

<u>Location:</u>	<b>Node Court Drivers End Codicote Hitchin Hertfordshire SG4 8TR</b>
<u>Applicant:</u>	<b>Mr. Eric Smart</b>
<u>Proposal:</u>	<b>Conversion of Node Court to 8no. dwellings. Conversion of Midden building to residential and the erection of 6no. terraced dwelling-houses as development to facilitate the restoration of Node Court together with associated car parking, landscaping, boundary treatment and ancillary works (Amended Plans received 30 August 2024)</b>
<u>Ref. No:</u>	<b>23/00407/FP</b>
<u>Officer:</u>	<b>Melissa Tyler</b>

### **Reason for Delay**

**Ongoing negotiations – followed by amended scheme, consultation, viability assessment and Statutory Consultee response delay**

**Reason for Referral to Committee – The development is residential and the site area exceeds 0.5 hectares.**

## **1.0 Policies**

### **National Planning Policy Framework**

Section 2 – Achieving sustainable development.  
 Section 5 – Delivering a sufficient supply of homes.  
 Section 8 - Promoting healthy communities.  
 Section 9 - Promoting sustainable transport.  
 Section 11 – Making effective use of land.  
 Section 12 – Requiring good design.  
 Section 14 – Meeting climate change.  
 Section 15 - Conserving and enhancing the natural environment.  
 Section 16 - Conserving and enhancing the historic environment.

### **Supplementary Planning Document.**

Design SPD 2011  
 Developer Contributions SPD  
 Sustainability SPD 2024  
 Vehicle Parking Provision at New Development SPD

## North Herts Local Plan 2011-2031 Local Plan and Proposals Map

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy and Spatial Distribution  
SP6: Sustainable transport  
SP8: Housing  
SP9: Design and sustainability  
SP11: Natural resources and sustainability  
SP12: Green infrastructure, landscape and biodiversity  
SP13: Historic environment  
T1: Assessment of transport matters  
T2: Parking  
HS5: Accessible and adaptable housing  
D1: Sustainable design  
D3: Protecting living conditions.  
NE2: Landscape  
NE4: Biodiversity and geological sites  
NE7: Reducing Flood Risk  
NE8: Sustainable drainage systems  
NE11: Contaminated land  
HE1: Designated heritage assets  
HE4: Archaeology

### 2.0 **Site History**

Extensive history relating to office use (see file) however listed below are more recent application history in relationship to conversion to residential.

- 2.1 18/00383/PRE Change of Use from B1 Offices to C3 residential and construction of new buildings to create 7 x 3 bed and 8 x 2 bed dwellings with associated parking and landscaping.
- 2.2 18/03366/FP Conversion of Node Court to 9no. dwellings. Erection of 3no. dwelling-houses as enabling development to facilitate the restoration of Node Court together with associated car parking, landscaping and boundary treatment. **Withdrawn**
- 2.3 18/03367/LBC External and internal alterations to facilitate the restoration and conversion of Node Court to provide 9no. dwellings. **Withdrawn**
- 2.4 23/00408/LBC External and internal alterations to facilitate the restoration and conversion of Node Court to provide 8no. dwellings. **TO BE DETERMINED ALONGSIDE THIS APPLICATION**

### 3.0 **Representations**

#### **Statutory Consultees**

- 3.1 **Codicote PC – OBJECTION (Full representations on website original submitted plans and following amended plans)**
  - *Infrastructure - Roads are not being upgraded to facilitate the additional traffic.*
  - *Overdevelopment - Codicote already has four substantial housing developments either in the building phase or soon to be. There is no increase in amenities and the associated infrastructure to cope with this.*

- *Affordable Housing - There is no mention in the application form or associated paperwork of any affordable housing being earmarked as part of the development.*
- *106 Monies - There is no mention in the supporting paperwork of any s 106 monies being allocated to the Parish.*

**3.2 Historic England – No comments to make -refer to Conservation Officer**

**3.3 Conservation and Listed Building Officer – (full comments can be found on website)**

Summary: The new build terrace will in my opinion, occasion some harm to the significance of the heritage assets due to the design and amount of development sought. Whilst the amount of development appears to be fixed because of the assessment and outcome of the feasibility appraisal, it is acknowledged that some effort has been made to address design concerns. Subject to feedback on the dormer window issue, I conclude that whilst the terrace would result in some harm to Node Court's significance, thus would not satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of paragraphs 135 c) and Section 16 of the NPPF and the aims of Policies HE1 and HE2 of the North Hertfordshire Local Plan 2011-2031, the degree of harm is considered to be low on the less than substantial continuum.

7.2 It is for the case officer to consider if the extent of harm identified is outweighed by the benefits of bringing Node Court back into a long-term viable use, which I consider would be the case. For this reason, I raise **NO OBJECTION**.

**3.4 Housing Supply Officer – comments received on level of affordable housing requirements**

If the development proposals in the Green Belt are not deemed inappropriate and the applicant's proposals are acceptable the affordable housing should comprise: 5 x two bedroom terraced houses; three for rent and two other affordable housing tenure homes to meet housing needs

**3.5 Herts Minerals and Waste – Condition recommended – Site Waste Management Plan**

**3.6 NHs Environmental Health – Conditions and informatives recommended.**

Noise

*Condition recommended*

Local Air Quality:

*North Herts Council have specific air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning> Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.*

### Contaminated Land:

*The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.*

#### **3.7 NHS Waste – Information and comments provided**

#### **3.8 HCC Historic Environment – conditions proposed**

#### **3.9 HCC Highways – Objection**

**Notice is given under article 22 of the Town and Country Planning (Development Procedure) (England) Order 2015 that Hertfordshire County Council as recommends that permission be refused for the following reasons:**

*The Highway Authority under the current submission cannot support the application which has failed to demonstrate a satisfactory policy and design-led approach to the proposed developments accessibility contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF, therefore the proposals represent a risk to highway safety for all road users.*

