

<b>ITEM NO:</b>	
<u>Location:</u>	<b>The Gables High Street Barley Royston SG8 8HY</b>
<u>Applicant:</u>	<b>Mr &amp; Mrs Winstanley</b>
<u>Proposal:</u>	<b>Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7th November 2017, 11th January 2018, 9th February 2018 and 19th March 2018).</b>
<u>Ref. No:</u>	17/02316/1
<u>Officer:</u>	<b>Tom Allington</b>

**Date of expiry of statutory period:** 20.11.2017

**Reason for Delay**

An extension of time has been agreed in order to allow the application to be presented to Planning Control Committee.

**Reason for Referral to Committee**

The application has been called in for determination by the Planning Control Committee by Cllr Gerald Morris, on the grounds that this would be in the public interest.

**Submitted Plan Nos**

396.35a 5188-D 396x36b 396x40 396x33A 396x34A 396x31A 396x30b

**1.0 Policies**

**1.1 North Hertfordshire District Local Plan No.2 with alterations**

- Policy 6 – Rural Areas beyond the Green Belt
- Policy 7 – Selected Villages beyond the Green Belt
- Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
- Policy 55 - Car Parking Standards
- Policy 57 - Residential Guidelines and Standards

**1.2 National Planning Policy Framework**

- Paragraph 14 'Presumption in Favour of Sustainable Development'
- Paragraph 17 'Core Planning Principles'
- Section 1: Building a strong competitive economy

Section 3: Supporting a prosperous rural economy  
Section 4: Promoting sustainable transport  
Section 6: Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 11 - Conserving and enhancing the natural environment  
Chapter 12 - Conserving and enhancing the historic environment

### 1.3 **North Hertfordshire Draft Local Plan 2011-2031**

The policies of relevance in this instance are as follows:

#### Strategic Policies

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy  
SP5: Countryside and Green Belt  
SP8: Housing  
SP9: Design and sustainability  
SP10: Healthy Communities  
SP12: Green infrastructure, biodiversity and landscape  
SP13: Historic environment

#### DM Policies

T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
CGB1: Rural Areas beyond the Green Belt  
CGB2: Exception sites in rural areas  
HS2: Affordable Housing  
HS3: Housing Mix  
NE8: Sustainable drainage systems  
NE11: Contaminated land  
HE1: Designated heritage assets  
HE4: Archaeology

### 1.4 **Supplementary Planning Documents**

Vehicle Parking at New Development SPD September 2011  
Design SPD July 2011

### 2.0 **Site History**

- 2.1 16/02760/1 - Residential development of nine dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'. Withdrawn prior to determination.
- 2.2 17/00638/1PRE – Pre-application for 9 residential units. No formal/ written advice provided.

### 3.0 **Representations**

- 3.1 **Cllr G Morris** - Should you be mindful to approve this application then as requested by Barley Parish Council. I should like to call this in to be heard by the NHDC Planning Control Committee. This being in the public interest.

### 3.2 **Barley Parish Council – Objection.**

- The site is wholly outside the Barley Selected village Policy Area of the current 1996 NHDC Local Plan. In excess of 50% of the site also lies outside the proposed Barley Selected Village Policy Area of the Preferred Options Draft Local Plan approved by NHDC. This particular area of the site has previously been put forward by the site owner during previous local plan deliberations and on each occasion has been rejected by NHDC. The proposed development is therefore contrary to both the provisions of Policy 7 of the current Local Plan (Selected Villages Beyond the Green Belt) and to its replacement policy in the new plan. It should therefore be refused.
- The proposed development of this site would be harmful to the Barley Conservation Area and to the wider Landscape character Area.
- The site is located within an Area of Archaeological Significance.
- The site could potentially result in 70 additional vehicle movements at the junction on the High Street which would result in a totally unacceptable situation at a location where there are already all too frequent severe traffic and on street parking issues.
- Increase in surface water discharge from the site severely exacerbating the already well documented existing surface water drainage problems in this particular area of the village.
- Increased parking at the Doctors surgery would not be a major issue or benefit.
- Suitable sight lines could only be achieved by removal of a substantial part of the hedge to the front of the Doctors surgery

### 3.3 **Neighbours/ Local Residents –** Nine response have been received objecting to the application and one in support.

