

<u>Location:</u>	1 And 3 Priory Lane Little Wymondley Hitchin Hertfordshire SG4 7HE
<u>Applicant:</u>	Mr Ray Carter
<u>Proposal:</u>	Erection of one pair of semi-detached dwellings and one detached dwelling to include cycle stores, hard and soft landscaping and parking following demolition of the existing commercial buildings. Alterations to existing vehicular access (as amended by plans rec'd 9 March 2026).
<u>Ref. No:</u>	26/00021/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

16 March 2025

Extension of statutory period:

8 October 2026

Reason for Delay:

To overcome planning objections, and to find a suitable committee date.

Reason for Referral to Committee:

Councillor Dominic Griffiths has called the application into planning control committee on 23rd April 2026 to support the Parish Council's objections.

1.0 Site History

Adjoining Site:

- 1.1 21/02383/FP - Erection of one detached 4-bed dwelling. – Conditional Permission

2.0 Policies

- 2.1 Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

2.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 sets a hierarchy of development plan documents and material considerations such as the NPPF, in that where a conflict is identified, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

2.3 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP9: Design and Sustainability
Policy HS3: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE10: Water conservation and wastewater infrastructure

2.4 **National Planning Policy Framework (NPPF) (December 2024)**

Chapter 2. Plan making policies

PM13: Setting standards

Chapter 4. Achieving sustainable development

S3: Presumption in favour of sustainable development

S4: Principle of development within settlements

Chapter 12. Making effective use of land

L3: Achieving appropriate densities

Chapter 14. Achieving well-designed places

DP3: Key principles for well-designed places

DP4: The design process

Chapter 15. Promoting sustainable transport

TR2: Local parking standards

TR3: Locating development in sustainable locations

2.5 Vehicle Parking at New Developments SPD

3.0 **Representations**

3.1 **Neighbour Consultation – 10x Objections:**

- Not a suitable location for residential development.

- Harm to privacy levels from existing dwelling adjacent and a loss of outlook. Exacerbation of these amenity concerns.
- Loss of businesses presently in operation within the site resulting in a loss of economic/social contributions to the area.
- Potential parking and traffic issues associated with increase in vehicles within or travelling to the site.
- Loss of a community asset.
- Potential oversubscription of nearby services
- Concerns of soil subsidence

3.2 **Archaeology** – “The proposal is largely over the footprint of existing buildings, therefore in this instance, we have no comments to make on the proposal.”

3.3 **Environment Agency** – February 2026 – Objection:

- Flood Risk Assessment relies on modelling that has not been submitted for review. Seeks modelling for consideration.

3.4 **Ecology** – No Objection. Recommends standard Biodiversity Gain Condition. Bound to delivering nationally required BNG.

3.5 **Environmental Health** –

Noise – No objection.

Contamination – Given the history of the land, and the nature of the proposal, recommends inclusion of phased contamination condition.

Air Quality – Recommends standard EV Charger condition and informative.

3.6 **Highways** –

24 February 2026 – Recommends refusal. Seeks submission of access drawings.

31 March 2026 – Does not wish to restrict the grant of permission. Provides conditions seeking implementation of access, and for a Construction Traffic Management Plan. Also offers informatives.

3.7 **Wymondley Parish Council** – Objection:

- Out of keeping, intensive form of development. Cramped appearance. Inconsistent with spacious character of the area. History of subsidence.
- Erosion of local character and harm to visual amenity due to dense nature of the development. Contrary to Wymondley Neighbourhood plan.
- Loss of amenity for neighbouring properties. Overlooking and losses of privacy. Overshadowing and losses of light for gardens. Overbearing and sense of enclosure.
- Exacerbation of road congestion. Compromises highway safety. Insufficient parking provision and access arrangements.
- Drainage infrastructure insufficient. Water runoff may be exacerbated by hardstanding. Increase in local flood risk.
- Loss of employment and a local business within the site.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a parcel of land at the corners of Priory Lane and Priory View. The site is within the Little Wymondley settlement boundary and is partially within Flood Zone 2, with some risks of surface water flooding.

