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| <u>Location:</u> | Foxlea The Mount Barley Royston Hertfordshire SG8 8JH |
| <u>Applicant:</u> | Mr & Mrs Richard and Gill Emerson |
| <u>Proposal:</u> | Erection of two 3 bed dwellings and one 2-bed chalet bungalow with associated parking, amenity space and access to the site through the existing access off The Mount (as amended by plans received September 2025) |
| <u>Ref. No:</u> | 24/00765/FP |
| <u>Officer:</u> | Melissa Tyler |

Date of expiry of statutory period: 29/05/2024

Extension of statutory period: 19/12/2025

Reason for Delay: Amended scheme following consultee responses and in order to present the application to an available committee meeting.

Reason for Referral to Committee: Following Parish Council Objections Cllr Prescott, being a solo ward member requested that Cllr Graziano call this in on his behalf.

1.0 Policies

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

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

Supplementary Planning Document.

Design SPD 2011

Sustainability SPD 2024

Vehicle Parking Provision at New Development SPD

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

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10 - Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy HS3: Housing mix
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape

2.0 Site History

2.1 16/00599/1PRE Detached bungalow

2.2 16/02400/1 Erection of 1 x 2 bed dwelling with integral garage and creation of new vehicular access off Cambridge Road **GRANTED**

2.3 17/02491/NMA The extension of a gable on the south elevation to form a veranda on part of the patio area. Increase in roof pitch from 35" to 37 1/2", raising the ridge approximately 250-300mm. Minor amendments to fenestration and changing roof finish from slate to red clay tiles, as Non Materials Amendments to planning application 16/02400/1 granted on 28/11/16. **AGREED**

2.4 18/00317/FP Erection of 1 x 4-bed dwelling, detached double garage and creation of new access off Cambridge Road **CONDITIONAL PERMISSION**

2.5 18/01841/FP Revised position of dwelling and garage - variation of plans approved under application 18/00317/FP (Amended plans received 25/10/2018) **CONDITIONAL PERMISSION**

2.6 18/01900/FP Erection of 2no. four bedroom dwelling and 2no. car port, with associated ancillary works and creation of a new access to highway **CONDITIONAL PERMISSION (Extant permission for additional dwellinghouse)**

3.0 Representations

Statutory Consultees

3.1 Herts Highways – No objection

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

3.2 HCC Infrastructure - *refer to the above mentioned application and am writing in respect of planning obligations sought by Hertfordshire County Council towards early years; primary and secondary education; SEND, library, youth, waste and HFRS services, to minimise the impact of development on HCC's services for the local*

community. Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. Therefore we will not be seeking financial contributions. However, you may receive separate comments from the Highways Unit.

3.3 HCC Fire and Rescue – Condition recommended.

Hertfordshire Fire and Rescue service (hydrants only) will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in an emergency, at all times.

3.4 North Herts Environmental Health - Given the location, nature of the site and proposals I raise no objection and make no comments in relation to noise, other nuisances and land contamination. I make the following comments in relation to 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 (erection of 3 dwellings) 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.

3.5 North Herts Waste – For houses, waste collection is a kerbside service; therefore, residents must be able to take their bins to the kerbside for emptying. Bins must be accessible to crews directly from the kerbside, without pulling distances. Adequate off-street storage must be provided for bins, and storage areas need to have sufficient space for all necessary waste and recycling containers. Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

3.6 North Herts Urban Design – Received prior to amendments – no further comments received

The plot for the Bungalow is large and some space could be given over to the detached 4-bed house plots - this would help to create a more even distribution of plots/housing along the lane. The standalone garage is currently in-line with the frontage of the detached houses. In my view, the garage should be stepped back so that it is visually subservient to the houses on the street-scene. The raised side entrance to the garages should be flipped to the bungalow side of the plot so that the stair and door are not visible from the lane. Can the small window to the rear be removed?

In terms of materiality, I would advise the use of grey slate tiles throughout the scheme, rather than mixing with red clay tiles. Also all timber cladding should be real timber, painted/stained black to reference the black timber structures in the village. The rules for material composition should also remain consistent across the houses, where the

tall gable element at the front is in brick and the house volume behind is timber clad - not alternating between the houses. This will give the scheme a sense of homogeneity.