The objections are summarised as follows:

- The proposed development would increase flood risk within the village and investment in drainage on the High street is needed
- The proposal would result in light pollution
- The junction onto the high Street is not suitable and is dangerous and the development would only increase/ exacerbate this.
- The development of this land would harm the character of the village and would result in loss of open countryside
- Walkers and users of the footpath to the north of the site would be at risk from construction traffic
- The would not be any benefit to the community
- Loss of views of the countryside from White Post Grade II Listed Building
- The village does not need anymore large 4 and 5 bedroom houses
- The development would mainly be made up of 2 and 3 bedroom smaller houses which would not be in keeping with the village.

One letter of support received from the Doctors Surgery and summarised as follows:

- We merged with another practice and now operate from four sites and there is no surplus capacity at the other three sites and no room to expand.
- We are under constant pressure to cope with ever increasing demand and now have approximately 33,500 patients registered – this will increase as many houses are proposed within the catchment areas.
- The proposals would provide an improved access
- Additional and more suitable parking reducing the need to park in the road
- Removal of the sub-station
- Ability expand the premises in the future
- Offer and improved and expanded service to patients in the future

- 3.4 **NHDC Conservation Officer** – Objection, on the basis that the proposal will harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building. It is fair to say that the site is not particularly prominent from the highway, nevertheless, its undeveloped and rural nature can be appreciated from here and acts as a reminder of the conservation area's relationship with the countryside. The degree of harm is considered to be less than substantial, under paragraph 134 of the NPPF and therefore the Framework clearly sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes and it would be for the case officer to assess this harm against any perceived public benefits derived from this development.
- 3.5 **NHDC Housing Officer** – No objection. In 2006 nine affordable homes were delivered by Howard Cottage Housing Association in Barley. No further affordable homes have been built in Barley since that time. The provision of two affordable homes would be of great benefit to the village, particularly smaller family homes, which will contribute to continued sustainability of the village
- 3.6 **NHDC Environmental Health** – No objections, subject to conditions requiring investigation of potential land contamination and a requirement for electric vehicle charging points.
- 3.7 **NHDC Waste Services** – No objection.
- 3.8 **HCC Highways** – No objection, subject to conditions and following the submission of additional information and amended plans. The proposed development would be served by suitable access onto High Street and there would be suitable road layout and access within the site. The proposal would not significantly affect the adjacent highway.
- 3.9 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions. The proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest and so conditions are recommended requiring suitable investigations be carried out prior to development.

- 3.10 **HCC Lead Local Flood Authority** – No objection, subject to condition and following the provision of additional information and amended plans.
- 3.11 **Hertfordshire Ecology** – No objection, subject to an informative.
- 3.12 **HCC Fire and Rescue Services** – No objection, subject to a condition that the development be fitted with fire hydrants.
- 3.13 **CPRE** – Objection. The bulk of the site, including the proposed access, lie outside the settlement boundary of Barley and as such its development would be contrary to the policies covering the Rural Area Beyond The Green Belt in both the current Local Plan and the Submission Local Plan

#### **4.0 Planning Considerations**

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

- 4.1.1 The application site is located towards the north-western edge of the village of Barley. The main portion of the site is made up of the large rear garden of the residential property 'The Gables' and the adjoining paddock land immediately to the north of this. This land sits behind properties along the west side of the High Street (B1368), including the Barley GP Surgery and the 'White Posts' Grade II Listed Building. The application site area shown within the red edge also includes the access road which leads from the High Street to the Surgery car park, around the northern side of the GP Surgery and leads to the paddock land and provides access to two further properties on the High Street, Chadwick and Barley Croft. The application site also includes the car park to the front of the surgery and the land immediately to the rear of the surgery building (however, the application site does not include the surgery building itself).
- 4.1.2 Under the saved policies of the North Hertfordshire Local Plan 1996 the main portion of the site (The Gables garden and the paddock land) is located outside of the Barley village boundary (the access road and land at the surgery is within the village boundary). However, the village boundary is proposed to be altered under the Emerging NH Local Plan 2011-2031, which is currently under consideration by the Planning Inspectorate as part of the Examination in Public. The Emerging Local Plan shows that the land within the curtilage of The Gables would be included within the village boundary, which accounts for approximately one half of the main part of the site, with only the paddock land remaining outside of the village boundary. The site is also located within the Barley Conservation Area, which also extends over the fields/ paddocks to the west of the site.