#### **3.10 Herts & Middlesex wildlife Trust – BNG not complied**

#### **3.11 Lead Local Flood Authority – Condition recommended**

*We note there is no current surface water outfall from the site and there is no proposed outfall of surface water from the site, as the applicant is proposing to discharge via infiltration using deep bore soakaways.*

*It may be difficult to discharge to deep bore soakaway due to high groundwater levels (inferred from the close proximity to the watercourse). If the Applicant determines that infiltration is not feasible, the Applicant should resubmit with an outfall to a watercourse.*

*If the LPA is minded to approve the application, we have provided conditions to be attached to any consent.*

#### **3.12 Growth & Infrastructure Unit – Contributions sought**

*Planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 15 dwellings we would seek financial contributions*

#### **3.13 Affinity Water - Affinity Water has no comments to make**

### 3.14 **Neighbour Representations**

#### **Representations received from Neighbours – 10 objection shave been received**

Howard Kennedy has submitted objections on behalf of neighbour at No. (Edward Westwick) – Full comment can be found on the website

Summary of neighbour representation:

- Not objecting to the principle of conversion of Node Court
- Site within the Greenbelt
- Impact on the setting of the Grade II listed building
- Viability
- Lack of affordable housing
- Not meeting National Space Standards
- Access
- Car parking
- Ecology matters - Biodiversity net gain and bats

#### **3 Drivers End – Codicote - Objection**

*The site does need development, but the proposal seems at odds with its location and character. Access and drainage: The road is very narrow and dangerous to walk. I have been first hand witness to a crash; you don't need to look too far for evidence from other collisions, such as wing mirrors and debris along the road. Larger delivery lorries also get stuck and have difficulty getting back out of the lane.*

*While I believe something needs to happen to this building which is sympathetic to its original design, I am concerned the single track road will not be able to cope with the additional volume of traffic both during construction and once built. It can be problematic currently as this is a single track with blind corners and limited passing points.*

#### **5 Drivers End – Codicote - Objection**

*The formerly beautiful and historic buildings at The Node are now a local cause for concern (drone-flying, litter including fly-tipping, physical danger to life for people). However, the scale of development proposed, is in my view, too large, and would cause further danger to anyone using Drivers End Lane for access. Every locally-resident driver has had an accident or a "very near miss" in the Lane; pedestrians and cyclists too are very vulnerable due to the Lane width (no verges, high hedges, sharp bends). The junction with the B656 at the Western end of the Lane is also dangerous, and is a site known to residents locally as one of numbers of vehicle "near misses", or worse. There are currently 10 properties where access via the Lane is unavoidable. The scaling up with an additional 15 as proposed (8+6+The Midden), all having to use the Lane, is, in my view, disproportionate.*

*The significant issue related to this application is access to the building/s. The road is single track, regularly floods and has few passing places. The local inhabitants frequently encounter cars driving at speed when the lane is used as a 'cut through.' Additional traffic would exacerbate this situation.*

*Node Court is a grade II listed building, of historical value, and its development should only be permitted IF it is to restored to its former beauty. The added number of buildings to the site is not conducive to protecting it.*

*The local inhabitants would welcome some restoration of the site, which has in recent years become a blot on the landscape, requiring intervention by the police when it has been used for nefarious deeds! The developers should seek to work with this small community to ensure that all remain happy and to ensure there is benefit to all. (Mains drainage offered for instance!)*

### **Laundry Cottage, Drivers End - Objection**

I would like to strongly reiterate my concern regarding transportation to and from this site- both in the construction phase and post completion.

Drivers End Lane is totally unsuitable to bear heavy traffic loads as it is a narrow sharply winding single domestic vehicle width lane with limited passing places and I do not consider it safe nor fit to bear construction traffic.

Neither is it a suitable road for future residents to use as pedestrians to access public transport. There are limited verge areas and there is no pathway and walking on the lane is dangerous. Future residents will need to rely solely on private cars to access their properties as current

I am not against the development proposed but I am unable to support it unless a safe and appropriate transport solution is found. In my view, NHDC would be compromising their duty of care to the public if they were to allow the application to pass without a safe and suitable transport solution being found.

As I alluded to in my original comments, the transport survey carried out is not fit for purpose in my view.

### **The Old Stables, Drivers End – Codicote - Objection**

*Drivers End is a small hamlet accessed by a single track road which has a small number of passing points and is liable to flooding in bad weather. This development would double the number of houses with direct access to this lane and the additional traffic directly from these houses would cause havoc not to mention the additional delivery vehicles from the likes of Amazon which are inevitable. The entrance to the site is not accessible for emergency vehicles or council refuse trucks which will cause more issues both for the new and existing residents.*

*There is also the issue of light and air pollution for a small hamlet which has enjoyed a peaceful rural lifestyle. The beautiful building which is the subject of this planning application is listed by National Heritage as being of substantial historical significance and the local council should have fought to preserve it when its owners allowed it to become derelict after the last fire. Sadly the council are now looking to rubber stamp plans to develop it because it isn't financially viable to restore it to its previous beauty. Is this really how we protect our national heritage?*

*Codicote village already has plans to build on 4 other sites regardless of the green belt which appears to mean nothing now.*

*This proposal should be turned down for multiple reasons. A proposal showing more respect for the local environment, including the former listed building which stood on the site, and the current residents whose enjoyment of the countryside hamlet will be adversely affected by this proposal both on an aesthetic level and with regard to practical and safety considerations would be more acceptable.*

*The existing hamlet would have its population doubled which is unacceptable on all levels. This includes an increase in noise, air and light pollution both during the construction phase and on completion. Drivers End Lane is largely a single track lane with few passing places and lots of twists and turns. There is no street lighting and it has high hedges on both sides so visibility is restricted and there is no pathway for pedestrians. It also frequently floods making it completely unsuitable for pedestrians*

*and potentially dangerous for drivers. The additional number of cars that this number of units would add to the traffic on this lane makes it a potential hazard to safety. Other considerations include the increase in ancillary traffic including visitors, delivery vehicles, council refuse vehicles and emergency services.*