3.7 Conservation Officer comments – following amendments

*By reason of the amount of development proposed with limited space between each built form, three vehicular entrance points and associated hard surfacing, the proposed development would erode the transitional character of this site at the edge of countryside resulting in a scheme that would not be sympathetic to the local area and will harm the character & appearance of the Barley Conservation Area. The degree of harm would be moderate on the less than substantial harm continuum and it is for the case officer to assess this against the benefits of the scheme. I raise an **OBJECTION**, on the basis that the development would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Paragraph 135 and Section 16 of the NPPF together with Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.*

3.8 Barley Parish Council – OBJECTION

Barley Parish Council considered the amendments to this application at the Council meeting on the 3rd November, and resolved to object to the application.

In 2018 consent was granted for two residential units within the garden of Creeve, The Mount Barley. One has subsequently been built and in 2024 this application was submitted proposing three residential units, 2x4bed and 1x2bed, on the remaining site; this has subsequently been amended to 2x3bed and 1x2bed.

Barley Parish Council (BPC) has twice submitted comments on this application and the various iterations of amendments, each time raising objections and urging the refusal of the application; we would refer the NHDC to those previous objections.

The fundamental concern of BPC is that three units on this plot is an over development and none of the “tweaks” made by the applicant address these concerns. The quantum, size and layout of the proposed development of three units is wholly inappropriate in the context of the Conservation Area and the setting of the adjoining properties. The key characteristic of this area is the openness between dwellings, which provides a transition from the village to the open countryside. The garden of Creeve has already seen the development of one substantial unit (consented in 2018 together with one other unit) – this application, if consented, would see four units crammed into the former garden of Creeve.

The Council recognises Barley is defined as a Category A village in the adopted Local Plan, and, as such the planning policies support limited infill development of windfall sites within the village envelope. Additionally, NHDC does not have a recognised five-year housing land supply and there is a presumption in favour of development. But development should not be supported where demonstrable harm will be caused; inappropriate, overdevelopment should not simply be accepted. There is a fundamental difference between the development of one unit and the development of three units. BPC do not dispute that this is a “windfall” site within the context of the local plan, what we do dispute is the increased extent of the development being proposed by the applicant.

In summary, BPC remained opposed to this application. The area of The Mount is an important gateway to Barley and exhibits the key characteristics of the Barley Conservation Area: an openness, a loose knit character reinforced by the open layout

of the development within the village, complimented and softened by the presence of mature landscaping. The openness is undoubtedly a significant characteristic. The proposed increase in development from one to three units is unquestionably over development and should be resisted

- 3.9 **Cllr Fiona Hill** – Representation prior to amendments – no further reps received
I was present at the meeting on Monday, 13th May, when Barley Parish Council considered the above planning application. Please accept my endorsement of their response as part of the formal planning process.

- 3.10 **North East Herts Swift Group. A local group of Swift Conservation (www.swift-conservation.org)** - *This site is suitable for the inclusion of integrated Swift bricks within the walls of the new development, which at present does not have any biodiversity enhancements proposed.*

3.11 **Neighbour Representations**

Representations received from Neighbours – (All representations are available on the website in full)

Support – 2 representations received - Summary of reps:

- a low density scheme – infill development
- quality development,
- appropriate for a conservation area,
- better to provide 3 smaller dwellings for the village rather than the very large house, as currently approved.
- infinitely preferable to a larger, estate style, development that has occurred in other villages such as Barkway. We need extra smaller houses for the next generation rather than large houses.
- They will barely be noticeable and will utilise the existing access

Objection – 16 received – summary of reps below:

1. Conflict with Planning Policy:

The proposal conflicts with Policies D3 and HE1 of the North Hertfordshire Local Plan 2011–2031, relevant sections of the NPPF, and statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis, refusal is justified in its current form.

2. Harm to Neighbour Amenity (Creeve)

The scale and massing of the development would enclose the neighbouring property, causing:

Loss of privacy and outlook

Loss of daylight and increased overshadowing

Noise and disturbance

An overbearing impact on the living conditions of occupants

3. Harm to Conservation Area Character:

The introduction of new built form, access road, and parking would erode the spacious character of the Conservation Area.