## 4.2 Proposal

- 4.2.1 The amended application seeks planning permissions for the erection of 8 no. dwellings on the main portion of the site (The Gables rear garden and the paddock land). The properties would comprise 4no. two bedroom dwellings, 3no. two/three bedroom dwellings (floor plans show two bedrooms and a study which could be used as a third bedroom) and 1no. three/four bedroom dwelling (although only three bedrooms are shown on floor plans, this would be a large property capable of accommodating four bedrooms). The amended plans would also include an open area of green space towards the centre of the site where an existing, large mature tree would be retained and a 'balancing pond' would also be provided (as part of the SUDs scheme).
- 4.2.2 The proposal also includes the widening of the existing access track (to allow for vehicles to pass each other) from the High Street and for various improvements at the Doctors Surgery. The car park to the front of the doctors surgery would be reconfigured, the electrical sub-station to the rear of the surgery would be relocated freeing up this land for staff parking and a new additional car park would also be provided further to the rear of the surgery (on what is currently part of the paddock land). Proposal also include for a new double garage which would serve the neighbouring property at Chadwick.

## 4.3 Key Issues

- 4.3.1 The key planning consideration of the development relates firstly to the principle of the development, taking account of the location of the proposed development on the edge of/ partially within the Barley village boundary, the impact on the character and appearance of the Barley Conservation Area and any public benefits arising from the proposed development. Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, I consider that the other main issues to be addressed in the determination of this planning application are as follows:
- Living conditions and amenity of current neighbouring properties and of future residents;
  - Access and highway safety matters;
  - Water drainage;
  - Archaeology and;
  - Ecology.

### 4.3.2 **Principle of the proposed development, impacts on the Barley Conservation Area and wider public benefits**

With regard to whether the principle of residential development in this location is acceptable or not, there are two aspects of the sites location which need to be considered; Firstly, the sites location on the edge of/ partially within the village boundary and; linked and intertwined with this is the sites location within the Barley Conservation Area.

- 4.3.3 Under the currently adopted policy, the site is located just outside, on the edge the selected village boundary (Policy 7) and so lies within the rural area beyond the Green Belt (Policy 6). Even with the age of the Plan, Policy 6 is still regarded as being relevant and in some part compliant with the NPPF. However, the part of the site within the garden of 'The Gables' is due to be set within the village boundary under the Emerging Local Plan, leaving only the paddock land outside of the village boundary. The Emerging Local Plan is now at an advanced stage, with the Examination in Public Hearings now complete and it is therefore my opinion that significant weight can be afforded to the Emerging Local Plan, particularly as this relatively small adjustment to the village boundary (small relative to all matters within the Emerging Plan but considered significant to the consideration of this application) is not the subject of any of the Council's 'Actions' or 'modifications' of the Local Plan, following the EiP hearing sessions.
- 4.3.4 The land remaining outside of the village boundary, under the Emerging Local Plan would be the paddock land. It is noted that this paddock would sit between the village boundary on its southern and eastern boundaries and on the northern side it would be well enclosed by a public footpath which is lined on both sides by tall, dense vegetation and which would provide a clear, strong village boundary.
- 4.3.5 In considering the parts of the proposals outside of the village boundaries, be it all of the main part under the Adopted Local Plan or just the paddock land under the Emerging Local Plan, it is noted that the Council would not usually support residential development outside of the village boundary. However, in accordance with paragraph 49 of the NPPF, the Councils current housing policies under the adopted Local plan are out of date, as the Council can not currently demonstrate a 5yr supply of housing land. In terms of the Council's current position on 5 year land supply, please see attached Annex A, which is a 'Note to the Inspector' with regard to the examination of the Emerging Local Plan. This 'note' sets out four tables showing the Council's 5yr land supply taking four different approaches. The Council's QC has advised that for decision making purposes, the Council should adopt figures/ tables 1 and 2 and so as of April 2017, the Council had between 2.7 and 3.7 years of housing land supply, short of the required 5ys.
- 4.3.6 However, as noted above, the application site is located within the Barley Conservation Area (a designated heritage asset) and this is key and is intertwined with the consideration as to whether the principle of the proposal is acceptable or not. Paragraph 14 of the NPPF states the following:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development....For plan-making this means that: Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: — specific policies in this Framework indicate development should be restricted.<sup>9</sup>*

Footnote '9' states '9: *For example, those policies relating to sites ...designated as ...designated heritage assets*'. Subsequently, this means that in this instance, whilst the Council's lack of a 5yr land supply remains a consideration in support of the proposed development, the overall consideration is no longer a 'presumption in favour'. The key test in this instance is where paragraph 14 refers to 'specific polices in this framework which indicate development should be restricted', namely in this instance paragraph 134 of the NPPF which refers to development affecting a heritage asset.

