

<u>Location:</u>	Kimpton Grange Luton Road Kimpton Hitchin Hertfordshire SG4 8HA
<u>Applicant:</u>	Clear Architects
<u>Proposal:</u>	Conversion of existing dwelling "The Lodge" into 6 apartments (5 x 2-bed and 1 x 3-bed). Erection of four terraced 2-bed dwellings and five detached dwellings (1 x 5-bed, 2 x 4-bed and 2 x 2-bed) including landscaping and parking following demolition of existing buildings. Alteration of existing access and creation of additional access.
<u>Ref. No:</u>	22/02675/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 16/01/2023

Extension of statutory period: 17/04/2024

Reason for delay: Awaiting consultee responses and in order to present the application to an available Planning Control Committee Meeting.

Reason for Referral to Committee: The application is for residential development with a site area greater than 0.5 hectares.

1.0. Site History:

- 1.1. 21/00653/FP - Conversion of existing barn to create three 3-bed dwellings including creation of new access and footpath link to Kimpton – Granted Conditional Permission on 20/09/2021.

2.0. Policies:

2.1. National Planning Policy Framework (2023)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.2. **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies:

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Development Management Policies:

Policy HS2: Affordable Housing

Policy HS3: Housing Mix

Policy HS5: Accessible and adaptable housing

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE1: Strategic green infrastructure

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE6: New and improved open space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

2.3. **Supplementary Planning Documents**

Design SPD

Developer Contributions SPD 2023

Vehicle Parking Provision at New Development SPD (2011)

3.0. **Representations:**

3.1. **Site Notice:**

Start date: 26/10/2022

Expiry Date: 18/11/2022

3.2. **Press Notice:**

Start date: 27/10/2022

Expiry Date: 19/11/2022

3.3. Neighbouring Notifications:

18 neighbouring representations have been received including 16 objections and one in support, and one neutral. The comments are summarised below:

Objection:

- Inappropriate development within the Green Belt and Conservation Area.
- The site is outside the Kimpton village boundary.
- Development would not preserve the openness of the Green Belt and no very special circumstances have been demonstrated.
- Proposal not in keeping with the character of the Conservation Area.
- Would encourage ribbon development along Kimpton Bottom.
- The new dwellings would be visible.
- Development would not be in accordance with the neighbourhood plan.
- Development would result in the loss of trees.
- No guarantee that the land to be gifted would be fulfilled after planning is granted.
- Increase to traffic and impact to local road network.
- Loss of outlook.
- Do not want to connect Kimpton and Kimpton Bottom through development of the site.
- The development would not constitute infill development.
- Impact and loss of wildlife.
- Land being gifted to residents along Kimpton Bottom will become responsible for the management of trees.
- There are several grade II listed houses and barns of merit along Kimpton Bottom.
- The development could be used to justify further residential development.

Supports:

- The development would create an existing new era for The Grange while being sympathetic to the environment.
- Affordable homes have been included.

Neutral:

- Approval would set a precedent for similar development in the Green Belt and Conservation Areas.
- The stretch of woodland along Kimpton Bottom and near to the junction to the High Street / Luton Road has been a recognised rookery for over a century.
- The removal of trees to provide four affordable houses is inappropriate.
- Objects to the potential of a car park for on-site users of the nature area.
- No objection to the development of the existing Grange housing into apartments.

3.4. Parish Council / Statutory Consultees:

- **HCC Highways:** No objection subject to conditions and informatives.
- **Kimpton Parish Council:** No objection. Concerns raised to the location of the four affordable dwellings close to the southern boundary, and to the safety of pedestrians and drivers existing from the site onto the High Street.

