

Location: **The Bell Inn
65 High Street
Codicote
Hitchin
Hertfordshire
SG4 8XD**

Applicant: **C/O Agent**

Proposal: **Residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).**

Ref. No: 20/01764/FP

Officer: **Andrew Hunter**

Date of expiry of statutory period:

6 October 2020

Submitted Plan Nos.:

2641-PL101, 2641-PL102, 2641-PL103, 2641-PL104, 2641-PL105, 2641-PL106, 2641-PL107, 2641-PL108, 2641-PL109, 2641-PL110, 2641-PL111, 2641-PL112, 2641-PL113, 2641-PL114, 2641-PL115, 2641-PL116, 2641-PL117, 2641-PL118, 2641-PL119, 2641-PL120, 2641-PL121, 2641-PL122.

Extension of statutory period:

1 June 2021

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Ian Moody for the following reasons:

I'd like to call this application please as there is a lot of public objections to the development.

1.0 **Site History**

1.1 02/00786/1 - Change of use of staff bedrooms to four guest rooms – Approved 16/07/02.

- 1.2 02/00161/1 - Single storey detached building to provide 7 additional units (as amended by drawing nos. 2045/01A and 04 received 07.05.2002, drawing no. 2045/02A received 14.05.2002 and drawing no 28.08.02/1 received 18.09.2002) – Approved 12/11/02.
- 1.3 00/00840/1 - Outdoor decked seating area – Refused 09/08/00
- 1.4 91/00436/1 - Single storey side extension incorporating conservatory and single storey part rear extension. Six light columns – Approved 03/06/91.
- 1.5 89/01605/1 - 4 single storey blocks to provide 16 additional bedroom units, existing 5 unit block extended to 6 units plus additional parking facilities, erection of new pitched roof garage (As revised amended plans received 12th March and 19th March – Approved 12/04/89.
- 1.6 87/00931/1 - Erection of 2 single storey detached buildings to provide 8 bedroom units for motel – Approved 30/07/87.
- 1.7 87/00806/1 - Erection of single storey rear extension, entrance canopy and resitting detached garage as a variation of previous permission 1/341/87 – Approved 12/06/87.
- 1.8 87/00341/1 - Erection of single storey rear extension, entrance canopy and resitting detached garage – Approved 30/03/87.
- 1.9 The site has also been subject to other non-relevant advertisement consent applications.

2.0 **Policies**

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

- Policy 5 – Excluded villages
- 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 6 – Building a strong, competitive economy
- 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

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

Policy SP1 - Sustainable development in North Hertfordshire
Policy SP2 - Settlement hierarchy and Spatial Distribution
Policy SP3 - Employment
Policy SP4 - Town and Local Centres
Policy SP6 - Sustainable transport
Policy SP8 - Housing
Policy SP9 - Design and sustainability
Policy SP10 - Healthy communities
Policy SP11 - Natural resources and sustainability
Policy SP12 - Green infrastructure, landscape and biodiversity
Policy SP13 - Historic environment
Policy ETC2 – Employment development outside Employment Areas
Policy ETC7 - Scattered local shops and services in towns and villages
Policy T1 - Assessment of transport matters
Policy T2 - Parking
Policy HS3 - Housing mix
Policy D1 - Sustainable design
Policy D3 - Protecting living conditions
Policy D4 - Air quality
Policy HC1 - Community facilities
Policy NE1 - Landscape
Policy NE6 - Designated biodiversity and geological sites
Policy NE8 - Sustainable drainage systems
Policy NE11 - Contaminated land
Policy HE1 - Designated heritage assets
Policy HE4 - Archaeology

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 21/08/2020 Expiry Date: 13/09/2020

3.2 **Press Notice:**

Start Date: 20/08/2020 Expiry Date: 12/09/2020

3.3 **Neighbouring Properties:**

The following objections, 14 in total, were received from dwellings on High Street, Bury Lane, Taverners Place, Valley Road, The Ridgeway, Pond Court:

- The site is not large enough for the development.
- Do not want more expensive houses.