*The only public transport runs along the B656 Hitchin Road but the route to the bus stop from the proposed development involves a walk down a narrow, unlit lane with no pedestrian pathway.*

*Most people accept that some kind of development is required but it needs to provide a safe and pleasant environment for both current and future residents.*

### **Troopers Cottage, Drivers End - Objection**

*1. Access - Drivers End Lane is a very narrow, sinuous single lane with very few passing spaces that is also very prone to flooding. It has recently become a rat run and due to many cars driving at excess speeds I have narrowly avoided many accidents. The size of the lane will also make access for emergency vehicles very difficult.*

*2. Size of the Development - Node Court, until it was ruined, was an historic building which is grade 2 listed. For this reason I feel the main building and the adjacent thatched cottage should be restored to their former glory but turning it into 17 residential units plus 2 gate houses is totally unacceptable. By doing this the population of the existing hamlet will be more than doubled which is totally undesirable.*

*There are currently nearly 500 houses being built in nearby Codicote which the local infrastructure cannot support so the scale of the development of Node Court can only exacerbate these problems.*

### **The Node Farmhouse, Drivers End**

*-Access via Drivers End is very poor given it is a small country lane with limited passing spots*

*-Overdevelopment of site, too many units given Grade II listed status, proposed development does not seek to maintain or restore original features, addition of gatehouses destroy the original setting and layout of the listed building*

*-Privacy - additional windows and doors will impact our privacy as adjoining neighbours*

*The revised planning application is materially the same as before and as a result we continue to object to this oversized development on the following grounds.*

*1- Inaccurate and inconsistent planning application - It is not possible to properly evaluate the planning application due to continued inconsistencies and errors. Most of the planning documents have not been revised and therefore most errors noted in our last letter remain. Please see previous letter for a list of inaccuracies and inconsistencies.*

*2- Inappropriate over development - Plans would establish 15 residential units (~38 bedrooms), likely more than doubling the size of the local hamlet and changing the nature of the area. The site is not earmarked in the local plan for further extensive development.*

*3- Access and danger to human life - The new development would introduce 15 new residential units, creating significant additional strain on Drivers End, a narrow country lane, prone to flooding with limited visibility, no pedestrian path and few overtaking places. My wife, children and I have nearly been hit by cars on this road and now wear hi-vis jackets. The additional traffic generated by the new units would significantly increase the risk to human life.*

*4-Negative impact on a listed building - The Midden and roof of main building would have windows which are materially different from the original listing design - if new development is permitted to fund restoration this should be to the original listing condition rather than a butchered concoction.*

*5- Negative effects on amenity - Loss of privacy - The new development would result in loss of privacy to our property which shares two boundaries. We bought the property understanding the old dairy was a commercial property, but this would introduce 24x7 activity which would impact our right to privacy. We would ask that the Midden does not have windows overlooking our property and that the current hedge height is maintained.*

*6- Design issues - Adequacy of parking seems poor.*

*We are very open to development but not the proposed overdevelopment that seems fundamentally unsafe.*

#### **4.0 Planning Considerations**

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

- 4.1.1 Node Court is located to the south of Drivers End Lane and is within the parish of Codicote. Node Court is Grade II listed and was constructed in 1928 as a model dairy. It has since been converted to an office use and has suffered extensive fire damage due to an arson attack in 2015. The building itself is positioned centrally within the site and is situated by a central access which extends to the east side of the building leading to a large car parking area which serves both Node Court and the associated single storey building to the rear and is known as the 'Midden'. Grassed areas surround Node Court and a landscaped and tree-lined 'belt' is situated between the front of the building and Drivers End Lane. The listing description reads as follows:

*"Model dairy, now offices. 1928 by Maurice Chesterton for the American businessman Carl Holmes. The design has its roots in the Picturesque revival and was probably inspired by Marie Antoinette's dairy in 'Le Hameau', Versailles. Circular rendered brick building mainly of 1 storey and attic arranged around a courtyard and covered with a continuous roof of thatch. Plastic casement windows, formerly metal frame. N entrance has broad 2- storey arch set in a wide gable. Offset 1-storey wings each side. On opposite side of courtyard is a 2-storey cottage with timber frame balcony. Large 3-storey tower to the SE with eyebrow. dormers in circular pyramid roof. The circular courtyard acted as turning space for milk lorries. To the SE is a covered way, formerly also thatched, which was equipped with a mechanical bucket conveyor system and leads to the dungery, a low rectangular thatched, hipped-roof structure. The Node set standards for hygiene and efficient dairy farming in England. It resembles contemporary expressionist buildings in Holland. (Country Life, 30.6.1958)."*

##### **4.2 Proposal**

- 4.2.1 Planning permission is sought for the conversion of Node Court to 8no. dwellings. Conversion of Midden building to residential and the erection of 6no. terraced dwelling-houses as development to facilitate the restoration of Node Court together with associated car parking, landscaping, boundary treatment and ancillary works



#### 4.2.2 Node Court to be converted into

- 3 x 2 bed apartments
- 5 x 3 bed apartments

-Midden to be converted into 1 x 4 bed detached dwellinghouse

-Terrace of 6 x 2 bed dwellings

**2 x 2 bed gate lodges have been removed from the proposal since the original submissions. These were removed as they would have substantial harm to the setting of the listed building and not required under the viability assessment.**

#### 4.2.3 The site will be accessed from the existing access entrance.

### 4.3 Key Issues

#### 4.3.1 The key issues are:

- Principle of development and Policy compliance
- Green Belt
- Sustainability
- Impact on heritage assets
- Design and layout, visual impact on the character of the area
- Impact on neighbouring properties
- Standard of proposed accommodation for future occupiers
- Highway access and car parking
- Biodiversity net gain, Landscape and Ecology
- Flooding and drainage - LLFA
- Planning Contributions/S106
- Viability
- Planning Balance

### **Introduction to principle of development and Policy compliance**

- 4.3.2 This planning application seeks approval for the conversion of Node Court and The Midden to residential properties along with the erection of 6 new build dwellinghouses to enable the conversion. The conversion of heritage assets within the Green Belt presents a unique planning challenge, balancing the need for preservation with sustainable development. Enabling development is a mechanism that allows new development, which would typically be restricted, to take place in order to secure the long-term conservation of a heritage asset. However, in the Green Belt, where strict policies seek to prevent inappropriate development, any proposal must demonstrate that the benefits of conserving the asset clearly outweigh the harm caused by the new development.
- 4.3.3 This report examines the context of enabling development within the Green Belt, harm to heritage assets; setting out the context and tests, and broad heritage benefits of long-term viable use, and how to cumulate and assess the harm before assessing the minimum harm necessary to enable the benefits.