- **Affinity Water:** No comments.
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- **Anglian Water:** No comments.
- **Archaeology:** No objection subject to inclusion of conditions.
- **Environmental Health (Contaminated Land):** No objection subject to the inclusion of conditions.
- **Environmental Health (Noise):** No objection.
- **Environmental Health (Air Quality):** No objection subject to the inclusion of conditions.
- **The Water Officer:** No comments received.
- **HCC Growth & Infrastructure:** No objection.
- **HCC Planning Obligations Officer:** No comments received.
- **NHDC Housing Development Officer:** No objection.
- **Herts Fire & Rescue:** No comments received.
- **Lead Local Flood Authority:** No objection.
- **HCC Minerals & Waste Authority:** No objection.
- **Ecology:** No objection subject to conditions and informatives.
- **NHDC Policy Officer:** No comments received.
- **Waste & Recycling Officer:** No objection.

4.0. **Planning Considerations:**

4.1. **Site and Surroundings**

- 4.1.1. Kimpton Grange is a large 9.73ha estate situated to the north of High Street, Kimpton. To the east of the site runs Luton Road and Kimpton Road runs to the north. The application site is situated within the Green Belt and Kimpton Bottom Conservation Area.
- 4.1.2. Existing structures within the site includes the large main house known as 'The Lodge', a large existing storage barn to the north of The Lodge, existing cottages, and several smaller storage buildings, green houses, and pool buildings.
- 4.1.3. The site features a small lake to the south of the site and significant areas of trees to the northwest and along the eastern and southern boundaries. There are two means of access into the site with one to the north on to Kimpton Road and one to the south on to the High Street.

4.1.4. The site is situated outside of the Kimpton Village Boundary with the core of the village being situated to the east. There are several existing residential properties to the south of the site that run along Kimpton Bottom and the High Street.

4.1.5. There are several Grade II Listed Buildings along Kimpton Bottom that share a boundary with the application site. These properties are known as 'Stoneheaps' and 'Bottom Cottage'. Whilst not sharing a boundary with the application site, a Grade II Listed building known as the 'The Commons' is situated to the northeast of the site along Luton Road.

4.2. **Proposal**

4.2.1. Planning permission is sought for the conversion of 'The Lodge' into six two and three bed apartments (5x 2-bed, 1x 3-bed), the erection of four terraced two bed affordable dwellings, and five detached dwellings consisting of 2x 2-bed, 2x 4-bed, and 1x 5-bed. The proposal includes landscaping and the demolition of existing buildings within the site including the storage barn. Permission is also sought for alterations to the existing site access to the north and the creation of a new access to the south. Other works include the creation and alterations of boundary treatments including fencing.

4.3. **Key Issues**

4.3.1. The key issues for consideration are as follows:

- The principle of the proposed development within the Green Belt.
- The impact of the proposed development on the openness and purposes of the Green Belt.
- The impact of the proposed development on the significance of designated heritage assets including the Kimpton Bottom Conservation Area.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the locality.
- The standard of amenity for future occupiers of the proposed development.
- The impact the proposed development would have on the living conditions of nearby neighbouring occupiers.
- The impact that the proposed development would have on car parking provision and highways safety in the area.
- The impact of the proposed development on the surrounding landscape and trees.
- The impact of the proposed development upon ecology and biodiversity.
- The impact of the proposal on drainage and flood risk.
- The impact of the proposed development would have on sustainability and the environment.

Principle of Development in the Green Belt:

4.3.2. Kimpton Grange is situated within the Green Belt and is outside of the Kimpton village boundary.

4.3.3. Paragraph 142 of the National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

- 4.3.4 Policy SP5 of the North Hertfordshire Local Plan (NHLP) supports the principles of the Green Belt and sets out that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.
- 4.3.5 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.6 Paragraph 152 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 4.3.7 Paragraph 153 of the NPPF goes on to states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt”*.
- 4.3.8 Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within one of the exceptions listed.
- 4.3.9 One of the exceptions listed is Paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would: *not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*. The applicant considers that the proposal falls within the above exemption and that the proposal is therefore not inappropriate development within the Green Belt and consequently very special circumstances are not required.
- 4.3.10 The proposed development involves previously developed land. Therefore, for the above exemption to apply, the proposed development would be required to not cause substantial harm to the openness of the Green Belt and contribute to meeting an identified affordable housing need within the district.
- 4.3.11 The existing site is occupied by a large dwelling, known as Kimpton Grange and also identified as ‘The Lodge’ on plan. The site also contains two existing occupied cottages to the north of the Lodge, a large barn with a crown roof, and two walled gardens with one containing a swimming pool and the other containing a greenhouse buildings. There are also several more sporadic outbuildings around the site and associated with the main building.