- Loss of village amenities.
- Detrimental to openness of the area.
- Close to heritage assets. No. 63 High Street, Pond House, and The George and Dragon, are listed buildings.
- No. 63 dwarfed by proposed buildings.
- Detrimental to setting of No. 63 and its curtilage.
- Harms the Conservation Area.
- Rear dwellings more dominant due to higher ground levels.
- The future of The Bell is key to the Conservation Area.
- Negative impacts on viability of The Bell due to loss of motel and external storage.
- Potential for inappropriate new storage.
- Proximity. A 21m back-to-back distance. Too imposing and overwhelming.
- Overbearing.
- Massing.
- Loss of privacy. Overlooking (including of proposed dwellings).
- Loss of light and overshadowing.
- Harmful impacts of future extensions to dwellings.
- Loss of views.
- Increased noise compared to existing use, exacerbated by removal of boundary vegetation.
- Car park close to garden. Increased noise and light from car park.
- Pollution from vehicles.
- Traffic generation.
- Impacts on highway safety.
- Parking insufficient for The Bell and proposed dwellings, causing more on-street parking.
- The access is opposite a major junction in the village.
- Loss of public footpath.
- Unsuitable refuse storage.
- Loss of an oak tree.
- No room for new boundary planting. Trees should be required on the north boundary.
- Existing flooding. Proposal could worsen this.
- Flood risk would be increased.
- Positioning of soakaways and likely impacts.
- No cross-section/site levels drawings.
- No west elevation drawing.
- Infrastructure limited, including water.
- Disturbance from construction.
- Possible land slippage.
- Rear boundary of No. 63 incorrect.
- Inaccuracies in statements.
- Permitted development rights should be restricted.

The following comments in support were received:

- See no reason why it shouldn't go ahead.
- Saving The Bell is a positive.
- Development well-designed, spacious, with adequate facilities.
- Massive improvement.

The following other comments were received:

- Opportunity to improve the car parking situation.
- Space should be reserved near the frontage for public car parking, still leaving space for the dwellings.

Following amended plans received on 18/03/21, the following further objections were received from Nos. 2a Bury Lane and 63 High Street:

- Amendments do not alleviate concerns.
- Excessive height, scale and mass.
- Too many houses, which are too high.
- Support the Conservation Officer's original advice to remove plots 1 and 2, and to reduce the width and height of plots 3 to 9.
- Dominate the Conservation Area visually.
- Do not agree with the Conservation Officer's most recent comments. Impacts on Conservation Area and listed buildings disproportionate.
- Not sure if Conservation Officer and Historic England fully understand the scheme.
- Dominate the skyline.
- Potential for future upward development of plot 1.
- There may be an intention to change site levels.
- Visible from No. 63.
- Need site levels and cross-section analysis.
- Proximity – Plot 4 is 20m from my house.
- Privacy and overlooking, including of proposed dwellings.
- Contrary to Local Plan Policy 57.
- Impacts from pub garden.
- Massing, and an increase over the motel.
- Hedges offer little protection.
- Ground destabilisation.
- Mass and amount of development viewed from the High Street between 63 High Street and The Bell.
- Existing flooding.
- Increased flood risk to No. 63, and other properties and areas.
- Suspect a commercial use for The Bell Inn is unlikely.

3.4 **Codicote Parish Council:**

OBSERVATION

CPC will adhere to the Planning Officer's recommendations.

The new home owners may be disturbed by the noise late at night if The Bell PH were to be re-opened.

3.5 **Statutory Consultees:**

3.6 Hertfordshire County Council Growth and Infrastructure – We will not be seeking financial contributions.

3.7 Environmental Health Officer – No objections.

Noise

I have reviewed the submitted “Technical Note - The Bell Motel, 65 High St, Codicote – Noise Impact Assessment”, Project Ref: TN01-20442, dated 31 July 2020 by Cass Allen Associates Ltd. The desktop study Report was prepared under lockdown conditions when The Bell Inn was not operational, however I consider the use of data from records held by the Acoustic Consultants to predict and model noise associated with the Public House (including fish and chip takeaway extractor noise) to be acceptable in determining the potential noise impact on the proposed future residents. The noise from the kitchen extraction system was determined to be lower at the proposed dwellings than at existing residential dwellings; it is therefore acceptable. Noise impact from use of The Bell Inn, car park and beer garden were predicted. For the closest proposed dwelling (Plot 1) no enhanced noise mitigation measures to achieve satisfactory internal noise levels were found to be required (standard glazing and ventilators will be satisfactory). To achieve satisfactory noise levels in external amenity area (garden) of Plot 1 a 1.8 metre high close boarded fence between the Public House boundary and Plot 1 is recommended (Page 5 of Report). The Technical Report may be Approved. I recommend a Condition below.

Lighting

Details of proposed external lighting have not been submitted. In order to ensure that the amenity of residential occupiers is not adversely affected by any obtrusive or spill over light or glare from any external lighting on the proposed development once constructed I recommend a Condition below..

Construction phase

Due to the potential for nuisance during this phase I have included informatives.

3.8 Environmental Health Air Quality – No objection.

3.9 Waste Officer – No objections.

3.10 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission.

The application comprises of a residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).