- 4.3.7 Paragraph 134 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*".
- 4.3.8 The Councils Senior Conservation Officer has raised an objection to this application, on grounds that the proposed development would result in harm to the Barley Conservation Area and to a lesser extent, harm to the setting of the Grade II Listed White Posts property which is located on the eastern edge of the application site. The main part of the site which would accommodate the 8 proposed dwellings is located towards the rear of properties on the west side of the High Street and it is considered that this serves the primary/ central part of the conservation area in providing an open, rural setting. The open, rural nature of the site would be lost as a result of the proposed development and in turn this would have an adverse impact on the setting of the conservation area and the setting of White Posts. The comments/ objections of the Conservation Officer are attached at Annex B of this report (please note that these refer to the original proposals and not the amended proposal now under consideration). However, the Senior Conservation Officer noted that this would amount to 'less than substantial harm' and so in accordance with paragraph 134 of the NPPF, this harm should be weighed against any public benefits arising from the proposed development.
- 4.3.9 Firstly, the provision of 8 new dwellings in their own right would provide for economic and social benefits to the village of Barley, in providing increased housing for the village (Social) which in turn would provide economic benefits, initially as part of the construction process providing employment and benefits to local businesses with increased population with the village and therefore increased viability to local public houses and shops for example. The emerging local Plan identifies as Barley as a Category A sustainable village, given the various local services and facilities which are available within the village. Barley is one of the few Category A villages within the emerging Local Plan which has not been allocated with any 'Local Plan housing sites' and so the only way in which the village would contribute to the housing needs of the district is via 'windfall' sites such as that currently being proposed.

- 4.3.10 The most key public benefit which would arise as part of the proposal is that for the adjacent GP surgery. For a village of the size of Barley to benefit from a GP Surgery is rare and is considered to be a significant facility for the village. A letter of support for the proposed development has been received from the surgery which outlines that they are facing ever increasing patient lists and with increasing housing numbers within their catchment area, the need to expand will become paramount (for example, the village of Barkway is also a category A village with less services and facilities than Barley and yet has several housing sites allocated). As it currently stands, the Barley Surgery is not capable of being expanded, largely due to the need for parking to the both the front and the rear of the building and the location of a large electricity sub-station to the rear of the building. The proposed development includes the re-location of the sub-station to within the main portion of the site (that part which is currently paddock land) and the provision of a new car park immediately to the rear of the surgery in place of the sub-station providing 8 off-street parking spaces and the provision of an additional new car park also within the main part of the site providing a further 8 off-street spaces (again, on what is currently paddock land).
- 4.3.11 I consider this to be of significant public benefit. On the face of it, it would provide much needed increased and improved parking at the surgery, as many patients travel to the surgery by car, given that the catchment area covers a large rural area. The 'secondary benefit' would be that it would allow the surgery to extend and expand the service provided, which as mentioned is likely to be required in the future and which at present, simply is not possible/ is not viable due to the location of the sub-station. This would be a significant public benefit not only to Barley but also the wider area which is served by the surgery. The additional parking would also help to address some of the concerns raised by local neighbours, that being the parking by patients on the High Street, which causes highway safety issues.
- 4.3.12 A further key public benefit in this instance is that the applicants have agreed that two of the eight dwellings will be affordable houses which are to be secured by way of a suitable condition. The Council's threshold under the emerging Local Plan is that 11-15 dwellings should provide 25% affordable homes (Policy HS2). Although the site is below this threshold, the applicants have sought to provide affordable units as part of the proposal in order to provide additional public benefits in addition to those outlined above. Again, Barley is identified as a sustainable category A location and yet has not been allocated with any housing sites under the emerging local plan. Therefore, it is unlikely that the village would be able to benefit from any affordable units by any other means other than windfall sites such as this. The Council's housing officer has commented in support of the application and the provision of two affordable units, particularly as a need in Barley has been previously identified and yet the last affordable units to be provided within the village was some 12 years ago in 2006. The proposed development is largely made up of smaller, entry level units which would provide a greater range of dwellings to the village, which is understood to be mainly made up larger dwellings. This would allow greater opportunity for younger people to be able to stay within the village or for older generations to be able to downsize and remain in the village, for example. Again, the provision of affordable units and smaller scale of the dwellings proposed as part of the development would provide for significant social public benefits.

