

Location: **Cockernhoe Farm
Luton Road
Cockernhoe
Luton
Hertfordshire
LU2 8PY**

Applicant: .

Proposal: **Conversion of existing brick barn and stable buildings
to 4 No. dwellings and erection of 4 No. dwellings and
garages following demolition of 2 No. modern barns.**

Ref. No: 23/01029/FP

Officer: **Thomas Howe**

Date of expiry of statutory period: 28.06.2023

Date of expiry of statutory period:

28 June 2023

Extension of time:

21 December 2023

Submitted Plan Nos:

2238/14D Houses 5 - 6 Proposed Elevations
2238/10E Site Layout Plan
2238/17B Garages; Bin and Cycle stores Proposed Floor Plans and Elevations
2238/13B Houses 5 - 6 Proposed Floor Plans
2238/15B Houses 7;8;9 Proposed Floor Plans
2238/16A Houses 7;8;9 Proposed Elevations
2238/12B Houses 1 - 4 Proposed Elevations
2238/11A Houses 1 - 4 Proposed Floor Plans
K0119 - T Rev B Topographical Survey
2238_01B Location Plan

Reason for Referral to Committee:

This application is reported to Planning Control Committee for determination because the recommendation is contrary to the consultation response from the Highway Authority, which is asset out at paragraph 3.3 of this report.

1.0 **Site History**

1.1 Extensive planning history.

2.0 **Representations**

2.1 **Neighbour Consultation** – None received.

2.2 **Parish Council** – Concerns raised, but no formal objection received:

- Concern regarding density of dwellings.
- Queries access arrangements.
- Queries if S106 contributions are required.

2.3 **Historic England** – Advises of consultation protocols. No formal representation received.

2.4 **Highways:**

Objection (8 June) –

- Risk to highway for road users
- Lack of footpaths
- Not viable for non-car users of the road
- Asks for transport statement

Objection (8 August) –

- Submitted amended plans do not demonstrate design suitable to overcome objections.
- Risk to road and pedestrians remains.

2.5 **Environmental Health:**

2.5.1 **Noise** – No Objection regarding relationship with children's nursery within site. Provides informatives.

2.5.2 **Contamination** – No Objection. Recommends contamination condition.

2.6 **Archaeology** – Requests provision and consideration of Desk Based Assessment for site prior to determination. Further correspondence advised a pre-commencement condition may be suitable.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site comprises former stables, equestrian buildings and other barns associated with Cockernhoe Farm, Luton Road, Cockernhoe. The site is within the Cockernhoe settlement boundary and comprises approximately 0.4 hectares of land.

3.2 **Proposal**

3.2.1 Planning Permission is sought for the conversion of existing brick barn and stable buildings to create 4x dwellings and for the erection of 4x dwellings and garages following the demolition of 2x barns. A dwelling (House 6) has been omitted to enable suitable refuse vehicle turning within the site.

3.3 **Key Issues**

3.3.1 The key issues for consideration of the proposed development are:

- The principle in this location
- The acceptability of the design and resultant impact upon the character and appearance of the area.
- Impact upon the living conditions of neighbouring properties and future occupiers
- Impact upon car parking provision in the area.

Principle of Development

3.3.2 Policy SP2 of the Local Plan sets out a settlement hierarchy and spatial distribution of development and confirms that general development will be permitted within the defined settlement boundaries of Category A Villages. Cockernhoe is designated as being a Category A Village by Policy SP2.

3.3.3 The application site is within the settlement boundary of Cockernhoe and the application seeks to erect 8 dwellings. The erection of dwellings constitutes 'general development', permitted in this location as specified in the wording of Policy SP2 and therefore the proposed development in this location is acceptable in principle.

Sustainability:

3.3.4 Cockernhoe is considered to be well-connected, with public transport connections to nearby Luton. There are facilities within the village such as a primary school, inn and village hall. It is noted that Highways have objected to the sustainability of the site, particularly due to the lack of footpaths in the locality. However, the Local Plan confirms that a Category A Village is a sustainable rural location where new housing is acceptable where it will assist in maintaining existing services and facilities. Therefore, the position taken by the Highways Authority conflicts with the Local Plan. Moreover, the village is adjacent to Local Plan Policy SP19 Sites EL1, EL2 and EL3 for approximately 2100 homes. Environmental benefits would arise from the proposed landscaping of the site and by the use of renewable energy for all dwellings.

