.20 The Planning balance

4.3.21 The planning balance requires a Green Belt assessment of whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal. In addition the balance requires an examination of the benefits and dis-benefits of the proposals.

4.3.22 I have concluded above that the cumulative effect of the very special circumstances advanced by the applicants is sufficient in my view to outweigh the presumption against inappropriate development in the Green Belt. My opinion is reinforced by the fact that only part of the application site is within the Green Belt.

4.3.23 An examination of the benefits and dis-benefits of the proposals is required. The positive aspects to this development are as follows:

- It will provide high quality housing in a sustainable location
- It will address an anomaly in the Green Belt boundary
- It will assist in improving housing delivery in the district
- Highway safety will improve as a result of the new access and improved sightlines
- Economic benefits through construction jobs and on going service industry
- There will be an ecological / biodiversity enhancement with bat boxes

The negative aspects of the development are as follows:

- Inappropriate development in the Green Belt part of the site
- Reduction in openness on the Green Belt part of the site

4.3.24 I consider that the weight that can be given to the positive aspects of the proposals are quite significant whereas the weight to the negative aspects can only be moderate because the site is in existing residential use and the Green Belt designation applies to only part of the site. Furthermore I consider that the development would deliver the economic, social and environmental benefits required by the Framework. On balance, I consider that the proposal can be considered sustainable development and thus benefits from the presumption in favour of such as set out in the Framework.

4.4 **Conclusion**

4.4.1 Taking into account the above analysis of this application I consider that on balance there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to conditions.

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 the development samples or details of all external materials including facing brickwork, cladding and roof tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity.

4. The proposed flank wall window at first floor level on the north facing elevation of Plot 1 (i.e. the proposed en-suite) shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling

5. **Prior to the commencement of the relevant phase of the works full details of the boundary walls at the site entrance and long the first part of the access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity

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

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

7. 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.

8. 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 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.

9. The existing leylandii trees shown to be retained along the southern boundary shall be maintained at a height of no less than 3 metres for the duration of the development. If at any time the trees shall become damaged or die the trees shall be replaced with a similar coniferous species and maintained in perpetuity at the specified height above.

Reason: In order to ensure that the proposed future Green Belt boundary is clearly defined and to ensure that the development has an acceptable relationship with the open countryside to the south.

10. Prior to the relevant phase of works full details of any boundary fence (including height) or other landscaping treatment along the northern and eastern boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 11 Reason: In the interests of the amenity of adjacent residents

There shall be no vehicular or pedestrian gates erected across the access road.

Reason: To ensure that the development is inclusive and in the interests of highway safety

12. Prior to the occupation of the development a new priority junction shall be provided as identified on drawing number PL001 with the main access road being provided 5.5 metres wide with the kerb radii being a minimum of 8 metres to the current specification of Hertfordshire County Council and to the local authority's satisfaction.

Reason: In the interest of highway safety.

- 13 Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway level.

Reason: .To provide adequate visibility for drivers leaving and entering the site.

- 14 The gradient of the main access from Hitchin Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

- 15 **Prior to the commencement of development a Construction Management Plan / Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.**

The Construction Method Statement shall address the following matters:

a. Phasing programme ;

b. Construction and storage compounds (including areas designated for car parking);

- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Foundation works that affect traffic movement of existing residents;
- f. Access to electric substation/control building;
- g. Cleaning of site entrance and the adjacent public highways and, disposal of surplus materials.
- h. Hours of construction

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

- 16 Prior to the commencement of the development hereby permitted a stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: In the interests of highway safety.

- 17 All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (ELMAW Consulting, July 2017) as submitted with the planning application. In addition, hedgehog friendly fencing shall be installed throughout the development.

Reason: To ensure that biodiversity objectives and long term maintenance are realised

- 18 (a) **No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

- **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:**

- **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- **The results from the application of an appropriate risk assessment methodology**

- **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.**
- **This site shall not be occupied, or brought into use, until:**
 - **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.**
 - **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
 - **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.

- 19 Prior to occupation, each of the six properties 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.

Planning Informatives

EV Charging Point Specification:

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

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

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

- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
- 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.

Ecology informative:

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) 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 3 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season or until the birds have left the nest

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from integrated bat roost features on plots 3 and 4.

Environmental Health Service informative:

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

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

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

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.