VEHICLE ACCESS

The submitted details show one point of access from the High Street that is classified as the B656 secondary distributor road subject to a speed limit restricted to 30 mph along the frontage of the development.

Within section 8 of the application form Pedestrian and vehicle access, roads and rights of way, the applicant has implied that there is a no new or altered vehicle access proposed to the existing vehicle access to or from the public highway to the property. The access road and proposed turning areas have sufficient room for vehicles using the proposal such as residents' cars, delivery and emergency vehicles to enter and exit the development in forward gear.

HIGHWAY SAFETY - Visibility along the highway from the existing access.
A site visit revealed that the vehicle to vehicle inter-visibility from the existing access is in accordance with "Sightlines at Junctions Manual for Streets section 7.7

IMPACT ON THE LOCAL HIGHWAY NETWORK - Traffic Generation
Within Section 9. Vehicle parking the applicant states that given that the proposal involves a redevelopment with a reduction to parking provision of three spaces this has been considered not to significantly alter the traffic generation of vehicles to the property.

The forecast of trips generated show that a total of 9 two-way vehicle trips will occur during the morning peak travelling period and in the evening travelling period a total of 11 two-way vehicle trips are anticipated resulting in an average vehicle movement either way every 5 minutes which will be accommodated by the existing access junction.

WASTE COLLECTION
There are 2 bin storage points provided within the site which are within the 30m walking distance for residents to carry their waste to a point to be collected. A further bin collection point is provided within 15 m of the public highway for the North Herts District Council waste collection operators. A waste management company would collect the bins on collection day (Tuesday) from the resident's storage areas and then return the empty bins back to the resident's area collection point. This method of collection would need to remain in place for perpetuity for the duration of the residential development.

ACCESSIBILITY - Public Transport
The nearest bus stops are within the recommended 400 metres from the site. The bus route along the High Street including routes to destinations such as Hitchin town centre and Welwyn. There are presently 5 bus services throughout the day.

CONCLUSION
The B656 is a secondary distributor road capable of accommodating the traffic movements associated with the development. Hertfordshire County Council as Highway Authority has considered that the proposal is 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.

3.11 Archaeology – No objections.

- 3.12 Landscape and Urban Design Officer - I have no objection to the layout or design of the scheme. However, details will need to be provided of proposed planting, including species, size, type, numbers and location together with materials for surfacing and enclosure.
- 3.13 Hertfordshire Ecology – No objections.
- 3.14 Environmental Health Contamination – No objection.
- 3.15 Lead Local Flood Authority – No objection.

We have reviewed the information submitted by the applicant in support of the planning application and note the proposed change in drainage strategy. We note the applicant has undertaken soakage testing onsite, and that the results of these tests have proven infiltration to be unfeasible on the site. The drainage strategy therefore, is now proposing to discharge surface water into the Thames Water Foul Water Sewer, we note the applicant has obtained prior approval from Thames Water in the form of a pre planning enquiry for the proposed connection, consenting the connection and proposed discharge rates for the development.

We understand the driveways of the proposed residential development will consist of permeable block paving, so that surface water on the driveway drains into the type 3 subbase below and surface water from the building roofs are also directed via downpipes to the type 3 subbase below the permeable paving before final discharge into the sewer via a hydrobrake flow control. The proposed access road will consist of asphalt paving so that surface water drains via gullies into sewers that are directed to the type 3 subbase below the car park for storage to allow a restricted surface water discharge rate via hydrobrake flow control. The car park at the rear of the public house will also consist of asphalt paving and will drain via channel drains connected to the type 3 subbase for storage before discharging to the sewers at a restricted surface water discharge rate.

In order to secure the final detail of the drainage scheme, we therefore recommend the following conditions to the LPA should planning permission be granted.

- 3.16 Conservation Officer - I reiterate that in my opinion, the amount of development remains higher than what I would consider would make a positive contribution to the local area but it is also acknowledged that the applicant has sought (to an extent) to positively address matters raised despite maintaining a 9-unit scheme. As such, I consider that alternative solutions have been explored and ultimately what is now presented is sufficiently better than the previous iterations and I am prepared to remove my objection.

Recommendation

The 'Design and Access Statement Addendum - March 2021' sets out very clearly the progression from the initial submission and initial amendments (both of which were considered to occasion harm) through to the current scheme. I have given great weight to the conservation of the Codicote Conservation Area and to the setting of nearby

listed buildings and conclude that the proposal (as amended) whilst it may still be considered, by some, that there is small amount of harm still occasioned to the character and appearance of the conservation area and to the setting of nearby listed buildings, by reason of the height and density of the proposal, that harm (if considered to exist) would, in my opinion, be very much towards the lower end of the continuum. That harm should then be weighed against any public benefits.