The “home office” appears akin to a separate dwelling, creating the impression of overdevelopment.

No public benefits are identified that would outweigh the heritage harm.

4. Highway Safety Concerns

Additional traffic from residents, visitors, servicing, and deliveries would create unacceptable risks on a sensitive part of the road network.

5. Biodiversity and Environmental Harm

The proposal threatens protected species, local ecology, and existing trees, leading to a destructive impact on the site’s natural environment.

6. Inadequate Drainage Strategy

The foul and surface water drainage details lack clarity and certainty, raising concerns over functionality and flood/drainage risk.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site currently comprises the gardens of the Foxlea, with boundaries facing on to The Mount and Cambridge Road.

4.2 Proposal

- 4.2.1 Planning permission is sought for the amended scheme for the erection of two 3 bed dwellings and one 2-bed chalet bungalow with associated parking, amenity space and access to the site through the existing access off The Mount.

- 4.2.2 This submission provides the following:

- Application form
- Foxlea Design & Access Statement,
- Plans –
 - FX-PL-01 Location plan,
 - FX-PL-02 Rev A Block Plan,
 - FX-PL-03 Existing Site Plan,
 - FX-PL-04 Rev A Proposed Site Plan,
 - FX-PL-05 Rev A Proposed Plans Plot 1
 - FX-PL-06 Rev A Proposed Plans Plot 2,
 - FX-PL-07 Rev A Proposed Elevation Plot 1,
 - FX-PL-08 Rev A Proposed elevations Plot 2,
 - FX-PL-09 Rev A Proposed Plans,
 - FXPL-10 Proposed Elevations Plot 3,
 - FX-PL-12 Rev B Proposed site Elevations

- 4.2.3 The application drawings and documents have been amended to reflect the following changes because of consultation responses and discussion with Officers, and are considered in further detail below:

- Garage & workshop relating to Plot 3 has been completely removed to reduce overall density;
- As a result, Plot 2 has been relocated 4m to the north of Plot 1 to increase separation.
- Plots 1 & 2 have reduced in scale from 4 bedrooms to 3 bedrooms with the two storey porches omitted to reduce massing;
- Gable glazing on the front elevation of Plots 1 & 2 has been removed;
- Parking provision to Plot 1 & 2 has reduced from 3 spaces to 2 spaces;
- The level of hard standing has been significantly reduced overall and replaced with lawn and landscaping to 'soften' and increase greenscaping; and
- Various adjustments to plot boundary lines as a result of relocating Plot 2.

4.2.4 Proposed materials are as follows:

- Plot 1 Multi red Brick; Larch Cladding; Clay tiled roof
- Plot 2 Multi red Brick; Larch Cladding; Clay tiled roof
- Plot 3 Multi red Brick; Larch Cladding; Slate tiled roof

4.3 Key Issues

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Planning history
- Sustainability
- Impact on Conservation Area
- 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
- Planning Balance

Introduction to principle of development and Policy compliance

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscapes, heritage assets and green infrastructure, and mitigates the impact on climate change.

- 4.3.4 Barley is defined in Local Plan Policy SP2 as a Category A village where general development will be permitted within the recently defined settlement boundary. The proposed development is within the defined settlement boundary for Barley. The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designation (either Green Belt or Rural Area Beyond the Green Belt – see Policy SP5) which affects the surrounding countryside. The proposed dwellinghouses would be considered as windfall as the site is not allocated by Local Plan Policy SP8. Development of the site for housing would therefore be supported in principle under Policy SP2.

Five-Year Housing Land supply

- 4.3.5 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). In The Five-Year Housing Land Supply Update dated November 2025 (pages 17-19) it concludes with two options. Both concluding we cannot demonstrate a 5YHL. Table 10 shows that we can demonstrate a five-year land position of 2.6 years against our adopted housing requirement. This figure falls below the five-year requirement. And Table 11 shows that we can demonstrate a five-year land position of 3.3 years using the Governments New Standard Methodology. This figure also falls below the five-year requirement. The tilted balance set out at paragraph 11 (d) of the NPPF would be engaged. Therefore, a there is a presumption in favour in terms of harm and benefits should be applied, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal; or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF take as a whole.
- 4.3.6 The principal benefit is that the development would approve 3 new dwellings on land that can be relatively easily developed, resulting in an improvement to the District's housing land supply position.
- 4.3.7 Overall, it is considered that the principle of development is acceptable within the settlement boundary of Barley. The site is now within the settlement boundary for Barley under the Local Plan, where general development will be allowed. Therefore, there is no conflict with Policy SP2 of the Local Plan and Policy AHS1 of the ANP.