3.3.5 Policy ETC2 within the Local Plan does not permit the loss of employment uses subject to certain criteria. The supplied Design and Access statement advises that the livery business vacated the premises in May 2019. It was evident from a site visit that the site had been vacant for a long period of time and therefore, the proposal would not result in the loss of an employment use. I consider that the proximity to the nearby children's nursery and other residential dwellings in Cockernhoe would result in the previous equestrian use being a potential adverse use harmful to amenity, and its removal would be beneficial to these neighbours. Economic benefits would arise from the development by the use of local contractors during the construction and maintenance of these dwellings. Further benefits would arise from future residents using nearby businesses when the dwellings are occupied. Social benefits arise from the provision of dwellings on a windfall site, moderate weight is given to this in the planning balance.

Design and Appearance:

3.3.6 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development.

3.3.7 The layout of the development is considered to be acceptable. The agrarian use of the buildings and site would be retained by the development. Dwellings would be suitably spaced and would sit within generous plots, resulting in an acceptable density and layout

of the development. Most dwellings benefit from on-plot parking, with House 5 benefiting from parking centrally within the site and adjacent to visitor parking spaces. Plans indicate the location of bin stores, and these are set within the gardens of dwellings and behind fences, and therefore they would not be prominent within the street scene or the site. Garages would be provided to all dwellings and therefore I consider that sufficient cycle storage would be provided for each dwelling.

- 3.3.8 The existing site is accessed off a gated entrance off Chalk Hill. The track would be widened by approximately 1m and would lead into a central court with a shared surface provided parking, turning and driving space for all dwellings. In design terms I consider that this is acceptable and is not a departure from the existing grain of development found locally.
- 3.3.9 When viewed externally, from Chalk Hill and Brick Kiln Lane, the development would not result in changes to the character of the buildings and locality, with visible alterations limited to the replacement of existing windows and the widening of the access onto Chalk Hill. I consider that this is acceptable. The proposed alterations to the barns to convert them into residential use predominantly comprises the introduction of windows and doors to the inner courtyard. I consider that the quantity, materiality and overall appearance of these alterations is acceptable and would not be harmful to the character and appearance of the site and locality. The proposed dwellings would feature faced brickwork and stone/flint work together with slate roof tiles and green slimline window systems. These dwellings would comprise 2x pairs of semi-detached dwellings and would be located within generous plots to the southwestern corner of the site. They would feature projections to the rear of single and two storeys in height. I consider that these dwellings would be acceptable in design and appearance terms.
- 3.3.10 The design and appearance of the proposal is acceptable. The proposed development therefore complies with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework.

Impact upon Heritage Assets:

- 3.3.11 Hertfordshire County Council's Archaeological Advisor requested that a desk-based assessment be undertaken prior to determination given the site is within a designated Area of Archaeological Significance. However, in subsequent discussions with the Archaeological Advisor it was agreed that a pre-commencement condition was acceptable, although this may lead to changes to the scheme at a later date. It is considered that this matter can be adequately addressed by condition. The site is outside of the Conservation Area and the nearest Listed Building is between St Hughs Cottage and Parsonage Farm, to the north-west of the site. It is considered that the heritage significance of these designated heritage assets would not be harmed by this proposal due to the distance and nature of the scheme, and subject to conditions relating to archaeology the proposal complies with the provisions of Policy HE1 and HE4 of the Local Plan 2011-2031 and Section 17 of the National Planning Policy Framework.

Impact on Neighbouring Properties:

- 3.3.12 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenities of neighbouring occupiers and where necessary encourages the

use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.

- 3.3.13 The site is some distance from other residential properties and therefore would not give rise to significant impacts to the amenities of the occupiers. Cockernhoe Farmhouse is set centrally within the site and may experience some impacts from noise generation. However, given the low level of the development surrounding this dwelling, I consider that the works would not occasion a sense of dominance or overshadowing. There may be some degree of overlooking from the first-floor windows serving House 5, however, given the separation between these two dwellings and the existing and proposed window layouts, this would be acceptable. The children's nursery within the site may experience some noise impact during construction. This could be controlled by a condition requiring a construction management plan.
- 3.3.14 Given the above, it is considered that the proposed development would not result in unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

- 3.3.15 The proposed dwellings would benefit from approximately 95 sqm of internal floor area. The prescribed requirements as set out in the National Space Standards and are detailed below:

House/Plot Number	Space Standard Requirement (sqm)	Internal Floor Area (sqm)
1	93	133
2	93	133
3	93	133
4	93	133
5	124	198
7	74	81
8	61	70

Given the above, table, the proposed dwellings would benefit from sufficient internal space to meet the standards. Furthermore, sufficient storage is also provided in accordance with the prescribed space standards. Dwellings would benefit from private garden spaces and their window and room layouts would allow for single and dual-aspect dwellings. The dwellings would benefit from amenity space to the rear and amenities in the locality. This would therefore comply with Policy D1.