Although a reduction in dwelling numbers and providing a more generous rear curtilage to The Bell Inn would have been the most desirable outcome and my intended goal, in my view, the amended scheme does make a much more positive contribution to the character and appearance of the conservation area when compared with earlier iterations. In light of the changes made, particular in the area of original Plots 1 and 2 and the retention of the outbuilding, I am prepared to conclude that the proposal is **UNOBJECTIONABLE** in conservation terms and would satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.

- 3.17 Historic England – Historic England consider that the applicant has attempted to address the concerns within our previous comments and the scheme would now result in a neutral impact to the character of the Codicote Conservation Area.

Recommendation

Historic England has no objection on heritage grounds.

4.0 **Planning Considerations**

4.1 **Site and Surrounding**

- 4.1.1 The site comprises The Bell Inn, No. 65 High Street, which is a public house (Use Class A4) and includes a small take-away (Use Class A5) in the main building, both of which have now closed. The site is relatively large, with the majority comprising a motel of separate single storey buildings, an associated car park, hard and soft landscaping including some lawned areas for motel guests, and trees and other vegetation around the edges. Ground levels rise gradually from west to east, and from south to north.
- 4.1.2 The locality has a predominantly residential character with dwellings to the west, north and east. To the south is a two storey residential care home, with a public footpath between it and the site. Some additional dwellings are west of the care home and south of the site. The site is also on the High Street, where a short distance to the south the character is a mix of commercial and residential with shops, services and pubs nearby. The site is within the settlement boundary of Codicote. The whole site is within the Codicote Conservation Area. Listed buildings are to the north, west and south.

4.2 Proposal

- 4.2.1 Planning permission is sought for the redevelopment of the majority of the site behind the public house (which would be retained) to provide 9 new dwellings. All existing buildings and hardstanding would be removed, although a small length of the vehicular access drive would be retained.
- 4.2.2 All dwellings would be two storeys with pitched roofs, apart from Plot 1 which would be single storey. Plots 1 to 4 would be a terrace, Plots 5 to 7 would be linked-detached, and Plots 8 and 9 would be detached. The dwellings would be of a more traditional design, with external materials of plain clay roof tiles, bricks, and stained timber boarding. One dwelling would have two bedrooms (Plot 1), five dwellings would have 3 bedrooms, and the remaining three dwellings would have 4 bedrooms. Dwelling heights would vary from approx. 5m to a maximum height of 8.8m.
- 4.2.3 The dwellings would be accessed by a new access road that would extend to the rear of the site, following the south boundary before turning north at the eastern end of the site. Plots 1 to 7 would have two parking spaces, with Plots 8 and 9 having three spaces. Plot 9 would also include a detached single garage with a pitched roof. Five visitor parking spaces will be provided. Two bin stores with flat roofs will be provided close to the public footpath and south boundary of the site. The development also includes an 11 space car park for The Bell public house in the blue line area, with 4 spaces to be provided in an existing outbuilding. An area of land west of the Plot 1 curtilage will be kept undeveloped as open amenity space for the development. A retaining wall and standalone timber fence is proposed on the boundary with No. 2 Bury Lane, which would be a combined height of approx. 2.6m. Storage for The Bell will be within the building of the pub itself.

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 designated heritage assets and the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings, and the future viability of the public house.
 - 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.
 - The impact of the proposal on drainage and flood risk.

Principle of Development:

- 4.3.2 With regards to the proposed development, the site is in the settlement boundary of Codicote, where new buildings and new residential development is acceptable in principle in the adopted and emerging Local Plans in Policies 5 and SP2 respectively. The proposal will also result in the loss of existing motel accommodation, of which there is no policy presumption in the adopted and emerging Local Plans and the NPPF against this. The proposed development is therefore considered acceptable in principle.

Heritage, character and appearance:

- 4.3.3 The existing single storey motel buildings to be demolished date from the late 1980's onwards and as such are relatively new. These buildings are not considered to be of significant historic or architectural merit, therefore there are no objections to their removal and their associated hardstanding, fencing etc.
- 4.3.4 The proposal would create a new residential development of dwellings in a cul-de-sac arrangement, which would contrast with the existing motel business. Development around the site is predominantly residential, therefore new dwellings are not considered out of character with these surroundings. Residential cul-de-sacs are also present in this area of Codicote, therefore new residential development is in general considered in keeping with that of the locality.
- 4.3.5 The site is within a Conservation Area. There are also listed buildings near the site, in particular No. 63 High Street, which has a curtilage that partially adjoins the site. No. 67 High Street and No. 2 Bury Lane are also listed buildings that share boundaries with the site. Of key importance is how the proposed development will affect the above, which are all designated heritage assets. The Conservation Area will be directly affected by the development. With regards to the listed buildings, the material consideration is whether their settings and significance would be harmed.
- 4.3.6 The plans proposed have followed numerous negotiations involving Council Planning and Conservation Officers, and are now considered to be of a design quality that would not be harmful to the significance and setting of the above designated heritage assets. Plot 1 is single storey, with the larger two storey dwellings set sufficiently far back so as not to detract from the setting of No. 63 (and therefore the other two closest listed buildings). Plots 2 to 4 have also been improved sufficiently in height, design, size and scale to be of an acceptable quality. The design approach for Plots 2 to 4 continues to Plots 5 to 9, which is also considered of an acceptable quality with regard to the significance of the Conservation Area. The absence of objections from the Council's Conservation Officer, and Historic England, are given significant weight.
- 4.3.7 The proposal will provide a new car park on a part of the site that is presently largely of hardstanding, with 4 parking spaces to be provided within an existing building with a pitched roof behind the pub. The retention and proposed use of this building, and the area of land kept as open space, would provide an acceptable buffer between the pub and the development.

4.3.8 The layout of the proposed development is considered acceptable, and not untypical of a residential cul-de-sac. The proposal would use existing ground levels satisfactorily. There would be a mix of dwelling types, sizes and bedrooms, with 6 of the proposed dwellings being smaller with 2 or 3 bedrooms. The size, height and scale of the proposed dwellings are considered comparable to nearby dwellings. There are no objections to the detached garage for Plot 9, and for the two bin stores. Class A and C permitted development rights are recommended to be removed by condition if permission was to be granted, to maintain control over the future appearance of the development. The site's location in a Conservation Area removes permitted development rights for roof enlargements. The proposal in terms of its design, impacts on designated heritage assets, and impacts on the wider locality, are considered acceptable.

Impacts on Neighbouring Properties:

4.3.9 There are a number of dwellings that share a boundary with the site or are close to it, which are on the High Street, Bury Lane, Valley Road, and a residential care home off The Ridgeway. The impacts of the proposed development on these properties will be considered below. Starting with dwellings on the High Street, No. 67 High Street, and Nos. 4, 5 and 6 Coach House, are considered sufficiently far away from the proposed development to be adversely affected, although it would be visible to a limited extent.

4.3.10 Nos. 63 and 61 High Street share their rear garden boundaries with the site. The closest proposed dwelling to Nos. 63 and 61 is Plot 1, which would be single storey. This dwelling would be approx. 11.8m from the rear boundaries of those dwellings and at an oblique angle, would have its curtilage separated from them by the proposed undeveloped area of land, and would in any case be largely obscured by means of enclosure and vegetation on and close to the rear boundaries of Nos. 63 and 61. The Plot 1 dwelling would not therefore appear overbearing or result in loss of light and privacy. The next closest proposed dwelling is Plot 2, which would be approx. 22m from the curtilages of Nos. 63 and 61. At this distance, and as no facing side upper floor openings are proposed, the Plot 2 dwelling would not adversely affect Nos. 63 and 61. The other elements of the residential development would be further away than Plot 2, therefore it is not considered that this part of the development would harm the amenity of Nos. 63 and 61.

4.3.11 The proposal also includes a new car park for the pub, which would have 11 spaces, and be sited close to the side and rear boundaries of No. 63, although it would be set away from No. 61. The car park would be obscured from the rear garden of No. 63 by a wall and vegetation on its boundary, and would not appear visually overbearing. This part of the site is presently comprised of hardstanding and vegetation, used as a yard/storage area for the pub and motel, and is not open to pub customers vehicles. The change of use of this part of the site to a public car park would therefore result in customers vehicles being much closer to No. 63, which would result in additional noise and some pollution. The Council's Environmental Health Officer has not however raised concerns relating to these aspects of the proposed development on Nos. 63 and 61 or any other existing dwellings, which is given significant weight. On this basis, while acknowledging the greater impacts of the car park than the existing development, it is not considered harmful to the amenities of nearby dwellings.