4.3.13 In weighing the harm to the heritage assets, as identified by the Council's Senior Conservation Officer, against the public benefits, it is my opinion that the public benefits would outweigh the harm in this instance. The proposed development would provide a relatively unique opportunity to address the issues at the adjacent GP Surgery, in providing increased and improved parking and in providing the opportunity for the surgery to expand in the future should it need to and which is simply not possible at the present time. In addition, Barley is only likely to gain additional housing, as part of the districts need and affordable units via windfall sites such as this. Furthermore, I consider that this is a sustainable location for development and the relatively enclosed nature of the site would mean that there would be limited harm to the wider landscape. In addition, the harm to the primary core of the Barley Conservation Area is reduced by way of the site being largely screened and hidden from views from the High Street and therefore is limited prominence from the main public views. Furthermore, whilst the Senior Conservation Officer has maintained their objection to the proposal, the proposed development has been amended in accordance with advice provided by the Conservation Officer in order to achieve what is considered the most appropriate design possible on this site, to further lessen the 'less than substantial harm' to the heritage assets.

4.3.14 In working back through the report above, in applying paragraph 14 of the NPPF in this instance, I find that the public benefits of the proposal would outweigh the harm to the heritage assets and so the development should not be restricted and is considered a sustainable form of development in this particular instance. Going back further in the report, therefore paragraph 49 can apply and so where the council can not demonstrate a 5yr land supply, there is a presumption in favour of sustainable development. It is therefore considered that the principle of the proposed development, in this location, is acceptable in this instance.

4.3.15 **Scale, layout, design, character and appearance of proposed development**

As mentioned above, the proposed development has been amended from that originally proposed, under the guidance of the Council's Senior Conservation Officer. The proposal would be of a low density form of development (approximately 16dph, when only including the area for housing and discounting the access road and car parks etc) with generous gaps separating properties and generous spacing around each dwelling, with each plot benefitting from large gardens and also the addition of an open green space towards the centre of the site. The layout and spacious nature of the development would respect the rural nature of the site and would provide a suitable transition from village core to open rural countryside. As mentioned, the site would be well enclosed to the north, screened by the vegetation along a sunken footpath. It is proposed that the vegetation and screening would be enhanced with additional planting as part of the proposal and an additional vegetation/ screening barrier would also be provided along the western boundary of the site. A suitable condition is to be included as part of the grant of any planning permission requiring a detailed landscaping scheme, so that sufficient and suitable planting can be secured.

- 4.3.16 The dwellings themselves would be of varied designs and would include a variation of materials, including render and red brick, to reflect the character and appearance of Barley. The design of Plot 7, the largest dwelling included as part of the proposal would reflect the appearance of an agricultural barn, in turn respecting the rural/ semi-rural nature of the site. Plots 4-7 would form a spacious row along the western rear boundary of the site and would sit in line with existing properties to the south of the site, 'Sells Close House' and 'Foxacre', which are also set behind the main line of properties on High Street and would form a continuation of this line of back-land houses.
- 4.3.17 Highway and access issues are discussed below. However, as part of the proposals the existing access track is to be improved and widened and the junction on the High Street is also to be improved, in order to provide acceptable sight-lines. Concerns have been raised with regard to the loss of the hedge to the front of the GP Surgery, in order to achieve the necessary lines of sight. An additional plan has been provided which shows the amount of hedge which would be affected. In this instance, it is considered that this would be relatively minimal and would only require the reduction of the very nearest corner of the hedge down to a height of 600mm.
- 4.3.18 It is my view that following input from the Council's Senior Conservation Officer, the proposal would be a suitable form of development in keeping with the rural nature of the site and which would respect and conserve the character and appearance of the Barley Conservation Area. As such, the proposal is considered acceptable in this regard.
- 4.3.19 **The living conditions of adjoining and future occupiers**  
As has been mentioned above, the eight proposed dwellings would be well spaced and would be set within relatively generous plots and so each of the new dwellings would benefit from sufficient privacy and a sufficient amount of amenity space.
- 4.3.20 The proposed eight houses would be set away from existing properties on High Street to both the east and to the south of the site. Plot 8 is the only proposed dwelling which would be within any form of close proximity to neighbouring dwellings and would be set along side the double garages at Chadwick (proposed garage) and Barley Croft (existing garage). The house at The Gables would retain a sufficient rear garden and which would remain private, owing to the distance and orientation of neighbouring properties. Likewise, the Garden at White Posts, to the east of the site, would also remain private, as the large garden of plot 8 would sit alongside this and then the proposed area of open green beyond this. In addition, further planting and screening is proposed between the site and plot at White Posts (again, to be secured as part of a more detailed landscaping scheme via a condition).
- 4.3.21 Concerns have been raised by neighbour that the proposed development would ruin views from some properties of open countryside and would result in a loss of property value. I note that neither of these aspects are material planning considerations and so cannot be taken into account.