4.2 **Proposal**

4.2.1 Planning Permission is sought for:

- The erection of a pair of semi-detached two storey dwellings.
- One detached two storey dwelling.
- Associated cycle stores, hard and soft landscaping, parking and alterations to the existing vehicular access.
- All works to follow the demolition of the existing commercial buildings.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

4.3.2 The site is within the adjusted settlement boundary of Little Wymondley, wherein Policy SP2 permits housing. Therefore, the principle for the erection of dwellings in this location is supported. Policy S4, point 1. Within the NPPF advises how development proposals within the settlement should be approved unless the benefits would be substantially outweighed by any adverse effects. Turning to the proposed removal of the business premises from the site, Policy ETC7 of the North Herts Local Plan 2011-2031 would be triggered. As existing, the site is in Sui Generis uses for vehicle sales, and a funeral director. Part a) of the policy permits the loss of an existing shop or service within a village provided there is a similar use within a walkable 800m distance, and subject to the proposed replacement use being complementary to the function and character of the wider area. To the north of the site is Wymondley Hall Farm, approximately a 150-200m walk from the site to the east along Stevenage Road is a car sales unit, and to the west, along Stevenage Road is Elms Yard industrial area, between 300-400m walk from the site. It is considered that these sites are within suitable proximity and walkable distance to comply with part a) of Policy ETC7. Turning to part b), the proposal seeks to introduce residential dwellings, with the predominantly land use being for terraced or semi-detached residential dwellings. It is therefore considered that the proposal would be

complementary to the prevailing land uses and character of the area. Therefore, the provisions of Policy ETC7 as a whole would be complied with.

Sustainability:

- 4.3.3 The three pillars of sustainable development are the economic, social and environmental pillars. The proposal would provide economic benefits by the use of local contractors and businesses for construction, maintenance and other servicing when occupied. It is noted that the businesses at the site would be lost, a matter raised by the Parish Council, however, given the minor scale of the business operations within the site, it is not considered that the loss of this employment uses would cause such economic harm that it would warrant refusing the application. Furthermore, Social benefits would arise from the provision of 3 dwellings to contribute to the district housing land supply, which the LPA cannot presently demonstrate a 5-year housing land supply. The site is considered to be in a sustainable location due to its location within Little Wymondley, with various amenities, and public transport nodes in relative proximity to the site. It is considered that the identified employment loss would not substantially outweigh the associated benefits with housing delivery on a windfall site, as described by Policy S4 of the NPPF. Furthermore, as described within section 4.3.2, the development is considered to comply with Policy ETC7 of the North Herts Local plan 2011-2031 when considering the loss of facilities outside of retail hierarchy. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.4 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Chapter 14 of the National Planning Policy Framework.
- 4.3.5 The proposed development can be split into two distinct elements. The first is the erection of the detached dwelling, 'House 1', and the erection of the pair of the semi-detached dwellings, 'Houses 2 and 3'.

Appearance

- 4.3.6 The proposed dwellings would be constructed from red brick to their plinth, buff brick to the main body, grey slate tiles to their roofs and grey UPVC to their windows & doors. The built form of the dwellings would comprise a two storey dwelling, with single storey front and rear projections. The dwellings would feature solar PV panels and rooflights to their principal roof slopes. Their appearance would be similar to the existing adjacent dwelling but would not feature the dormer window that this neighbour benefits from. It is noted that this dwelling is a recent addition to the area, and given the similarity in their appearance, would not result in the development appearing out of place in this location.

Layout and Access

- 4.3.7 The dwellings would utilise existing dropped kerbs and would require the alteration of dropped kerbs to provide off-street parking. The layout proposed 'House 1' adjacent to the existing neighbour to the south, with Houses 1 and 2 to the north, with all three dwellings facing onto Priory Lane. Each dwelling would benefit from on-plot parking,

though House 3's parking would be to the rear corner of the site, at a right angle to Priory Lane, and accessed off Priory View. House 3 would benefit from a wrap around garden from the principal boundary to the rear and side.

Landscaping

- 4.3.8 The proposed hard landscaping scheme would comprise pavements to the driveway areas, paving slabs to the patios/walkways and fencing to surround each plot. Grassed gardens and the retention of trees would comprise the soft landscaping scheme. Overall, the proposed landscaping scheme is considered to be acceptable and would be similar to other dwellings in the local area.
- 4.3.9 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within policies DP3 and DP4 within Chapter 14 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Standard of Amenity for Future Occupiers:

- 4.3.10 The proposed internal floor space for the dwellings would exceed the minimum space required for dwellings of this size, as required by the Nationally Described Space Standards. Amenity space is provided to the front and rear. Overlooking and dominance are not considered to arise from the existing dwellings close to these plots, and I therefore consider that the amenities of future occupiers would be suitably served by the buildings and garden areas. The development would therefore comply with the provisions of Policies D1 and D3 of the North Herts Local Plan 2011-2031 and Policy PM13 of the NPPF.