- 4.3.12 Bury Lane has dwellings Nos. 2, 2a and 10 that share a boundary with the site. No. 4 Bury Lane is called 'The Vicarage' however this is also in residential occupation, therefore the impacts of the development on the above four properties are material considerations. Starting with No. 2, this dwelling has a relatively large plot, and is approx. a minimum of 8m from the site boundary. The proposed dwellings are a minimum of 25m from the rear elevation of No. 2 and at oblique angles, which is sufficient to prevent overbearing impacts, loss of light and loss of privacy to any main habitable rooms. The Plot 2 and Plot 3 dwellings would be approx. 14m from the rear garden boundary of No. 2, which is considered sufficient to avoid harmful loss of privacy. The proposed boundary fence with No. 2 would be a height of 1.8m on ground at the same level as the rear garden of that dwelling, which would be a typical height for a rear boundary fence, and is not considered harmful to amenity. The other elements of the scheme would not be harmful to No. 2, therefore the amenity of No. 2 will not be harmed.
- 4.3.13 No. 2a is east of No. 2, and would face towards proposed dwellings on Plots 3 and 4. The other dwellings proposed are considered to be sufficiently far from No. 2a and at oblique angles such that they would not harm the amenity of that dwelling. The impacts of Plots 3 and 4 will therefore be considered in more detail. The first floor rear elevations of Plots 3 and 4 would be approx. 13m and 12m respectively from the boundary with No. 2a, and 29m and 21m from its rear elevations. These distances between the rear elevation and garden of No. 2a are considered typical for dwellings facing each other, and are not considered harmful. It is not considered that the amenity of No. 2a would be harmed by the proposal.
- 4.3.14 Turning to No. 4 Bury Lane, the Plot 5 and 8 dwellings would be closest to it. These proposed dwellings would be sited obliquely from the rear and side windows of No. 4 with the two storey elements of those dwellings set away from the boundary, therefore it is not considered that main habitable rooms of No. 4 would be adversely affected. Plots 5 and 8 would be more visible from the garden of No. 4. Single storey side projections of those dwellings would be the closest to the boundary, however it is not considered they would cause loss of amenity as the site is lower than No. 4, they would have roofs sloping away from the boundary, and they would be obscured/softened by the boundary vegetation. The two storey side walls of Plots 5 and 8 would be approx. 4m to 6m from the boundary with No. 4 and on lower ground levels, which is considered sufficient to minimise any visual and overshadowing such that these impacts would not be harmful. No upper floor openings are proposed facing No. 4, therefore no loss of privacy would occur. No. 4 would not be affected by the rest of the proposed development, therefore impacts on the amenity of No. 4 are considered acceptable.
- 4.3.15 No. 10 Bury Lane has a rear garden with one side boundary shared with the rear of the application site. Proposed dwellings 8 and 9 would be closest to this boundary, being approx. a minimum of 11m to the boundary, with Plot 8 being 18m from the rear of No. 10. The 11m distance to the rear boundary from the rear of Units 8 and 9 is fairly typical for dwellings, and is not considered unreasonable or harmful in terms of visual impacts, overshadowing and privacy. The rear window-to-window distance from Plot 8 to No. 10 would be approx. 20m, which is also fairly typical between dwellings, and is considered acceptable. The detached garage for Plot 9 would be single storey and

located at the end of the rear garden of No. 10, and is not considered harmful. Impacts on the amenity of No. 10 are considered acceptable.

- 4.3.16 South of No. 10 is No. 2 Valley Road, which shares a boundary with the site. No. 2 and its curtilage are however primarily to the south of Unit 9 and its garage, and there is also a footpath between No. 2 and the site. Due to the distance, siting and size of the development from No. 2, it is not considered that loss of amenity would be caused to that dwelling.
- 4.3.17 To the south-east of the rear of the site is a two storey building Pond Court, accessed off The Ridgeway. Pond Court is considered to have a C2 residential use, and has residential accommodation with a number of units with openings facing the site at ground and first floor level. A fence and vegetation 2m to 3m high on the north boundary of Pond Court would effectively mitigate any potential impacts to ground floor accommodation. The closest of the proposed dwellings to the north elevation of Pond Court would be Units 7 and 9, which would be approx. 14m and 11m respectively from that north elevation. The development would be to the north, and would not cause loss of light. The dwellings would be visible at the above distances, however it is considered they would be sufficiently far to avoid being harmfully overbearing.
- 4.3.18 Unit 7 would include a first floor side window facing Pond Court that would serve a bathroom, and can be required to be obscure glazed by condition if permission was to be granted to avoid loss of privacy. This is also applicable to Unit 9, therefore the privacy of residents of Pond Court would not be harmed. The garage for Unit 9 would be separated from Pond Court by an adjacent footpath, and is not considered harmful. The bin stores would have low heights and would not appear overbearing or cause loss of light.
- 4.3.19 Some of the objections from Pond Court residents concern smells from nearby bin store 2. It is acknowledged that some smells could occur from bins placed there, however both the Council's Environmental Health Officer and Waste Officer have not objected in this respect. Loss of amenity from bin storage is considered to be more likely to be an issue from commercial refuse storage, which is not the case here as domestic refuse would be smaller in scale and therefore its impacts. The proposed bin store 2 is therefore considered acceptable.
- 4.3.20 Regarding the objections received, many have been addressed elsewhere in this report. Disruption and noise etc. from construction would be unfortunate to nearby residents, however this not a reason to refuse planning permission as such impacts will be temporary and can also be controlled by a Construction Management Plan. A pub garden is not part of the proposal. Potential impacts on ground stability are not considered to be material considerations, while it is also considered that the applicant would seek to ensure ground stability as it would be in their own interests to do so. The public footpath would not be affected by the proposal. Details of any external lighting would be required by condition. Impacts on residential amenity are therefore considered to be acceptable.