Highways and Parking:

- 3.3.16 The proposed development would be served by sufficient parking for dwellings 1, 2, 3, 4 and 5. Dwellings 7, 8 and 9 would be served by one space and a garage. I consider that this is acceptable on balance. Visitor parking is also provided with 4 spaces shared

between the dwelling centrally within the site. Whilst this would be below parking standards, it is considered that this is acceptable given the sustainable location. Furthermore, cycle parking would be possible for all dwellings within their curtilages. Therefore, it is considered that suitable vehicle parking would be available for future occupiers and the development would therefore comply with Policy T2 of the Local Plan 2011-2031.

- 3.3.17 It is noted that concern was raised by the Highways Authority regarding the sustainability of the site. However, given that the site is within the settlement boundary of a Category A Village, wherein there are various amenities, and the village is adjacent to a strategic housing allocation in the Local Plan, I consider that the site is suitably sustainable. Furthermore, it is acknowledged that concern is raised by the Highways Authority regarding the safety of the site for pedestrians to the locality. However, I consider that the local grain of development does not support the introduction of footpaths and street lighting and would therefore not support the objections raised by the highway's authority. A condition is attached to this permission to mitigate impacts during the construction phase.

Environmental Implications:

- 3.3.18 The existing site predominantly comprises concrete yards and other hardstanding associated with the equestrian business formerly operated from the site. Although no details have been provision relating to gains in biodiversity, I consider that replacing a barren expanse of hardstanding with landscaping would be beneficial for biodiversity on-site. A bat survey is provided advising that the structures did not house bats roosting but were previously used on a rare occasion to feed. This concluded that impact from the development was unlikely to disrupt bats. An ecological appraisal has been provided with this application advising of various site-wide ecological enhancements, and therefore a condition is attached requiring its implementation.
- 3.3.19 I consider that the site is in a suitably sustainable location to overcome concerns regarding emissions from private vehicles to and from the site. The development would therefore be generally in compliance with Section 14 of the NPPF and Policy NE4 of the Local Plan 2011-2031.

Other Matters:

- 3.3.20 Given that the site is <0.5 hectares and the development comprises 8 dwellings, this is not a major development and therefore does not qualify for affordable housing or Section 106 contributions.

3.4 Conclusion

- 3.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

3.5 Alternative Options

- 3.5.1 None applicable.

3.6 Pre-Commencement Conditions

- 3.6.1 The applicant has agreed to the pre-commencement conditions attached to this decision.

4.0 **Legal Implications**

- 4.1 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.

5.0 **Recommendation**

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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the

area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

6. Before the development hereby permitted is occupied, landscape details indicated on Plan 2238/10E shall be implemented on site.

Reason: To ensure a satisfactory appearance to the completed development is delivered in accordance with Policy NE2 and NE4 of the North Hertfordshire Local Plan.

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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

9. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

10. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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 and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

11. (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 condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (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 condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

12. Prior to occupation of the development hereby approved, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway / refuse collection vehicle access point [or within 15 metres]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents / occupiers and in the interests

of visual amenity.

13. The gates at the entrance to the development hereby approved shall only open into the site and not out into the access way from Chalk Hill.

Reason: In the interest of highway safety.

14. Prior to first occupation, each dwelling shall be provided with a 'Sheffield Loop' within their curtilage.

Reason: In the interest of encouraging sustainable travel.

15. The development hereby permitted shall be carried out in accordance with the recommendations and enhancements set out in the submitted Preliminary Ecological Appraisal by Samsara Ecology dated January 2023.

Reason: To ensure compliance with Policy NE4 of the Local Plan.

16. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Provision of sufficient on-site parking prior to commencement of construction activities.

Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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 which must be kept within the site boundary, 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).

17. No demolition or development shall take place within the site to which this permission relates until the applicant, landowner, or their successors in title, or their agents have submitted a desk based assessment which has been considered by the local planning authority. Should the desk based assessment find that the site is likely to possess assets of archaeological interest, no development shall commence until the applicant, landowner, or their successors in title, or their agents have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The requirements of this condition will only be considered to be discharged when the reports relating to the agreed archaeological work have been deposited with and approved in writing by the local planning authority.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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.

Informative/s:

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

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

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