## **Green Belt**

- 4.3.4 The site is in the Green Belt and the relevant planning policies in this case are contained within the North Herts Local Plan 2011-2031 and Section 13 of the National Planning Policy Framework.

### Conversion of Node Court

- 4.3.5 Paragraph 154 sets out development that is not inappropriate in the Green Belt with one such exception comprising: *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*. This exception is subject to the development preserving the openness and purposes of the Green Belt.
- 4.3.6 Despite the extensive fire damage, Node Court and the adjacent Midden are of a permanent and substantial construction. These buildings last lawful use is commercial. Whilst there are restrictions within the design due to the sensitive heritage asset at the centre of the re-use, the residential use will conflict with the openness of the Green Belt to a limited degree (residential paraphernalia), albeit, with no harm to purposes. Therefore the conversion of the existing buildings from commercial to residential use would comprise inappropriate development in line with the above exception in para.154 of the NPPF.

### The enabling Development

- 4.3.7 Paragraph 154 of the NPPF also states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless certain exceptions apply. In my view, the enabling development would not comply with any of the exceptions and would therefore comprise inappropriate development. In line with para.154 of the NPPF. Whilst the land is previously developed, the land on which the new build dwellings are sited is open, and has a visual and spatial contribution to openness. Openness, as the absence of built form, would be substantially harmed pursuant to the new build dwellings.
- 4.3.8 Paragraph 155 of the NPPF introduces the concept of development being not inappropriate if it fulfils certain criteria and the site is considered Grey Belt. The Council's own evidence supporting the Local Plan (Green Belt Review) states that the land within which the site lies does not contribute to purposes a), b) or d) of the Green Belt as set out in paragraph 143 of the NPPF. The site is constrained by footnote 7 policies, namely heritage assets, however, it is not considered that the application of heritage asset policies when considered as a whole, including enabling development policies, would not provide a strong reason for refusal. The proposed development on grey belt would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. There is a demonstrable need for housing in the District. That all being said, the development within the Grey Belt would not be in a sustainable location, and thus, would remain inappropriate development in the Green Belt. Inappropriate development should not be approved except in very special circumstances.
- 4.3.9 Paragraph 221 of the NPPF states that where the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, including Green Belt policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. I will return to this later.

### Effect on openness and purpose of the Green Belt:

#### Conversion of Node Court

- 4.3.10 It has been established that the conversion of Node Court would be inappropriate development in the Green Belt. The conversion of the buildings are likely to cause limited harm to openness, but not conflict with the purposes of the Green Belt as set out in the NPPF. The proposed new build dwellinghouses and the potential subdivision of the amenity land and/or setting out of car parking and other related residential elements will cause harm to openness of the Green Belt.

#### Enabling Development

- 4.3.11 The enabling development would involve the erection of significant amounts of built-form on land which is currently open. Whilst it is noted that there are fairly large areas of hardstanding to the east of Node Court itself, there is a general absence of buildings other than Node Court and the Midden building to the rear both of which inevitably form part of the proposals. The proposal would therefore harm the openness of the Green Belt. The purposes of the Green Belt are set out in para.143 of the NPPF would be preserved.

#### Green Belt Very Special circumstance

- 4.3.12 The Framework advises that substantial weight should be attributed to harm to the Green Belt either by way of inappropriateness of any other harm, which in this case, in respect to Green Belt, is harm to openness. As paragraph 153 explains, very special circumstances will only exist if the identified harm is clearly outweighed by other considerations. In this case, the strength of the case for the enabling development is the only tangible way I can foresee a way that the identified harm is able to be outweighed. The strength of the case for the enabling development is to be considered below, following identification of any other harm outside of Green Belt considerations.

### **Sustainability**

- 4.3.13 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.14 Under section 5 of the NPPF (Delivering a sufficient supply of home) Paragraph 84 of the NPPF states that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential building;  
or*

*e) the design is of exceptional quality, in that it:*

*i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

- 4.3.15 Subject to further assessment below, it is my view the proposed scheme could comply with part b in representing the optimal viable use to enabling development to secure the future of heritage assets.
- 4.3.16 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a modest benefit.
- 4.3.17 Secondly, in terms of the social objective, this would add additional dwellings to the districts housing figures, which is a modest benefit.
- 4.3.18 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for the majority of their needs. This issue is covered in more detail in the section below on highway matters. The site is just outside a category 'A' villages which has primary school and some local facilities. Paragraph 83 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.3.19 The proposal will incorporate sustainable building features, such as an EV charging point and a condition is recommended to secure other low carbon and energy reducing features in the construction and operational phase of the development. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.
- 4.3.20 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

#### **Impact on heritage assets**

- 4.3.21 Policy SP13 of the Local Plan states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting"*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *"Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use"*. This is reinforced by paragraph 215 of the NPPF.
- 4.3.22 The Council's Conservation Officer has been formally consulted on this application, providing several formal responses during the lifetime of the application. The Conservation Officer was involved in the negotiations of the scheme.  
*"Node Court, The Midden, and the former thatched walkway between form a grade II listed former model dairy built in 1928 with its design having roots in the Picturesque revival and was probably inspired by Marie Antoinette's dairy in 'Le Hameau',*