4.3.22 In summary, I consider that the proposed development would not result in any significantly adverse impacts on the amenity of neighbouring properties and the future occupiers of the development would also be provided with a sufficient level of amenity.

4.3.23 **Access and Highway safety matters**

Concerns have been raised from both local neighbours and from the Parish Council that the proposed development would not be suitable in terms of highway safety, as the existing access from the track onto the High Street is not suitable, is dangerous and the provision of eight dwellings and additional parking would only increase the use of the access, potentially exacerbating the problem.

4.3.24 Although initial objections were raised by the HCC Highway Officer, following the provision of amended plans, these objections have now been overcome and the Highway Officer states that 'the Highway Authority does not wish to restrict the grant of permission subject to conditions'. The development proposals include for the widening and improvement of the existing access track and improvements to the junction on High Street, to allow for suitable sightlines during entrance and egress. Amended plans and additional information has now demonstrated to the HCC Highway Officer that the proposed development would benefit from suitable access, with sufficient sight lines onto what is a 30mph road and where the road is relatively straight (i.e. no sharp bends) and there are long views in both directions. In addition, a swept path analysis has also been provided showing that the widened access road would be suitable for both refuse/ waste trucks and for larger emergency vehicles to be able to access the site and to be able to turn around.

4.3.25 Lastly, it is noted that concerns have been raised with regard to poor visibility when entering onto High Street from the existing track due to patients cars being parked in the road. However, this situation is likely to be improved, given that the proposed development would provide for increased off-street parking for the GP Surgery.

4.3.26 In light of the comments from the HCC Highway Officer, I consider that the proposed development would be acceptable in terms of access and highway safety and would likely result in improvements in this regard, compared to the current situation.

4.3.27 In terms of parking, it is noted that each of the eight dwellings would be provided with at least two off-street parking spaces. Although plot 5 does not appear to benefit from any parking, this is to be provided opposite the dwelling (labelled on plans as 'visitor parking' but this is to be amended as part of landscaping details). As such, parking provision would be sufficient and in accordance with the Council's current minimum standards and so no concerns are raised in this regard.

#### 4.3.28 **Further considerations**

##### 4.3.29 Historic Environment and Archaeology

The proposed development is located within an Area of Archaeological Significance, as identified in the Local Plan. This covers the historic village of Barley, which has medieval or Saxon origins, and fields containing significant prehistoric and Roman remains to its north and west. The proposed development site is also within the bounds of the historic core of Barley, and thus there is some potential for Anglo-Saxon or medieval remains at this location. As such, the HCC Historic Environment Officer has advised that whilst they do not raise any objections to the proposals 'it should be regarded as likely to have an impact on heritage assets with archaeological interest. Therefore, three conditions have been recommended which require that further site investigations take place prior to the commencement of development.

##### 4.3.30 Surface water drainage

The Lead Local Flood Authority is not a statutory consultee in this case, owing to the relatively small scale of the residential development proposed in this instance (i.e. this is a 'minor' application of less than ten dwellings). However, their advice has been sought as issues of flooding and drainage were raised by local residents. Following the provision of additional information, the LLFA has advised that they are satisfied that a suitable drainage scheme is possible on this site, which would ensure that the development would not have an adverse impact on the site or the surrounding area in terms of flooding. Although the final detailed drainage scheme has not been agreed as yet, the LLFA have advised that this can be required via a condition and that 'no development take place until the final design of a drainage scheme is completed and sent to the LPA for approval'.