Amenity of Future Occupiers, and Viability of the Public House:

- 4.3.21 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.
- 4.3.22 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.
- 4.3.23 The Bell public house and a fish and chip shop takeaway inside the pub in a separate wing are presently closed, however these could re-open in the future. Noise, smells and other disturbance from the above uses could affect the living conditions primarily of Unit 1, with the other dwellings considered to be sufficiently far away to avoid being adversely affected.
- 4.3.24 Regarding impacts on Unit 1, the applicant submitted a Noise Impact Assessment. This stated that the noise from the kitchen extraction system was determined to be lower at the proposed dwellings than at existing residential dwellings, and is considered acceptable by the Council’s Environmental Health Officer (EHO). No special noise mitigation measures are required for the fabric of Unit 1, while a 1.8m high fence is considered to be required on the west garden boundary of Unit 1 to achieve satisfactory noise levels in the garden. Living conditions of future occupiers are considered acceptable.
- 4.3.25 Potential residents could complain about noise, disturbance etc. from the pub, which could affect its viability. The adopted Local Plan does not contain any policies relating to this, therefore there are no relevant development plan policies.
- 4.3.26 The emerging Local Plan under Policy HC1 paragraph 10.2 refers to development that could affect local shops and pubs, which should be assessed against Policy ETC7. ETC7 refers to the loss of an existing facility being acceptable only where a. there is another service or facility of a similar use available within walking distance. There are two other pubs on the High Street in Codicote a short distance away to the south-east therefore any possible adverse impacts on the viability of the pub are not considered detrimental to Codicote as a whole. Required storage for the pub would be provided within the pub building. In any case the noise mitigation measures and acceptance of the impacts on the pub and take-away on the proposed dwellings are considered acceptable by the EHO, therefore there is no evidence to demonstrate that the proposed development would harm the viability of the existing pub.

Parking and Highways:

- 4.3.27 Each dwelling would have two or three parking spaces, which complies with the Council's minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. Each dwelling would include a garage or space within its curtilage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable. Dwellings 5, 6 and 7 would include garages that would provide one of their two parking spaces, therefore it is considered that permitted development rights for conversion of these garages be removed by condition to maintain an adequate amount of parking. The five visitor parking spaces are considered acceptable.
- 4.3.28 The internal access road and turning area would be a sufficient size for the largest vehicles including refuse and emergency vehicles to enter and leave the site in a forwards gear. Refuse collection arrangements are considered acceptable on the basis of the absence of objections from the Council's Waste Officer and the County Council highways officer. Expected trip generation from the development is considered small (an average vehicular movement every 5 minutes in the morning and evening peaks), would be accommodated satisfactorily by the existing access, and would not be detrimental to the highways network. The development would not result in detrimental impacts to the public footpath. Parking provision and impacts on the public highway are considered acceptable.

Trees and Landscaping:

- 4.3.29 The site contains little tree cover given its size, with most trees being at the rear of the pub and close to the boundaries. These trees are not subject to Tree Preservation Orders, although they are protected by virtue of being in a Conservation Area. Four trees are proposed to be removed that are close to the north boundary of the site, which are considered of a minor scale as the highest is 8m, with the other three being 3-5m tall. These losses are not considered harmful, and would be off-set by new tree planting as part of the proposed development.
- 4.3.30 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 as well as a reduction in the existing amount of hardstanding. Further details of hard and soft landscaping are however required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

- 4.3.31 Hertfordshire Ecology provided comments on 19th September 2020 with reference to an ecological report submitted with the application, advising that the site is not home to protected species, low potential for bat roosts, and the potential for being habitats for nesting birds and hedgehogs. The report sets out suitable precautions to safeguard bats, birds and hedgehogs, which can be required to be implemented by condition. A Landscape and Ecological Management Plan will also be requested by condition to ensure that a biodiversity net gain is delivered. The proposal is not therefore considered harmful to ecology.