*Versailles. This circular rendered brick building stands in a rural and relatively verdant, open setting. Its significance lies not only in its unique design and extensive use of thatch but also in the fact that it set early C20 standards for hygiene and efficient dairy farming in England. Great weight has been given to the asset's conservation (para 213, NPPF) and the desirability of new development making a positive contribution to local character and distinctiveness (para 210, NPPF). Although the quantum of new development is considered harmful to the setting and thereby the significance of Node Court, it is accepted that this would constitute appropriate enabling development to secure the future of this heritage asset (para 84b, NPPF).*

*"I have reconsidered the proposals considering the more recent material submitted. The introduction of eyebrow dormers to the dairy, the amended front elevation to The Midden, further improved changes to the new build terrace all point towards a much more positive intervention. However, I have raised two matters: i) part D of the Dorset Model as highlighted in bold on page 2 of this response and ii) the design of the terrace's rear dormers. Having said that, the improvements to the terrace mean that this building responds more positively to its context which includes the setting to Node Court and The Midden thus more closely aligns with para 135 b) and c) of the NPPF. Throughout this process I have continually sought to encourage a scheme that will sit well with the heritage asset and its setting.*

#### *Recommendation*

*"The new build terrace will in my opinion, occasion some harm to the significance of the heritage assets due to the design and amount of development sought. Whilst the amount of development appears to be fixed because of the assessment and outcome of the feasibility appraisal, it is acknowledged that some effort has been made to address design concerns. Subject to feedback on the dormer window issue, I conclude that whilst the terrace would result in some harm to Node Court's significance, thus would not satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of paragraphs 135 c) and Section 16 of the NPPF and the aims of Policies HE1 and HE2 of the North Hertfordshire Local Plan 2011-2031, the degree of harm is considered to be low on the less than substantial continuum.*

*"It is for the case officer to consider if the extent of harm identified is outweighed by the benefits of bringing Node Court back into a long-term viable use, which I consider would be the case. For this reason, I raise NO OBJECTION"*

- 4.3.23 It is considered that the proposed development will result in some harm to the Listed buildings. In my assessment the level of harm to the listed buildings are considered to be towards the lower end of less than substantial harm. However, the Conservation Officer has formally supported the proposal, subject to conditions. Officers are firmly in agreement with the formal comments and recommended conditions set out by the Conservation Officer.
- 4.3.24 Therefore, whilst the Council acknowledge that the proposal would result in some harm to the listed buildings, namely the provision of additional 6 new building dwellinghouse, this is considered to be towards the lower end of less than substantial and must be weighed against the public benefits of the proposal, in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF. This balance will be undertaken at the end of this report.

### **Design and layout, visual impact on the character of the area**

- 4.3.25 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.26 The site will be accessed via the existing access entrance to the north of the site onto Drivers End. A driveway leads up to Node Court with parking to the front of the building but not obstructing the front gable entrance way to the central courtyard. The driveway continues to the eastern boundary to the 6 terraced cottages and then onto The Midden Building. This leaves the western and southern parts of the site to soft landscaping which would lead into the open countryside to the south.
- 4.3.27 The two proposed Lodge style dwellinghouses on the front of the site where a view of the listed building from the public road would have been altered significantly and therefore have a detrimental impact on the listed building were removed from the scheme following a viability assessment concludes that they were not required as part of the enabling development argument.
- 4.3.28 In general, the new terrace cottages, built within the setting of the heritage assets would not adversely affect the ability to recognise and understand those elements and features of Node Court that confers its heritage significance, principally its layout and relationship with the Midden to the south to which it is linked via the covered walkway.
- 4.3.29 Materials for both the listed building properties and the new terraced cottages have been conditioned.
- 4.3.30 Whilst it is acknowledged that the development of the new terraced dwellinghouses would result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout such that it would have an acceptable impact on the rural visual character of the area and impact on the heritage assets. The scheme would respond positively to the site's local context. Therefore, there is no conflict with Policies D1, SP9, of the Local Plan and Sections 12 of the NPPF.

### **Impact on neighbouring properties**

- 4.3.31 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.
- 4.3.32 In terms of the layout of the proposed dwellings relative to the immediate neighbours, the proposed terraced dwelling house would be southwest of Chandler Cottage and closest neighbour of The Old Stables. With the rear garden boundaries running south of The Old Stables. The proposed built aspect of the development has been limited to two-storey in scale. It is considered that any daylight/sunlight loss would be limited to the areas to the side of this neighbour where considerable landscaping exists. As such, it is considered that the proposal would not result in a materially overbearing impact, result in loss of privacy, or loss of daylight/sunlight, towards this neighbour.

- 4.3.33 The proposed development will change the use of the property from offices to dwellings. It is therefore considered that the proposed residential use would be more appropriate and less harmful to the residential amenities of existing neighbours compared to the historic commercial uses at the site.
- 4.3.34 In respect of the neighbours opposite the site, by reason of the sizable separation distances, retained landscaping and orientation, it is considered that the development would not result in any significant harm to the amenities and reasonable living conditions of occupiers of these properties.
- 4.3.35 The proposed residential use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

#### **Standard of proposed accommodation for future occupiers**

- 4.3.36 All the dwellings within the listed buildings, both the Midden at 182 Sq metres for a 4 bed dwelling and Node Court apartments ranging from 130-192 sq metres, would exceed the nationally prescribed minimum space standards, and would benefit from a suitable size and type of private amenity space. All habitable rooms would benefit from acceptable levels of natural light.
- 4.3.37 It is noted that the terrace new build cottages are approximately 8 sq metres under the standard for 3 persons at 2 storey of 70 sq metres. This therefore does not comply with policy. The development seeks to deliver wider public benefits, including the conservation of a heritage assets and the provision of much-needed housing, while ensuring viability. The design of the cottages has been carefully considered to complement the character of the area, ensuring that the overall aesthetic and historical integrity are maintained. The development ensures a balanced approach to delivering housing while safeguarding the heritage asset. The proposed design makes efficient use of the available land while maintaining a high-quality residential environment. The compact nature of the terrace promotes sustainability by reducing material usage, enhancing energy efficiency through shared walls, and minimizing land take. Additionally, the development incorporates sustainable building techniques and modern insulation to offset any impact from reduced internal space.
- 4.3.38 National and local planning policies allow for flexibility where developments provide substantial public benefits. The National Planning Policy Framework (NPPF) supports enabling development when it secures the future of a heritage asset. Additionally, similar precedents exist where minor deviations from space standards have been accepted due to overriding public interest