- 4.3.12 The proposed development would include the conversion of the Lodge into six flats, the erection of five market homes, and four affordable homes.
- 4.3.13 The demolition would include the removal of the large 530sqm storage barn and removal of the greenhouses and other associated outbuildings.
- 4.3.14 Completion of the works would see a small reduction in built form within the site with the volume decreasing from 11,450m³ down to 11,282m³.
- 4.3.15 Green Belt openness is capable of having both a spatial and visual aspect. With the volume of built form within the site reducing, there would be a numerical spatial improvement to the openness of the site.
- 4.3.16 The demolition of the 530sqm storage barn situated within the northern part of the site would improve the setting of the two existing cottages and the Lodge. Furthermore, the demolition would result in visual improvements to openness in this part of the site.
- 4.3.17 Development within the site would move from the north of the Lodge to south of the Lodge with the erection of three detached dwellings identified as 'Lake Houses'. Two of the lake houses would sit on the northern side of the existing lake, and one to the southern side. The three dwellings would be 1 ½ storey in height with first floor accommodation contained within the roof. The lake houses would be well screened from public view by reason of the site's topography and mature vegetation around much of the site's boundaries. The erection of the three dwellings would result in harm to the openness to this part of the site but would be mitigated through the demolition of the large storage barn and improvements in openness to that part of the site.
- 4.3.18 The proposal would also see the erection of two single storey detached dwellings to the west of the Lodge. The two dwellings would be contained within the existing walled gardens of the site and would replace the existing greenhouses and other outbuildings. There would be a net increase in built form to this part of the site however, considering the single storey height proposed, removal of outbuildings, and the containment of the development within the existing garden walls of the site, the impact of this part of the development upon openness would be limited.
- 4.3.19 The proposed affordable units, in the form of a terrace of four dwellings, would be sited to the southern boundary of the site. The four dwellings would be visible from within the public highway. Whilst they would contribute to affordable housing stock in the district, their location would result in harm to the visual openness of the Green Belt. However, the four dwellings would be neighboured to the east, south, and west by large numbers of existing residential dwellings. The harm to openness resulting from this part of the development would be limited by appearing to be infilling between existing development. Moreover, there is an identified need for more affordable housing within the District.
- 4.3.20 Visual harm to the openness of the Green Belt has been identified however, this harm would not be substantial given the small reduction in spatial harm to openness, and the improvements to visual openness elsewhere within the site. Officers consider that the proposal would, on balance, not cause substantial harm to the openness of the Green Belt and contribute to meeting an identified affordable housing need within the District and therefore comply with the exception offered under Paragraph 154 g) of the NPPF.

4.3.21 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt. With the site being previously developed land, the proposed development would not conflict with these purposes. The exemption under Paragraph 154 g) does not in any event require the proposal to be assessed against the purposes of the Green Belt.

Impact on Designated Heritage Assets:

4.3.22 The application site is situated within the Kimpton Bottom Conservation Area. The site is close to several Listed Buildings including Bottom Cottage (Grade II) to the south, Stoneheaps (Grade II) to the south, and The Commons (Grade II) to the north east of the site.

4.3.23 Paragraph 201 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.

4.3.24 Paragraph 203 c) of the NPPF states *“In determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness”*

4.3.25 Local Plan Policy SP13 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight shall be given to the asset’s conservation and the management of its setting. This reflects Paragraph 205 of the NPPF which states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

4.3.26 Paragraph 206 of the NPPF states *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

4.3.27 Local Plan Policy HE1 seeks to weigh the public benefits of a proposal against the harm, and this reflects paragraph 208 of the NPPF which states, *“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, where appropriate, securing its optimum viable use.”*

4.3.28 The application site makes up a significant portion of the Kimpton Bottom Conservation Area however, it is noted that views into the site are restricted from public view by well-established vegetation along the boundaries of Kimpton Grange.