Planning History

- 4.3.8 The site was the subject of a previous application under ref: **18/01900/FP** Erection of 2no. four bedroom dwellings and 2no. car port, with associated ancillary works and creation of a new access to highway. It is acknowledged that the principle of development on this site has been established. The three dwellings being sought would be sited on the land forming Plot 2 only of the scheme granted in 2018 with the dwelling on Plot 1 already having been built. The current application therefore must consider that principle for an additional house is given and we are to consider in this application an additional of 2 extra dwellings on this generous plot.

Sustainability

- 4.3.9 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.
- 4.3.10 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase and additional spending locally from future occupiers, which is a modest benefit.
- 4.3.11 Secondly, in terms of the social objective, this would add additional dwellings to the districts housing figures, whilst the scheme is modest in size, significant weight is attached as a planning benefit, given that the Council does not have a 5-year supply of housing.
- 4.3.12 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for most of their needs. This issue is covered in more detail in the section below on highway matters. The site is within a category 'A' village which has primary school and some local facilities. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.3.13 The proposal will incorporate sustainable building features, such as an EV charging points, whilst these are now required by building regulations, air source heat pumps are also shown on the elevation plans. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.
- 4.3.14 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 Designated Heritage Assets

- 4.3.15 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.
- 4.3.16 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.
- 4.3.17 The application site is located within a designated heritage asset for the purpose of applying the aims of the NPPF.
- 4.3.18 The site is within the Barley Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*". In addition,

Section 66(1) requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.

4.3.19 As such, the Council's Conservation Officer was consulted on the proposed development. Objections were initially received in regards to the original proposed scheme.

4.3.20 Amendments were sought to the proposed dwelling to reduce the harm in regards to Designated Heritage assets, given that the principle of development is supported by SP2. The amendments included

- *Garage & workshop relating to Plot 3 has been completely removed to reduce overall density.*
- *As a result, Plot 2 has been relocated 4m to the north of Plot 1 to increase separation.*
- *Plots 1 & 2 have reduced in scale from 4 bedrooms to 3 bedrooms with the two storey porches omitted to reduce massing.*
- *Gable glazing on the front elevation of Plots 1 & 2 has been removed.*
- *Parking provision to Plot 1 & 2 has reduced from 3 spaces to 2 spaces.*
- *The level of hard standing has been significantly reduced overall and replaced with lawn and landscaping to 'soften' and increase greenscaping; and*
- *Various adjustments to plot boundary lines because of relocating Plot 2.*

4.3.21 The Conservation Officer concluded following these amendments

"In my opinion, there is no significant difference between the original submission and that now under consideration. The question here remains whether the amount, size & layout of the proposed development is appropriate in this conservation area context when compared with the dwelling previously granted on 'Plot 2'. I maintain my position that a two-dwelling scheme would be more sympathetic to the local area, creating a more generous spacing between units on this transition site and would reduce the impact of frontage car parking and hard surfacing. To conclude:

- *There is no heritage objection to the development of this site.*
- *There is no objection to the site receiving two well-designed dwellings within relatively generous plots thus maintaining the grain and transitional character of this site between village and countryside.*
- *Modifying the proposal by removing the garage building and workshop to Plot 3 thus reducing density of built form is welcomed but does not go far enough as three dwellings remain.*
- *Parking provision to Plots 1 & 2 is reduced from 3 spaces to 2 spaces and is welcomed but once again three plots would remain."*

4.3.22 However, I am of the view that the development of this site with this proposal would not cause significant harm to the character and appearance of the Conservation Area. The proposed amended scheme has reduced the overall bulk and removal of the garage and creation of a more open and green frontage with less hardstanding

and to create a simple pallet of materials. As a result, this is a form of development that would result in harm to the lower end of less than substantial. Relevant policy dictates that this harm should be weighed against the public benefits of a proposed development.