#### **Highway access and car parking**

- 4.3.39 The Highways authority have made the following comment in support of the proposal:

##### *Access and Transport*

*A Transport Assessment by Integrated Transport Planning Limited identifies the key issues relating to the Local Highway network. It also identifies sustainable transport in the local area including public transport Bus Route 314, locally maintained public rights of way and footpaths and the National Cycle Route 12 which passes within 900m of the application site. A wider analysis shows railway access via Knebworth to*

*Cambridge and to Moorgate and Kings Cross and St. Pancras within 3.5 kilometres of the application site.*

*The Transport Statement concludes how 15 new dwellings would have negligible impact in Highways terms. It concludes how the site lies within proximity of sustainable transport options and access by larger vehicles and parking. These elements are considered in line with relevant policy and highways regulations.*

*The proposals reduce the vehicular activity generated by office use, thus lessening the environmental impact upon air quality and highways infrastructure which in turn lessens harm to the Green Belt. Whilst the site lies slightly outside the village of Codicote, the Transport Statement clearly demonstrates a variety of sustainable transport options in the near vicinity and within 3.2km of the site. With current legislation deterring use of diesel vehicles and with future trends towards private electric vehicles and a de-carbonised nation grid, supplementary use of private vehicles would be both socially and environmentally sustainable. A condition of this application could require the provision of electrical charging points for all new dwellings.*

#### *Transport link*

*Walking - Dense network of surrounding public rights of way - Routes can be followed between the site and Codicote. Approx. 2km from the site to the centre.*

*Bus - Bus route no.214 between Welwyn Garden City and Hitchin - Bus stop located approx. 450 metres from the site, at the junction of Drivers End Lane and the 656.*

#### *Conclusion*

*The proposals are sustainable in relation to public transport, footpaths and cycle paths making these services and facilities will be more viable in use*

The following comments were made in objection to the proposal:

*The site is in a relatively isolated location which gives rise to a higher dependency on the ownership and use of private motor transport.*

*Drivers End Lane features a single lane carriageway, no footways and is unlit, however more worrying whilst speed surveys have been undertaken to demonstrate that the 85th percentile speeds are 26mph the road has a legal speed limit of 60mph and it has not been demonstrated that the sight lines at the vehicle access comply with the required distances.*

*Consequently, whilst traffic along the lane is likely to be infrequent as it serves few properties and has limited strategic use, the prospect of the future occupiers of the development walking or cycling to the bus stops is likely to be limited mainly to trips in daylight hours and fair weather. It is reasonable to assume the proposal would result in the residents having complete reliance on the private motor vehicle for even the most basic of daily needs, thereby conflicting with the aims of achieving development in sustainable locations.*

*Pedestrian route to the development access must also consider the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters (Equalities Act).*

*Residential developments should be delivered in the most sustainable locations, connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided.*



*Consequently, the site and its access without the provision of safe and lit footway connectivity, as direct as possible, with established settlements and public transport are not considered acceptable for residential development in such an isolated location because it is not viable for access by non-car transport modes contrary to all policies and guidance's, in particular NPPF which seeks new development to provide safe and suitable access for all, and to create safe and secure layouts minimising conflicts between traffic and pedestrians.*

*Furthermore, permitting the development would set an undesirable precedent for similar schemes elsewhere. A Stage 1 Road Safety Audit (RSA) for any revised access proposals will need to be submitted as part of application with particular attention to pedestrian routes and safety.*

- 4.3.40 In response, Planning Officers have considered these matters at length. The recommendation for refusal seems to be based on the absence of a footpath on Drivers End Lane. The Highway Authority has not considered the rural nature of the site on the edge of Codicote in this regard, and its inherent restrictions to the width of Drivers End Lane in providing a footpath outside of the site boundary. On the one hand they have acknowledged its rural nature and concluding it is in a sustainable location, and that vehicle trips are likely to be prominent. This is a matter for the Local Planning Authority to assess in the planning balance.

#### **Biodiversity net gain, Landscape and Ecology**

- 4.3.41 The proposed scheme was submitted prior to the BNG legislation therefore the application is exempt from providing 10% net gain.
- 4.3.42 The proposal shows indicative landscaping to the site and currently there are no trees here that would be removed. The indicative details need to be expanded upon and solidified. Conditions are suggested that would achieve this, as well as the baseline biodiversity . The conditions suggested have been agreed by the applicant and would in my view be appropriate to the development.

#### **Flooding and drainage - LLFA**

- 4.3.43 Following consultation under this application, the LLFA sought additional information. The applicant has also provided new plans relating to details of drainage measures that the LLFA have been consulted on. Following the latest information the LLFA have recommended a number of conditions.

#### **Planning Contributions/S106 and Viability**

- 4.3.44 In considering Planning Obligations in relation to this development the Framework advises that:

***“Planning obligations should only be sought where they meet all of the following tests:***

- necessary to make the development acceptable in planning terms;***
- directly related to the development; and***
- fairly and reasonably related in scale and kind to the development. “***

- 4.3.45 The section below outlines the Heads of Terms and financial contributions sought by statutory bodies:

Element	Detail and Justification	Condition/ Section 106
First (Primary) Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the provision of a new first school.</p> <p>Contribution towards the expansion of Knebworth Primary School and/or provision serving the development (<b>£71,756</b> index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Secondary Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the provision of a new first school.</p> <p>Contribution towards the expansion of Monks Walk Secondary School and/or provision serving the development (<b>£76,064</b> index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Special Educational Needs and Disabilities (SEND)	<p>Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (<b>£11,922</b> index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Youth Facilities	<p>towards the delivery of a new centre at Stevenage and the surrounding area and/or provision serving the development (<b>£1,677</b> index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Library Services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175.</p> <p>towards increasing the capacity of Knebworth Library</p>	S106 obligation

	and/or provision serving the development <b>(£2,710</b> index linked to BCIS 1Q2022)  Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit	
Affordable Housing	<b>5 x two bedroom terraced houses; three for rent and two other affordable housing tenure homes</b>  NHDC Planning Obligations Supplementary Planning Document  Submission Local Plan Policy HS2 'Affordable Housing'	S106 obligation
NHDC Waste Collection & Recycling	Full contribution based on NHDC Planning Obligations SPD.  towards increasing the capacity of Stevenage Recycling Centre and/or provision serving the development <b>(£1,118</b> index linked to BCIS 1Q2022).  Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD	S106 obligation
Waste Service Transfer Station	Contribution towards the Northern Transfer Station and/or provision serving the development <b>(£2,576</b> index linked to BCIS 3Q2022	S106 obligation
Monitoring Fees	HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of <b>£340</b> (adjusted for inflation against RPI July 2021).	S106 obligation

4.3.46 Policy SP7 sets a requirement for development to provide contributions for infrastructure necessary to make the development acceptable in planning terms. Part f) of policy SP7 provides for developers to provide robust viability evidence impacting the ability to deliver key infrastructure. The evidence should demonstrate an appropriate and acceptable level of contribution and / or mitigation can be secured. This matter is considered below.

## Viability

- 4.3.47 This section assesses the financial viability of the development which includes evidence on the proposed enabling development in relation to the conversion of Node Court and the Midden. The purpose of enabling development is to provide financial support for the necessary conservation works required to secure the long-term future of the listed buildings. The applicant has provided a viability assessment demonstrating that the cost of restoring and converting Node Court and The Midden significantly exceeds the potential revenue from the completed development. Without additional enabling development the project would be financially unviable leading to further deterioration and subsequent loss of the listed buildings. Therefore enabling development is essential to facilitate the conversion of the heritage assets in line with local and national policy. In order to convert the Listed Buildings, which generally have higher build costs
- 4.3.48 In December 2023, North Hertfordshire District Council (“NHDC” or “the Council”) commissioned DS2 to review the viability assessment produced by RLP Surveyors, dated 10th February 2023, in relation to the proposed redevelopment of Node Court. The questions asked whether the provision of new building were required to enable the conversion and the level of development needed. There were questions raised in regards to the two lodge dwellinghouses located at the front of the site therefore a comparison was sought between 17 unit scheme, 15 unit scheme and no new development. It was also requested to exclude the affordable housing and other S106 contributions and whether that would have a significant impact on the viability.
- 4.3.49 The report concluded that it is not viable for the development to provide any affordable housing or S106 contributions. This is largely because of the relatively high build costs, including the reinstating of the large thatched roof of Node Court. The additional development massing for the new build properties does however improve the overall viability of the proposals as there is a positive relationship between development massing and the developer return / land value.

Scenario Testing Without S106 Costs, Node Court, July 2024			
Scenario	Developer return (%)	Target developer return (%)	Surplus/deficit
17 unit scheme without S106	19.37%	20%	-0.63%
15 Unit Scheme without S106	18.72%	20%	-1.28%
No New Build without S106	7.68%	20%	-12.32%

- 4.3.50 The proposed enabling development consists of 6 additional residential units. The scale and design have been carefully considered to minimize impact on the setting of the listed building while ensuring the financial viability of the overall project.

- 4.3.51 A heritage impact assessment has been conducted, confirming that the enabling development is the minimum necessary to bridge the financial viability gap. Mitigation measures have been incorporated to ensure the new development does not detract to any material degree from the historic and architectural significance of the listed building.
- 4.3.52 The submitted viability assessment provides a robust justification for the enabling development, and demonstrates compliance with policy SP7. The additional development is considered necessary to ensure the financial viability of the conservation project while minimising harm to the historic setting.

### **Five-Year Housing Land supply**

- 4.3.53 Though the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). The current published position is 3.9 years supply. The tilted balance set out at paragraph 11 (d) of the NPPF would not be engaged however because the site fits the criteria as set out footnote 7 – within the greenbelt and impacts on Heritage Assets. Therefore a neutral balance in terms of harm and benefits should be applied.

### **Planning Balance**

- 4.3.54 Any proposal must demonstrate that the benefits of conserving the asset clearly outweigh the harm caused by the new development. In addition, harm demonstrated to the Green Belt must be given substantial weight, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.3.55 Paragraph 221 of the NPPF states that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*
- 4.3.56 As defined in paragraph 214 of the NPPF, enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.
- 4.3.57 Paragraph 214 of the NPPF also recognises that conflict with planning policies may be justified if the development proposed would secure the future conservation of the asset(s) and the wider benefits outweigh the disbenefits of not adhering to those policies. In such cases, enabling development is an entirely legitimate planning tool. Paragraph 84b of the NPPF also indicates that enabling development may be an acceptable exception to the restriction on isolated homes in the countryside.
- 4.3.58 While paragraph 214 is clear that enabling development may be acceptable in certain circumstances, both applicants and decision-makers in such proposals will wish to bear in mind the holistic approach to the historic environment within the NPPF. **Heritage assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance.**