4.3.29 Kimpton Grange and the existing cottages within the site have been identified within Conservation Area Character Statement as buildings that make a positive contribution to the character or appearance of the conservation area.

- 4.3.30 The proposed development would retain Kimpton Grange as a positive building within the character area through the retention of the majority of the building and restoration of its appearance. Furthermore, the demolition of the storage barn would open-up the northern part of the site and enhance the appearance and contribution the two cottages make to the conservation area.
- 4.3.31 The five proposed market units within the site would be well screened from public view limiting their impact upon the appearance of the conservation area as viewed from the public realm. Furthermore, their siting away from the party boundaries with neighbouring listed buildings would limit any harm to their listed significance.
- 4.3.32 The four affordable units to the southern boundary of the application site would be visible from within the street scene, although it is noted that they would be partially screened behind a 2m high hedgerow and through the retention of mature vegetation in proximity to the proposed dwellings.
- 4.3.33 The design of the affordable units would reflect the appearance of the existing terraced properties to the west of the site along Kimpton Bottom. The dwellings proposed would incorporate chimney stacks, appropriate materials, and fenestration detailing.
- 4.3.34 The introduction of the four affordable units to part of the site that is visible from public vantagepoints would result in some limited harm to the appearance of the Kimpton Bottom Conservation Area and great weight is attributed to this harm, however there would be public benefits arising from the provision of affordable housing which weighs in favour of the proposal, and this will be addressed later in this report.
- 4.3.35 In conclusion, limited harm has been identified to the appearance of the Conservation Area as a result of the siting of the four dwellings to the southern boundary. This harm will be assessed against the public benefits of the scheme in the report below.

Design and Appearance:

- 4.3.36 The objectives of the NPPF include those seeking to secure the creation of high quality, beautiful, and sustainable buildings and places (Section 12 – Achieving well-designed places). Paragraph 131 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities”.
- 4.3.37 Policy SP9 of the Local Plan sets out that good design is a key aspect of sustainable development, and that new development will be supported where it is well designed. Policy D2 of the Local Plan sets out that planning permission will be granted provided that the development proposal responds positively to the site’s local context and takes all reasonable opportunities to create or enhance public realm, reduce energy consumption and waste, and retain existing vegetation and propose appropriate new planting.

- 4.3.38 The site is a large plot that contains several existing residential properties, including Kimpton Grange. The site also features a number of associated residential uses within the site including a tennis court, walled gardens, a swimming pool, and landscaped gardens. As established in the report above, the site is well screened from views within nearby public highways due to the mature vegetation that bounds much of the site.
- 4.3.39 The conversion of Kimpton Grange, identified as 'The Lodge' on the submitted plans, would appropriately maintain the existing appearance of the building. The works to The Lodge would include a small extension to the north elevation that would create a cycle and bin store. Sustainable features would also be incorporated into the development of the building including a ground source heat pump and rainwater harvesting tanks for use as grey water.
- 4.3.40 Three Lake House would be sited around the lake. The properties would be part single and part two storey in height. The single storey section would feature a gabled roof form and is linked to the two-storey section by a single storey flat roof element. Materials would include locally reclaimed brick, zinc cladding to the dormers, and natural slate roof tiles. The flat roofed section would feature a wildflower green roof. Each of the three dwellings would be net zero homes.
- 4.3.41 The site features walled gardens to the west of the Lodge. The proposed development includes the erection of two single storey detached dwellings of matching design within the walled gardens of the site. The dwellings would feature a green roof to the flat roof section and would reuse the roof tiles from the to be demolished barn to the gabled roof section.
- 4.3.42 The four terraced dwellings, identified as 'The Cottages', to the front of the site would feature a gabled roof form with chimney stacks, clay roof tiles, red brick, and charred timber cladding. The design of the four properties take cues from the existing terraced dwellings that front Kimpton Bottom to the west of the site. The design of the properties would also incorporate sustainable features such as PV panels to the street facing elevation. The four dwellings would also feature fenestration appropriate to the character of the area. The design of the dwellings would be of an acceptable quality.
- 4.3.43 The proposed development is considered to be of high-quality thought through design. The development incorporates high quality materials, and the reuse existing materials found within the site. Furthermore, the development would provide net zero homes. The proposed development would comply with Policy D1 of the NHLP and the principles set out within the NPPF.