- 4.3.23 In line with the above and subject to the conditions, it is my view that the amended proposed development would not result in material harm to the character and appearance of the Barley Conservation Area as designated heritage assets.

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

- 4.3.24 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.
- 4.3.25 The application site is located between Foxlea and The Creeves forming part of a large private rear garden. The site is on the edge of the village boundary but is not isolated as adjacent to residential development to the north and east. Officers consider the site could accommodate new residential development subject to acceptable siting, design, landscaping etc.
- 4.3.26 The proposed layout indicates dwellinghouses between Foxlea and The Creeves, using the existing access that serves Foxlea the host dwelling. There is a well defined vegetation along the front boundary which will help screen the proposed dwellinghouse from view from The Mount and along Cambridge Road. The existing vegetation along the front boundary would soften and enhance the appearance of the development from The Mount.
- 4.3.27 The dwellings have been designed with modern architectural forms but using materials which reflects the local vernacular. The dwellings would have generous spacing between them, parking, and large gardens. They would be orientated to avoid excessive solar gain. Each dwelling would benefit from an air source heat pump and electric vehicle charging point and will comply with or exceed the Building Regulations part L requirements. All the proposed dwellings would comply with the requirements of accessibility contained in the Building Regulations Part M4(2)
- 4.3.28 The application is for 3 new dwellings. I consider the density and number of dwellings would be acceptable as the large amenity areas, retained landscaping a retaining mature boundary treatment would be contextually appropriate.
- 4.3.29 Overall, it is considered that the design and layout of the proposed scheme is acceptable. As such, the proposal would accord with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.

Impact on neighbouring properties

- 4.3.30 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.

- 4.3.31 I note the concerns raised by neighbours in regards to loss of privacy and outlook; Loss of daylight and increased overshadowing; Noise and disturbance and an overbearing impact on the living conditions of occupants.
- 4.3.32 However, given the distances between the scheme and nearby dwelling houses, the proposed boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwellings.
- 4.3.33 The proposed residential use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers 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

- 4.3.34 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.

Highway access and car parking

- 4.3.35 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements. Regarding parking, the parking standards require for each new house of two or more bedrooms to have two parking spaces and between 0.25 – 0.75 visitor parking with the higher number where there are no garages and the lower number where garages are provided.
- 4.3.36 The proposed modification has reduced the level of parking in Plots 1 and 2, from 3 spaces per home to 2 spaces. This is still in accordance with adopted standards set out in policy T2 and appendix 4 so this proposal meets the parking requirements of the Local Plan.
- 4.3.37 Following consultation with the Highway Authority the following comments were received

The application site can be accessed via an existing access off The Mount/Cambridge Road. Cambridge Road is designated as a numbered classified road type-B 1368, subject to a speed limit of 30mph and is highway maintainable at public expense. While The Mount is an unclassified road. In summary, the Highway Authority considers that the amended proposal is still small in scale and will not generate significant number of vehicular trips in the vicinity which would not have severe impacts and would be contrary to the local and national policies (such as LTP4, para 116 of the NPPF-2024). The Highway Authority therefore do not want to raise objection to the development.

- 4.3.38 Each house must provide bin storage and cycle parking for each plot. The provision of these stores are supported as providing secure cycle parking is in accordance with the parking requirements, and a bin store will prevent the bins from being left cluttering the parking area. A Condition is recommended to provide the details of the stores and their locations.

Biodiversity net gain, Landscape and Ecology

- 4.3.39 As the application was clearly submitted through the Planning Portal on the 1 April and the application form was not backdated to 1 April, I am prepared to conclude that BNG Metric is not required in this instance.
- 4.3.40 The development will retain existing trees and hedges where possible to support biodiversity and provide a mature landscape setting for the new built environment. This will be enhanced by new indigenous trees, hedges and other planting.
- 4.3.41 Existing trees and vegetation will be retained and revised proposals include significant greening of the site. This ensures that the green character of the site is protected and that proposals will encourage biodiversity and ecological enhancement. Enhancement could include ensuring a wide range of perennials are planted and established to provide continuous supply of pollen and nectar for pollinators throughout the flowering season. Provision of different types of wildlife boxes and houses for nesting and shelter to accommodate a range of species. Facilitating wildlife movement by connecting gardens with the adjoining woodland to the west. Detailed landscaping proposals can be secured by condition.

