

ITEM NO:	
<u>Location:</u>	The Gables High Street Barley Royston Hertfordshire SG8 8HY
<u>Applicant:</u>	Mr & Mrs Winstanley
<u>Proposal:</u>	Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18) (as amended by drawings received 8th November 2018).
<u>Ref. No:</u>	18/02299/FP
<u>Officer:</u>	Tom Allington

Date of Statutory period: 17th December 2018

Reason for delay: N/A

Reason for referral to Planning Control Committee:

The site area exceeds 05. hectares

1.0 Site History

- 1.1 16/02760/1 - Residential development of nine dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'. Withdrawn prior to determination.
- 1.2 17/00638/1PRE – Pre-application for 9 residential units. No formal/ written advice provided.
- 1.3 17/02316/1 - Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7th November 2017, 1st January 2018, 9th February 2018 and 19th March 2018). Approved by Planning Control Committee 24th May 2018.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 6 – Rural Areas beyond the Green Belt

Policy 7 – Selected Villages beyond the Green Belt

Policy 16 – Areas of Archaeological Significance and other Archaeological Areas

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

2.2 **National Planning Policy Framework (2018)**

In general and with regard to:

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Specifically paragraphs 11, 77 and 78 ('Rural Housing'), 127 and 130 ('Achieving well designed places'), 163 ('Planning and Flood Risk'), 192 and 193 and 194 and 196 ('Conserving and enhancing the historic environment')

2.3 **North Hertfordshire Draft Local Plan 2011-2031**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19th November 2018. The modifications are due to be considered by the Councils Cabinet on 10th December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable development in North Hertfordshire

SP2: Settlement Hierarchy

SP5: Countryside and Green Belt

SP8: Housing

SP9: Design and sustainability

SP10: Healthy Communities

SP12: Green infrastructure, biodiversity and landscape

SP13: Historic environment

DM Policies

T2: Parking

D1: Sustainable design

D3: Protecting living conditions

CGB1: Rural Areas beyond the Green Belt

CGB2: Exception sites in rural areas

HS2: Affordable Housing

HS3: Housing Mix

NE1: Landscape

NE8: Sustainable drainage systems

NE11: Contaminated land

HE1: Designated heritage assets

HE4: Archaeology

3.0 **Representations**

3.1 **Barley Parish Council – Objection.**

- We acknowledge that the principle of development on this site has been established by virtue of the grant of consent ref 17/02316/01. However, the grant of that consent does not give the applicant carte blanche to increase the capacity and impact of the development further
- The application now under consideration is for 10 units – a 25% increase on the number of units for which consent has been granted. This will result in a minimum of 25% increase in traffic movements, a 25% increase in the impact on the Barley Conservation Area
- Increasing the built form by the extent envisaged under this revised application can only compound the detrimental impact on the Conservation Area and the Setting of the Listed Building at White Posts, and increase the demonstrable harm to the Conservation Area and to the village
- Further amendments have been made to the access arrangements, resulting in the need to fell further trees and to remove a substantial part of the mature hedge and significantly reduce the height of the remainder, to the front of the doctors' surgery
- We would also comment on a matter of important detail in relation to the number of car parking spaces shown for staff and patients of the surgery. In our view between 4 – 6 of these spaces will be unusable

3.2 **Neighbours/ Local Residents –** The application has been advertised via neighbour notification letters, the display of site notices and a press notice. No representations received.

3.3 **NHDC Conservation Officer –** Objection, on the basis that the proposal will harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building (full comments attached at Annex A).

By reason of the number of dwellings (10no.) together with a combination of their size, siting and appearance, the proposal would not result in a *'more cohesive'* and *'loose-knit group'* that would *'replicate a traditional farmstead'* as suggested in the supporting documentation. Rather, the number of dwellings, the eclectic assemblage of house types, the streetscene created by Plots 1, 2, 3, 9 and 10 and the linear

arrangement of Plots 4, 5, 6, 7 and 8 would create anything but a traditional farmstead grouping. Even though a farmstead group is not essential, the proposal would give rise to an incoherent and 'engineered' arrangement that would not be a naturally amorphous development at this end of the High Street and would not make a positive contribution to local character and would actually harm the character and appearance of the Barley Conservation Area.

No convincing justification has been provided for the 25% uplift in development, thereby, falling short of meeting the aims of paragraph 194 of the NPPF, therefore, the scheme fails to satisfy the aims of paragraph 196 also.