Standard of Living for Future Occupiers:

- 4.3.44 Policy D1 of the Local Plan sets out that residential schemes should meet or exceed the nationally described space standards. All proposed dwellings on the site comply with the space standards as a minimum.
- 4.3.45 The Design SPD requires '*adequate private space to meet the needs of occupants...the council encourages a mix of garden sizes*' and should have enough space for '*outdoor living requirements such as children's play, lawn/shrub area for leisure and recreation, recycling bins and storage facilities*'. The development would provide adequate private amenity space for each dwelling.

4.3.46 With regards to overlooking and privacy for future occupiers, properties would be appropriately oriented and set apart to avoid the potential for any unacceptable overlooking. The development would therefore provide an acceptable standard of privacy for future occupiers.

4.3.47 It is considered that the proposed development would provide an acceptable standard of amenity and privacy for future occupiers of the development. Each dwelling would benefit from a well-designed internal space and adequate garden and storage space.

Impact on Neighbouring Amenity:

4.3.48 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.

4.3.49 The application site is neighboured to the north by Old Barn Cottage and Fieldview Cottage, which sit to the west of the existing access road. To the east of the site are properties that front the High Street, including a new residential development. TO the southeast are several properties that sit to on the opposite side of the road to the application site. To the south and southwest are properties that back onto the site and front Kimpton Grange.

4.3.50 Within the site are Nos. 1 and 2 Grange Cottages that sit close to the north of Kimpton Grange Lodge.

4.3.51 The properties that surround the site are well set away from much of the development proposed. Furthermore, there is well established vegetation along the boundaries of the site that obscure views to and from Kimpton Grange. Therefore, the impact of the proposed development upon the amenities of nearby neighbouring properties would be very limited.

4.3.52 The cottages within the site would likely benefit from an improvement in amenity due to the demolition of the large barn that sits close to the rear of the two properties. The development to The Lodge would also not result in unacceptable overlooking of the existing properties within the site.

4.3.53 In conclusion on this matter, the proposed development would not result in an unacceptable impact to the amenities of nearby neighbouring occupiers and would comply with both local and national planning policies.

Impact on Highways:

4.3.54 The Highways Authority have been consulted on the proposed development and have raised no objection subject to the inclusion of conditions and informatives.

4.3.55 The Highways Authority concluded that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway.

4.3.56 Paragraph 115 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe'. The NPPF therefore sets a high bar for refusal on highways grounds. Notwithstanding concerns relating to the development from neighbouring occupiers, given that the Highways Authority have no objection to the proposal, it is considered that the development would not have an unacceptable impact on the highways network and is in compliance with both local and national planning policies.

Parking Provision:

4.3.57 NHLP Policy T2 on Parking requires proposals to be in accordance with the minimum standards set out in Appendix 4 of the Local Plan. This requires that x1 space is required per 1 bedroom dwelling and that x2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with 'the higher standard being applied where there are no garages in scheme and the lower standards applied where every dwelling in the scheme is to be provided with a garage'.

4.3.58 Each property within the site would benefit from two car parking spaces. Visitor parking is also provided for within the site. Parking spaces within the site will be allocated to future occupants of the site. Cycle parking has also been provided within the site.

4.3.59 In conclusion, the proposed development would comply with local car parking standards and relevant planning policy.