Waste and Recycling

- 4.3.42 The Waste and Recycling Team were consulted on this application but gave general advice. Bin locations have been shown on the proposed site plan to the side of each house. Residents will be expected to present the bins for collection at the entrance of the access onto The Mount.

Planning Balance

- 4.3.43 The Council does not have a five-year supply of deliverable housing land. The proposal would deliver three dwellings within the settlement boundary of Barley. Social and economic benefits would arise from this modest housing development. Overall, the provision of the proposed development in this location within a Category A village, which would contribute towards maintaining the vitality of the village, is a planning benefit to which significant weight is attributed.
- 4.3.44 It is considered that the design and layout of the proposed scheme is acceptable, through its low-density nature that would respond positively to the site's rural location and the high-quality buildings.
- 4.3.45 The proposal will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight, which attracts neutral weight in the planning balance.
- 4.3.46 Whilst the site lies within a Category A village, future occupiers would be reliant upon private vehicles to meet their day-to-day needs. Whilst the Local Plan and the NPPF promote sustainable transport, NPPF paragraph 110 accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In the circumstances it is considered that the site is in a sustainable rural location. Highway safety issues have been raised by the Parish Council and residents. However, these have been addressed by the applicant and the Highway Authority considers that highway safety benefits would arise from the proposed development. Overall, in terms of sustainable transport and highway safety this matter to which limited positive weight is attributed.

4.3.47 Overall, the scheme has considerable benefits. The layout, appearance and scale of the proposed development is considered acceptable in planning terms, following the submission of an amended scheme which followed initial concerns. The Council acknowledge that the development will result in a marked change to the visual character of the area and by extension the Conservation Area. However, it is considered that the proposal is well designed in form and layout with considerable landscaping and tree retention on all boundaries, such that it will have an acceptable impact on the visual character of the area and the negligible harm to the character and setting of the Conservation Area would be outweighed by the public benefits that would arise from the delivery of 3 dwellings houses. The scheme as submitted is considered well designed and would respond positively to the site's local context. The proposal would not result in any material harm to the reasonable living conditions and well-being of neighbours and potential future occupiers. The scheme would contribute positively to the economic, social, and environmental pillars of sustainability. Significant weight is attached to these benefits.

4.4 **Conclusion**

4.4.1 It is concluded that the proposal would be sustainable development, and that planning permission should be granted subject to the recommended conditions.

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.

5.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. BNG Not required

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

2. 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.

3. 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.

4. Details and/or samples of materials to be used on all external elevations and the roof, including rainwater goods 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.

5. Prior to the commencement of above ground construction works of the development hereby permitted full details of a comprehensive hard and soft landscaping scheme (including planting details) and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing and boundary treatments shall be completed prior to the first occupation of the development.

The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling 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 the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

6. 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.

7. Prior to the commencement of above ground construction works of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

8. 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, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

9. The dwellings hereby approved shall incorporate 1 Swift Brick each within the built fabric of the property. Once installed, the Swift Brick shall be maintained in perpetuity.

Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan

10. No gates shall be provided across the approved vehicular access to the site.

Reason: In the interests of highway safety and to comply with Policy T1 of the North Hertfordshire Local Plan 2011 to 2031.

11. Prior to the first occupation of the dwellings hereby approved, details of the Air Source Heat Pump shall be submitted to the LPA and approved in writing and installed on site.

Reason: To ensure that there are no adverse impacts on the design of the dwelling hereby approved or adverse harm on the amenities of the neighbouring occupiers. Local Plan Policies D1 and D3.

12. No external lighting shall be installed unless and until a scheme providing the details of the lighting have been submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved details and thereafter maintained as such.

Reason: In order to protect the character and appearance of the area and night-time ecology in accordance with Policy NE2 of the North Hertfordshire Local Plan 2011-2031 and Section 15 of the NPPF 2024.

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

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

14. 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.

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.