Plot 9 would encroach upon an area that was defined as 'open space' under application ref: 17/02316/1 and which is located at towards the centre of the development. This space is considered to be an attribute in place shaping and ensures that to an extent, the verdant transitional character of this site, is retained. Plot 9 would not only serve to diminish the role of the open space but would also reinforce a streetscene when seen in the context of Plots 1, 2, 3 and 10 when entering the site.

The Framework clearly sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes and I reiterate that it would be for the case officer to assess this harm against any perceived public benefits derived from this development.

- 3.4 **NHDC Landscape and Urban Design Officer** – I cannot support the increase in dwelling numbers on the site for the following reasons:
- The Tree Survey Arboricultural Impact Assessment is based on a survey undertaken in January 2016 – this is nearly 3 years old and potentially out of date
 - The revision to the layout (compared to the approved scheme under 17/02316/1) would result in increased hard surfacing, relocation of the balancing pond and greater impact on the retained Copper Beech tree
- 3.5 **NHDC Housing Officer** – No objection. In 2006 nine affordable homes were delivered by Howard Cottage Housing Association in Barley. No further affordable homes have been built in Barley since that time. The provision of two affordable homes would be of great benefit to the village, particularly smaller family homes, which will contribute to continued sustainability of the village
- 3.6 **NHDC Environmental Health** – No objections, subject to conditions requiring investigation of potential land contamination and a requirement for electric vehicle charging points.
- 3.7 **NHDC Waste Services** – No objections, subject to conditions.
- 3.8 **HCC Highways** – No objection, subject to conditions and following the submission of additional information and amended plans. The proposed development would be served by suitable access onto High Street and there would be suitable road layout and access within the site. The proposal would not significantly affect the adjacent highway.

- 3.9 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions. The proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest and so conditions are recommended requiring suitable investigations be carried out prior to development.
- 3.10 **HCC Lead Local Flood Authority** – No objection, subject to conditions.
- 3.11 **Hertfordshire Ecology** – No objection, subject to an informative.
- 3.12 **HCC Fire and Rescue Services** – No objection, subject to a condition that the development be fitted with fire hydrants.
- 3.13 **Affinity Water** – No objections, subject to conditions relating to ‘used water sewerage network’ and surface water disposal.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is located towards the north-western edge of the village of Barley. The main portion of the site is made up of the large rear garden of the residential property ‘The Gables’ and the adjoining paddock land immediately to the north of this. This land sits behind properties along the west side of the High Street (B1368), including the Barley GP Surgery and the ‘White Posts’ Grade II Listed Building. The application site area shown within the red edge also includes the access road which leads from the High Street to the Surgery car park, around the northern side of the GP Surgery and leads to the paddock land and provides access to two further properties on the High Street, Chadwick and Barley Croft. The application site also includes the car park to the front of the surgery and the land immediately to the rear of the surgery building (however, the application site does not include the surgery building itself).
- 4.1.2 Under the saved policies of the North Hertfordshire Local Plan 1996 the main portion of the site (The Gables garden and the paddock) is located outside of the Barley village boundary (the access road and land at the surgery is within the village boundary). However, the village boundary is proposed to be altered under the Emerging NH Local Plan 2011-2031, which is currently under consideration by the Planning Inspectorate as part of the Examination in Public (this has not been altered/ amended under recently published Main Modifications). The Emerging Local Plan shows that the land within the curtilage of The Gables would be included within the village boundary, which accounts for approximately one half of the main part of the site, with only the paddock land remaining outside of the village boundary. The site is also located within the Barley Conservation Area, which also extends over the fields/ paddocks to the west of the site.

4.2 Proposal

- 4.2.1 The application seeks planning permissions for the erection of 10 no. dwellings on the main portion of the site (The Gables rear garden and the paddock land). The properties would comprise 1no. one bedroom dwellings, 4no. two bedroom dwellings, 2 or 3 no. three bedroom dwellings (whilst plot 5 is shown to be three bedrooms, it would be a substantial property which could likely accommodate 4 bedrooms) 1 or 2 no. four bedroom dwellings (see previous for plot 5) and 1no. five bedroom dwelling (although again, owing to the scale of the two-and-half storey plot 4, this could be a 6 bedroom dwelling). The amended plans would also include a small open area of green space towards the centre of the site around an existing Copper Beech Tree which is to be retained and a balancing pond would be located behind this, between the remaining plot of The Gables property and the rear of proposed plots 9 and 10.
- 4.2.2 The proposal also includes the widening of the existing access track (to allow for vehicles to pass each other) from the High Street and for various improvements at the Doctors Surgery. The car park to the front of the doctors surgery would be reconfigured, the electrical sub-station to the rear of the surgery would be relocated freeing up this land for staff parking and a new additional car park would also be provided further to the rear of the surgery (on what is currently part of the paddock land). Proposal also include for a new double garage which would serve the neighbouring property at Chadwick.