Flood Risk and Drainage:

4.3.60 NHLP Policy NE7 on Reducing Flood Risk sets out that a Flood Risk Assessment (FRA) is prepared to support applications for planning permission in accordance with national guidelines, and that development takes account of reducing flood risk, does not increase flood risk elsewhere, minimise residual flood risk, sensitively designed flood prevention and mitigation where applicable, and protection of overland flow routes and functional floodplain. The application is accompanied by a Flood Risk Assessment.

4.3.61 The application site is in Flood Zone 1, which has the lowest probability of flooding from rivers.

4.3.62 The Lead Local Flood Authority have been consulted and have raised no objection to the proposed development subject to the inclusion of relevant conditions.

Landscape and Greenspace:

4.3.63 The proposed development would result in the removal of several trees within the site, particularly to the area of the site on which the four affordable units are proposed.

4.3.64 The trees to be removed on this part of the site are predominately Category C (low value). Several Category U (poor condition / health) trees are also to be removed to this part of the site. The proposal would also include the removal of several Category B (moderate value / quality) trees to this part of the site too.

- 4.3.65 The landscape proposals set out that the development would supplement the existing trees to replace any removed specimens.
- 4.3.66 Furthermore, the landscape proposals set out a substantial suite of works proposed within the site with the aim of enhancing the landscape quality of the site. This would include the maintenance of existing trees, enhancement of the lake, planting of new trees throughout the site, and the creation of wildflower meadows.
- 4.3.67 The proposed development intends to partition the site to create a public amenity space for occupants of Kimpton. Landscaping is proposed to this part of the land including creation of woodland paths, wildflower meadows, and new tree planting.
- 4.3.68 The trees to be removed are predominately of low value and they would be replaced elsewhere on site. It is considered that the development would provide improvements to landscape and greenspace within the site in accordance with both local and national planning policies.

Biodiversity and Ecology:

- 4.3.69 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.70 At the time of submission, the requirement to deliver a 10% biodiversity net gain was not in place.
- 4.3.71 Hertfordshire Ecology have been consulted on the scheme and have raised no objections subject to the inclusion of conditions and informatives.
- 4.3.72 Supplementary documents submitted alongside the application state that the development would result in a 51.35% increase in biodiversity net gain. This gain would be monitored over the first five years of the development following occupation.
- 4.3.73 On site biodiversity improvements would also include the provision of bird and bat boxes, reptile hibernaculum, stag beetle logger and breeding boxes, bug boxes, and hedgehog domes.
- 4.3.74 Given the significant gain in the overall biodiversity of the site and the enhancement of the landscaping, the proposed development would comply with both local and national planning policies.

Environmental Health Considerations:

- 4.3.75 Environmental Health have been consulted in relation to the proposed developments impact on noise, air quality, and land contamination. No objections have been raised to the developments impact subject to the inclusion of appropriate conditions and informatives.

Sustainability and Climate Change:

- 4.3.76 Section 14 of the NPPF sets out that the planning system should support the transition to a low carbon future. This principle is echoed in Policy D1 of the Local Plan that encourages all reasonable opportunities to reduce energy consumption and waste.
- 4.3.77 The scheme includes a wide range of sustainability features that would substantially reduce energy consumption and waste throughout the site. The scheme aims to improve the RIBA 2030 targets through the inclusion of ground source heat pumps, rainwater harvesting, PV panels, green roofs, building orientation to benefit from solar gain, and a fabric first approach to reduce heat loss and energy consumption of the buildings.
- 4.3.78 Electric Vehicle charging points would also be required to be incorporated throughout the site.
- 4.3.79 Given the above, it is considered that the development would be in compliance with both local and national planning policies.