Drainage and flood risk

4.3.32 The Lead Local Flood Authority (LLFA) have not objected to the proposed development on the grounds of drainage and flood risk, which is given significant weight. Surface water would be discharged into the Thames Water Foul Water Sewer, which the applicant has prior approval for. The hardstanding proposed will be permeable or will include gullies/drains to direct water at appropriate discharge rates to the sewer. I acknowledge that some of the objections received from nearby properties relate to potential for drainage and flooding, however I'm satisfied that the LLFA's absence of objections will ensure that drainage and flood risk will be satisfactory and not harmful. References to works being carried out within The Bell are not considered materially relevant as any such works would be outside the application site. Some further details of drainage will be required by condition in accordance with the recommendations of the LLFA. This is therefore acceptable.

Climate Change Mitigation:

4.3.33 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 at each of the proposed new dwellings, and at least one charging point for the car park for the pub. The applicant has also submitted a Sustainability Statement demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

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 engaged as the proposal is not considered harmful to designated heritage assets. There will be moderate benefits from the provision of nine additional dwellings, which is not considered harmful to the locality. There would be further benefits from the redevelopment of the site and associated visual improvements. It is not considered that there would be adverse impacts from the development, therefore it would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF.

4.4.2 The proposed development is 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. Grant conditional permission.

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. Details of brick type, bond and mortar mix shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground brickwork being constructed. Thereafter, the brickwork shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to safeguarding the character and appearance of the Codicote Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The roofs shall be covered with a clay plain tile, a sample of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roof-tiling. Thereafter, the roofs shall be covered using the approved tiles.

Reason: To ensure that special regard is paid to safeguarding the character and appearance of the Codicote Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to commencement of the approved development (excluding demolition), the following landscape details shall be submitted:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
 - d) details of any earthworks proposed

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

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. Prior to occupation, each dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point, and the new car park behind The Bell shall include at least three EV ready charging points.

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.

8. CONSTRUCTION MANAGEMENT PLAN

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

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

to avoid school pick up/drop off times;
hi. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

9. 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 and C 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.

10. Contaminated Land Condition
- (a) The Phase I Report indicated a reasonable likelihood of harmful contamination: 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.

11. The development shall be completed in accordance with the measures set out in the Recommendations (section 7) of the Ecological Assessment (dated July 2020).

Reason: To minimise potential harm to ecology.

12. The development shall be completed in accordance with the measures set out in the Arboricultural Report (dated July 2020).

Reason: To provide appropriate protection for trees.

13. The proposed dwellings shall not be occupied until the noise mitigation measure (1.8 metre close boarded fence between the public house and Plot 1) as detailed in "Technical Note - The Bell Motel, 65 High St, Codicote - Noise Impact Assessment", Project Ref: TN01-20442, dated 31 July 2020 by Cass Allen Associates Ltd has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

14. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition), and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: To protect the residential amenity of existing and future residents.

15. Prior to the commencement of the approved development (excluding demolition), a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority demonstrating a biodiversity gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

16. No development shall take place/commence (excluding above ground demolition works) until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. 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 of post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records

of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation;

6. 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.

17. No development shall take place/commence (excluding above ground demolition works) except in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 17.

Reason: In the interests of archaeology.

18. 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 17 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

19. The development permitted by this planning permission shall be carried out in accordance with the Drainage Statement in relation to the proposed residential development at The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD, dated November 2020, reference: 6601415-MLM-ZZ-XX-RP-C-0004, prepared by MLM Consulting Engineers Drainage Statement, Rev 03, 10.11.2020 and the following mitigating measures:

1. Limiting the surface water run-off rates to a maximum of 3.5l/s for all rainfall events up to and including the 1 in 100 +40% climate change event with discharge into the Thames Water Foul Water Sewer.

2. Provide attenuation (700mm of storage within the type 3 subbase, or such volume agreed by the LPA) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

3. Implement the drainage strategy utilising lined permeable paving, type 3 subbase and a Hydrobrake flow control device.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

20. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement in relation to the proposed residential development at The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD, dated November 2020, reference: 6601415-MLM-ZZ-XX-RP-C-0004, prepared by MLM Consulting Engineers Drainage Statement, Rev 03, 10.11.2020. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs

2. All corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event with no flooding to occur at the 1 in 30 year return period.
3. Post development overland routes and exceedance routes
4. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as lined permeable paving, this should also be considered for the proposed access road and car park.
5. Silt traps for protection of any residual tanked elements
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

21. Upon completion of the drainage works for the site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

22. The first floor south elevation windows of the Plot 7 and 9 dwellings shall be obscure glazed.

Reason: In the interests of privacy and amenity.

23. The undeveloped land west of Unit 1 shall remain as open amenity space.

Reason: In the interests of visual and neighbour amenity.

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.