- 4.3.59 When considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
- 4.3.60 To meet the policy in NPPF paragraph 214, an enabling development proposal can only be considered for approval if it provides benefits that outweigh the disbenefits, and where the decision-maker is confident that the scheme would secure the conservation of the heritage asset(s) – this involves assessing the position now and considering the asset's future.
- 4.3.61 We have acknowledged that part of the development is contrary to Green Belt Policy and may have conflict with the openness of the greenbelt. The Framework advises that substantial weight should be attributed to harm to the Green Belt by way of inappropriateness of any other harm. As paragraph 153 explains, very special circumstances will only exist if the identified harm is clearly outweighed by other considerations.
- 4.3.62 Whilst the Council acknowledge that the proposal would result in some harm to the listed buildings, namely the provision of additional 6 new building dwellinghouse, this is considered to be towards the lower end of less than substantial.
- 4.3.63 Additional harm has been identified to the living conditions of future occupiers of the proposed new-build dwellings due to under provision when assessed against the national space standards.
- 4.3.64 Harm and conflict is also found in respect to the location of the residential development and lack of reasonable opportunities to promote alternative modes of transport to private motorised vehicles.
- 4.3.65 The development also conflicts with policies and development requirements in respect to infrastructure contributions.
- 4.3.66 National and local planning policies allow for flexibility where developments provide substantial public benefits. The National Planning Policy Framework (NPPF) supports enabling development when it secures the future of a heritage asset. Additionally, similar precedents exist where minor deviations from national space standards have been accepted due to overriding public interest of bringing the Heritage Asset into use and preserve for future generations.
- 4.3.67 Following robust scrutiny and review, it has been independently concluded that it is not viable for the development and its associated heritage benefits to provide any affordable housing or S106 contributions. This is largely because of the relatively high build costs, including the reinstating of the large thatched roof of Node Court. The additional development massing for the new build properties does however improves the overall viability of the proposals to the minimum degree required to incentivise the build, and associated heritage asset benefits.

#### **4.4 Conclusion**

- 4.4.1 The proposed development conflicts with certain planning policies, particularly regarding greenbelt, heritage, transport and promoting alternative modes of transport, and non-compliance with national internal space standards . The heritage benefits of restoring the listed buildings, which are in danger of complete loss following the arson attacks, outweigh the policy non-compliance and harms. The financial viability

provided with this application supports that the enabling development is the minimum required to achieve the benefits, and, on balance, the proposed development is acceptable and considered to comply with the provisions of the Local Plan policies and the National Planning Policy Framework, and where it does not, other material considerations indicate that the decision should be taken otherwise than in accordance with those policies.

#### 4.5 **Alternative Options**

None applicable

#### 4.6 **Pre-Commencement Conditions**

- 4.6.1 The agent has confirmed agreement to the pre-commencement conditions.

#### 4.7 **Climate Change**

- 4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.

- 4.7.2 I have recommended a condition that a sustainability Report outlining the renewable energy and energy saving functionality be submitted and approved prior to commencement.

#### 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:

#### **Conditions and reasons**

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.

### **Construction Management Plan**

3. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The conversion/construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Control of dust and dirt arising from conversion/construction
- d) Waste management proposals
- e) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour during construction.

Reason: In the interests of environmental impacts

### **Archaeology**

4. (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 for post investigation assessment
- 3. Provision to be made for analysis of the site investigation and recording
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

5. (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)



6. (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 [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk) in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

### **Site Waste Management Plan**

7. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

### **LLFA**

8. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted information (Conceptual SuDS Strategy Report prepared by Innervision Design Ltd, REF 01112024, October 2024), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth at the location of the proposed infiltration feature/s. The applicant should also confirm whether the pond is fed by groundwater in either, or both, seasonally low and seasonally high groundwater periods. Peak groundwater levels must be 1m below any infiltration structure.

a. If infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations (using FEH) and plans of the of the drainage conveyance network in the:

a. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

b. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled. Half drain down times for any

infiltration storage features shall be within 24 hours or designed to store the 1% AEP event plus climate change followed by the 3.33% AEP event

IV. The design of the infiltration, attenuation and any drainage structures shall include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge with any links to biodiversity net gain proposals. All road and parking runoff must receive robust water treatment prior to discharge to ensure the maintenance of water quality. Please note that we will not accept treatment from solely petrol interceptors for road runoff, and treatment using Suds should be provided. Full technical justification should be provided should an alternative approach be presented.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

9. 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.

10. 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 NE7, NE8 and NE9 of North Hertfordshire District Council.

11. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

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 NE7, NE8 and NE9 of North Hertfordshire District Council.

#### **Ecological Enhancement Plan (EEP)**

12. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to the first occupation of the dwelling / first dwelling hereby approved and retained on site thereafter. The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.

Reason: To ensure development secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan.

#### **Heritage: Materials**

13. Details or actual sample of the roof material for the terraced block shall be submitted to and approved in writing by the Local Planning Authority prior to the new roof being. Thereafter the roof shall be implemented in accordance with the approved roof material.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

14. A sample panel of the facing brickwork for the terraced block shall be made available for inspection on site prior and approved in writing by the Local Planning Authority prior to construction above DPC level. Thereafter the facing brickwork shall be implemented in accordance with the approved sample panel.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 66 of the Planning

(Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

15. Metric scale section drawings of all new windows (including 1:1 scale drawing of proposed glazing bars) for the terraced block shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of the new windows. Thereafter the windows shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

16. Details of all new rainwater goods for the terraced block shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the rainwater goods. The rainwater goods shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

### **hard and soft landscaping**

17. Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping, planting scheme and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing shall be completed prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

The approved soft landscaping / planting details 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 ensure that the full landscaping scheme set out in the application is improved and implemented in full in a timely manner in the interests of phasing and to ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

### **Removal of hardstanding**

18. Prior to the commencement of the development hereby permitted a full management plan and method statement (including a timetable for the works) to achieve the break up and safe and sustainable disposal of the concrete apron on the site shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the correct phasing of the development and to enable a comprehensive soft landscaping plan to be delivered on this site in association with the development hereby permitted. Local Plan Policy NE2

### **No gates**

19.No gates shall be provided across the access to the site.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

### **Removed pd rights**

20. In relation to the 6 terraced dwellinghouse (units) 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.

### **Standard landscape completion condition**

21. 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.

### **Standard tree protection condition**

22. 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.

### **External lighting**

23. Prior to any above ground works being commenced, full details of all external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. This should include non-intrusive light fittings and locations designed to minimise light spill into adjoining residential properties. Thereafter, the development shall be completed in complete accordance with the approved details.

Reason: In the interests of residential amenity and to minimise light nuisance

### **Sustainability measures**

24. Prior to the commencement of development a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

### **Proactive Statement**

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

## **7.0 Appendices**

7.1 None