Other Issues:

- 4.3.80 The application shows the gifting of land to allow for the creation of residential garden to several neighbouring residential properties. This is a matter that falls outside of the planning system, and I attach no weight to the gifting of land to the neighbouring properties.
- 4.3.81 The applicant has included, within the application, for a substantial section of the site to be gifted to the Parish Council for the creation of a public open space by Kimpton Residents. This gifting of land, alongside funding for its maintenance, is to be secured through the S106 agreement.
- 4.3.82 There are several public rights of way in the area, and existing green space within the village for us by residents, including the recreation ground off the Kimpton High Street. The proposed public space, which would be accessed through the southern entrance of the site, would provide benefits to the existing nearby residents to the site. Therefore, the gifting of the land for public use is considered a positive wider public benefit of the scheme however, I attach limited weight in favour of the gifted public land.

Planning Obligations:

- 4.3.83 The proposed development would provide four affordable dwellings (approximately 25%), which would be compliant with Policy HS2 of the NHLP. Three of the dwellings would be social or affordable rented units and one would be a shared ownership unit.
- 4.3.84 Other obligations to be agreed include:
- £2,519 Library Services Contribution – Applied towards the cost of increasing capacity at Hitchin Library.
 - £70,613 Secondary Education Contribution – Applied towards the expansion of Katherine Warrington School.
 - £11,401 SEND Contribution – Applied towards the delivery of new Severe Learning Difficulty special school places.

- £1,974 Youth Service Contribution – applied towards sourcing a new exclusive or shared use young people’s centre serving Hitchin and the surrounding area.
- £340 Monitoring Fee Contribution towards Hertfordshire Country Council.
- £10,000 annual maintenance fee towards the Parish Councils maintenance of the gifted land.

4.3.85 All the elements of these obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

4.4 Planning Balance and Conclusion

4.4.1 Kimpton Grange is situated within the Green Belt and within the Kimpton Bottom Conservation Area. Harm has been identified to both as a result of the proposed development.

4.4.2 The development would result in harm to the visual openness of the Green Belt by reason of the introduction of development to parts of the site which currently has none.

4.4.3 The harm identified is however considered to be limited and therefore compliant with Paragraph 154 g) of the NPPF given the contribution to affordable housing proposed as part of the development proposed.

4.4.4 The harm identified to the appearance of the Kimpton Bottom Conservation Area would be less than substantial. However, great weight is attributed to this harm as required by NPPF 205. The four dwellings that would be visible from within public spaces would be designed appropriately to the context of the area. Furthermore, the public benefits of providing policy compliant affordable housing and the delivery of homes to which significant weight is attributed would outweigh the harm identified.

4.4.5 Furthermore, the applicant has also identified several very special circumstances (VSC) that weigh in favour of the proposed development. The VSC identified includes:

- The gifting of land, to be used as public open space, to the Parish Council.
- The gifting of land to nearby neighbours to enable a number of properties to have rear gardens, improving the residential amenity of residential occupiers.
- The inclusion of affordable housing for local people in excess of the requirements of the Council.
- The creation of a high level of biodiversity net gain (51.35%) within the site.
- The provision of carbon neutral homes as a good exemplar project for sustainability within the district, which would be part of a five-year monitoring programme for energy use to learn from in changing landscaping to help reduce the performance gap.

4.4.6 The VSC put forward by the applicant has been noted. Limited weight is afforded to the gifting of land to the Parish Council and no weight is afforded to the gifting of land to neighbouring residents. The gifting of land for public use would be a social benefit of the scheme, and as it is not a policy requirement is considered that significant weight can be attributed to this as a public benefit.

4.4.7 Weight is given to the substantial biodiversity net gains that would be delivered through the development of the site. At the time of submission, a biodiversity net gain of 10% was not required.

Net gain is however required through the application of Policy NE7 of the NHLP. A gain of 51% is a considerable environmental benefit and therefore significant weight is attached in favour of the development.