Impact on Neighbouring Properties:

- 4.3.11 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.12 The application site is neighboured to the west by No. 32 Priory View, to the north by No. 1-4 Rose Cottages, to the east by No. 4-8 Priory Lane and by No. 1a Priory Lane to the south. The proposal would seek to enlarge the bulk of the site by replacing the existing single storey flat roofed structure with a double storey with a pitched roof. The dwellings would not project significantly beyond the rear elevation of No. 1a to the south and would therefore not substantially dominate or overbear this property. Furthermore, the site's position to the north would suitably mitigate prospective direct sun light loss. Properties to the north and east of the site are considered to be of a sufficient distance to mitigate prospective losses of light or from visual dominance. Furthermore, these appear to be set on a higher land level, providing further mitigation for dominance. The proposed dwellings would sit to the side elevation of No. 32 Priory View and would result in some degree of projection beyond the rear of this property, being visible over the side boundaries of their rear garden. This neighbour is set on a higher land level than the application site and the garden would experience some degree of overlooking, and this is acknowledged, however, the existing dwellings around the site would occasion some degree of overlooking and would not therefore result in the proposed development causing unacceptable privacy harms to neighbouring occupiers. The neighbour's higher land level is considered to mitigate the degree of dominance occasioned to this neighbour. Light loss is acknowledged, but is not considered to be substantial, being limited to early morning sunlight. This would not be unacceptable. It is considered

reasonable and prudent to restrict Class B Permitted development rights to mitigate this overlooking and dominance for neighbours to the rear.

- 4.3.13 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Environmental Implications:

- 4.3.14 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Chapter 18 of the NPPF.
- 4.3.15 It is noted that the Environment Agency have objected, and the site is partially within Flood Zone 2. In accordance with NPPF Policy F4, a Flood Risk Assessment is submitted, and is being consulted upon with the Environment Agency. Subject to their representation being received that would withdraw objections based on updated information received 7 September 2026, it is considered that flood risks would not be unacceptable. The submitted planning statement advises that the sequential test, as described and required by Policy NE7 of the North Herts Local Plan 2011-2031, was applied to the development, and concludes that there are no other suitable sites within the search area, which is the wider Little Wymondley area. No land is currently for sale, suitable for accommodating this development. Furthermore, the statement concludes that the exception test would be passed based on the development resulting on a net improvement to wider drainage within this part of Little Wymondley when compared to the existing arrangement.
- 4.3.16 The development is bound to delivering nationally required BNG, and therefore, Ecology have recommended the standard condition. No objection is received from Ecology with regards the demolition works or the wider development of the site.

Highways:

- 4.3.17 The proposed development would seek to deliver on-plot parking via a dropped kerb directly off Priory Lane for plots 1 and 2 and onto Priory View for plot 3. Each dwelling would benefit from 2 No. parking spaces and would therefore meet the minimum parking standards for NHC. Highways have not objected to the proposed development and the wider access arrangements proposed, and therefore, impacts upon nearby parking levels and the operation of the Highway would not be unacceptable.

Other Matters:

- 4.3.18 The planning agent has agreed to the pre-commencement conditions recommended by consultees and by the planning officer. These are considered to be reasonable and relevant to the application, and would ensure a suitable design, mitigate any highway harms, and ensure a suitable relationship with neighbouring occupiers. The restriction of permitted development rights would allow for NHC to control the erection of dormer windows to mitigate overlooking and dominance for neighbours to the rear of the site.

4.4 Conclusion and Planning Balance

- 4.4.1 Subject to the withdrawal of the objection from the Environment Agency, it is considered that the proposed development is acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. No harms are identified to substantially outweigh the benefits of the provision of housing within this site, as described by Policy S1 of the NPPF. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to a response being received from the Environment Agency withdrawing their objection and with any conditions requested being added, and the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Prior to the commencement 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.

5. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties. The development shall be carried out as approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan

6. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011+A2:2017 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

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

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

8. In the event that contamination not identified in the ground investigations to date is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

9. Prior to the first occupation hereby permitted the vehicular access as indicated for improvement on drawing number (Ref- P002 , Rev-F) shall be widened including all parking areas for car and cycles shall also be provided. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing.
 - b. Access arrangements to the site.
 - c. Measure to minimise dust, noise machinery and traffic noise impacts during construction.
 - d. Screening and hoarding details to protect neighbouring residents.
 - e. Traffic management requirements, including the location of routes and from the site, details of their signing monitoring and enforcement measures.
 - f. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
 - g. Siting and details of wheel washing facilities.
 - h. Cleaning of site entrances, site tracks and the adjacent public highway including end of day tidying procedures to ensure protection of the site out the hours of construction. The construction activities shall be designed and undertake in accordance with the code of best practice set out in BS 5228 1997 and the agreed details unless otherwise agreed in writing by the LPA and Highways.
 - i. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
 - j. Provision of sufficient on-site parking prior to commencement of construction activities.
 - k. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

I. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B of Part 1 (and any further new class that may be introduced by way of an update) 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 amenities of neighbouring occupiers and 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.

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.