##### 4.3.31 Contaminated land

The possibility of ground contamination exists at the application site, although for the majority of the application site it is assumed to be relatively low given the current land use. However, the Environmental Protection Team holds no information on the land use history of the application site. Additionally the relocation of an electricity sub-station gives rise to the potential discovery of ground contamination in the form of oils and poly-chlorinated biphenyl (PCB) compounds. Therefore, when considered alongside the proposed introduction of an end use that would be vulnerable to the presence of ground contamination, the Council's Environmental Health Officer has recommended the inclusion of the planning conditions which would require suitable investigations take place and that any required remedial works take place prior to the commencement and occupation of the development.

##### 4.3.32 Ecology

The Herts Ecology Officer has advised that the Ecology report submitted with the application is satisfactory and provides sufficient information to demonstrate that there are not likely to be any significant ecological impacts associated with the proposed development. However, due diligence is required in this instance with regard to nesting birds and so an informative has been recommend regarding the removal and pruning of trees and shrubs.

#### 4.4 Conclusion

- 4.4.1 The proposed development would be immediately on the edge of and partially within (under the Emerging Local Plan) the Barley Village Boundary, which is a sustainable Category A village, with various services and facilities within walking distance of the site. Although it is acknowledged that the proposed development would result in less than substantial harm to heritage assets, the proposal would result in significant public benefits, namely improvements to the adjacent Doctors Surgery and the provision of two affordable dwellings, which would outweigh any harm. As such, the proposed development is considered to be acceptable. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below.

#### 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 and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.  
  
Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The development shall not begin until a scheme for the provision of at least 25% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
  - 1 the numbers, type and tenure on the site of the affordable housing provision to be made;
  - 2 the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - 3 the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

5. No more than 4 of the 8 dwellings hereby approved shall be occupied until all of the car parking at the Doctors surgery has been properly formed and laid out and is available for use and the electricity sub-station has been relocated in accordance with drawings 396x36b and 396x30b.

Reason: In order to secure the wider public benefits of the development hereby approved.

6. No development shall take place until landscaping details have been submitted to and approved in writing by the Local Planning Authority and the details shall include the following:
  - a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed, including details of two parking spaces for plot 5
  - d) details of any earthworks proposed, including any retaining walls. The landscaping scheme shall be implemented as approved.

e) details of on-site bin/ waste storage for each plot

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

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

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

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

9. The development hereby permitted shall not be occupied until the reconfigured access and principal access road has been widened to 5.5 metres wide for the first 70 metres thereafter being narrowed to a minimum of 5.0 metres wide up to the new turning area as identified on the in principle drawing number 396 30 revision B to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

10. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

11. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been 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 Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Prior to the commencement of development a Construction 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. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- 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 may affect traffic movement of existing residents;
- f. Cleaning of site entrances and the adjacent public highways and,
- g. Disposal of surplus materials.

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

13. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:
- a. Roads, footways, foul and on-site water drainage.
  - b. Proposed access arrangements including visibility splays, with acceptable Stage 1 Road Safety Audit;
  - c. Servicing areas, loading areas and turning areas for all vehicles.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

14. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- a. The programme and methodology of site investigation and recording;
  - b. The programme and methodology of site investigation and recording as required by the archaeological evaluation;  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)
  - c. The programme for post investigation assessment;
  - d. Provision to be made for analysis of the site investigation and recording;
  - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - f. Provision to be made for archive deposition of the analysis and records of the site investigation;
  - g. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To provide properly for the likely archaeological implications of this development proposal.

15. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 13.

Reason: To provide properly for the likely archaeological implications of this development proposal.

16. 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 13 and the provision made for analysis and publication where appropriate.

Reason: To provide properly for the likely archaeological implications of this development proposal.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Pelham Structure Ltd. Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and the following mitigation measures detailed within the FRA:
  - a. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  - b. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - c. Provide a flood storage area to intercept and accommodate overland flows.

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

18. 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 Pelham Structure Ltd. Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and the following mitigation measures detailed within the FRA;
  - a. Infiltration tests carried in accordance with BRE Digest 365.
  - b. Full detailed engineering drawings of all SuDS features including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  - c. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
  - d. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

19. No development shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

20. (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.
- (b) If the Local Planning Authority is of the opinion that the report which discharges (a) of this condition, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment  
Methodology
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

- (e) Any contamination, other than that reported by virtue of (a) and (b) of this condition, 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.

- 21. Prior to occupation, each of the 8 residential 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.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

- 1. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.
- 2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

3. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service (Tel: Direct line 01992 555243) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access.

4. EV Charging Point Specification:

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
  - o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
  - o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
5. 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 and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have left the nest.