- 4.4.8 The provisions of four affordable housing units as part of the scheme is attached significant weight. Four units would be policy compliant for a scheme of 11 market units and would be a significant social and economic benefit of the scheme.
- 4.4.9 The development proposes carbon neutral homes and several other highly sustainable features that go above and beyond what would normally be expected as part of a development of this type. The development would therefore limit its impact to climate change for the long term. Moderate weight is afforded to this environmental benefit.
- 4.4.10 The proposed development would consist of well-designed buildings that would incorporate appropriate materials and design features within the context of the site. Furthermore, the development would include extensive improvements to landscaping within the boundary of the site enhancing the character and appearance of the site in the area.
- 4.4.11 There would be no harm to the amenities of neighbouring properties, and the standard of amenity for future occupiers of the site would be high. Car parking would be policy compliant, and the impact to the local highways network would be acceptable.
- 4.4.12 There would be several economic benefits through the development of the site and the jobs created in construction and supply chains.
- 4.4.13 The scheme would also provide S106 contributions that would mitigate the impact of the development.
- 4.4.14 In conclusion of the above, whilst there would be harm to the openness of the Green Belt and harm to the character or appearance of the Kimpton Bottom Conservation Area, it is considered that the benefits of the scheme identified above would outweigh the harm.

5.0 **Alternative Options**

- 5.1 None applicable

6.0 **Pre-Commencement Conditions**

- 6.1 Conditions are yet to be agreed with the agent. An update will be provided prior to the Planning Control Committee meeting.

7.0 **Legal Implications**

- 7.1 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.

8.0 **Recommendation**

8.1 That planning permission be **GRANTED** subject to the following:

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required
- B) Conditions and Informatives as set out in this report.

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. 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 protecting the Green Belt and the character and amenities of the area and to comply with Policy SP5, Policy D1, and Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

5. Before commencement of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the following listed works below. All these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation via s278 agreement.

- Short length of footpath to the western side of the Kimpton Road access to access Footpath 037.
- Tactile paving across the existing access on High Street.
- Pedestrian dropped kerbs on the eastern side of the access on High Street to the island on the Coopers Hill Junction.

- Tactile/ blister paving and dropped kerbs from the island on the junction with Coopers Hill to the southeastern side of High Street.
- Tactile/blister paving across the access of the cul-de-sac on High Street between Nos 188 and 199.
- Replacement of the Luton Road bus shelter (westerly direction) on the southern side of High Street to include easy access Kassel Kerbs and real time information board.
- Installation of a bus shelter (easterly direction) to include easy access Kassel kerbs, dropped kerbs & tactile/blister paving either side of High Street, and real time information board.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 114 - 116 of the NPPF (December 2023).

6. Before commencement of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the appropriate vehicular visibility splays onto Kimpton Road and shall be provided in full accordance with speed survey result. The splay shall thereafter be always retained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

7. Prior to the first occupation of the development hereby permitted, provision shall be made for two disabled parking bays for the northern development site, accessed from Kimpton Road.

Reason: To ensure accessibility for disabled drivers in accordance with Policies 1, 5 and 6 of Hertfordshire's Local Transport Plan (adopted 2018)

8. No development shall commence until a Construction Management Plan 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 Plan 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).

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

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

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

C The development shall not be occupied/used until the 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 (A) and the provision made for analysis and publication where appropriate.

10. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Jomas Associates Ltd report dated 30th June 2022 (Ref: 19720R01), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

11. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

12. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (ref 1528-FRA-220530 and date 16 July 2023) and Drainage Strategy Drawing (No.: C-6005 Dated 05 September 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level, maximum design water level and 150mm above the surrounding proposed external ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts District Council.

13. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts District Council.

14. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (ref 1528-FRA-220530 and date 16 July 2023) and Drawings (No.: C-6005 Dated 05 September 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies of North Herts District Council.

15. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected

16. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [Condition 1 Above]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts District Council.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. Environmental Health Informative:

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.

2. Environmental Health Informative:

During the construction works 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.

3. Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx.

4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

5. **Obstruction of highway:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. **Debris and deposits on the highway:** It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. **Works within the highway (section 278):** The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is also subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. All remediation works shall be carried out in accordance with the approved scheme before any dwelling hereby permitted is first occupied.
9. This scheme should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites

10. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e., no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist.
If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
11. To protect any mammals commuting through or foraging within the site, any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.