4.3 Key Issues

- 4.3.1 The key planning consideration of the development relates firstly to the principle of the development, taking account of the location of the proposed development on the edge of/ partially within the Barley village boundary, the impact on the character, appearance and setting of both the Barley Conservation Area and the White Posts Listed Building and any public benefits arising from the proposed development. Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, I consider that the other main issues to be addressed in the determination of this planning application are as follows:
- Living conditions and amenity of current neighbouring properties and of future residents;
 - Access and highway safety matters;
 - Water drainage;
 - Archaeology and;
 - Ecology.

4.3.2 **Principle of the proposed development, impacts on the Barley Conservation Area and wider public benefits**

It is noted that this application is a re-submission of application reference 17/02316/1, which was for 8 dwellings and which was approved by planning committee, following a recommendation of approval by the officer. The previous recommendation was on the basis that in the officers view, whilst it was finely balanced, the various public benefits outweighed the identified harm to the setting of the conservation area and to the Grade II Listed White Posts. Therefore, a tilted balance should be applied in favour of the

development, in accordance with former paragraph 14 of the older NPPF (now paragraph 11 of the revised NPPF 2018). The tilted balance was applied as the Council at that time could not demonstrate a 5 year supply of housing land and that therefore, the provision of 8 dwellings carried significant weight, in addressing the Council's shortfall of housing.

4.3.3 This application will be considered on the basis of its own merits and circumstances, and taking into consideration the current, up-to-date policy situation but also with reference to the previously approved scheme.

4.3.4 At the time of reporting this matter, the Council's submission plan (ELP) is post modification and therefore well advanced. Accordingly, significant weight can be attributed thereto, specifically in respect of housing delivery. This stance has been supported as part of three recent appeal decisions, whereby windfall housing sites at the Category A villages of Offley, Ashwell and Barkway have all been dismissed (Barley is also a category A village). In dismissing a proposal for 25 dwellings in Barkway, the inspector stated '*The appeal site would provide additional choice and availability in the local housing market, but would only contribute a moderate amount of market and affordable housing even with the current shortfall. Based on the steps being taken to address the shortfall and the likely timescales involved, along with the amount of housing proposed, I afford moderate weight to the benefits of housing provision*'.

As such, whereas 'significant weight' was attributed to the provision of 8 dwellings as part of the previous decision at this site, the significant step of the publication of modifications has since taken place with regard to the ELP, to the extent that significant weight can be attributed to the ELP and the policies therein, specifically in this instance with respect to housing supply. As such, and in accordance with the view of recent inspector decisions, significant weight is afforded to the fact that the Councils housing shortfall is being addressed through the ELP and therefore windfall housing, such as that now proposed, can only be afforded 'moderate weight'.

4.3.5 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows: *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: 1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

4.3.6 The key test in this instance is where paragraph 11 refers to 'the application of policies in this framework that protect areas of particular importance', namely in this instance paragraph 196 of the NPPF which refers to development affecting a heritage asset.

4.3.7 Paragraph 196 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*".

4.3.8 The Council's Senior Conservation Officer has raised an objection to this application, on grounds that the proposed development would result in harm to the Barley Conservation Area and to a lesser extent, harm to the setting of the Grade II Listed White Posts property which is located on the eastern edge of the application site. The main part of the site which would accommodate the 10 proposed dwellings is located towards the rear of properties on the west side of the High Street and it is considered that this serves the primary/ central part of the conservation area in providing an open, rural setting. The open, rural nature of the site would be lost as a result of the proposed development and in turn this would have an adverse impact on the setting of the conservation area and the setting of White Posts. Furthermore, the proposal would be of a poor standard of design, which would not be sympathetic to its setting or to the setting of the conservation area (this is explored in more detail in the next section of this report and within the full comments of the senior Conservation Officer attached to this report).

4.3.9 It is worth noting at this stage that the previously approved scheme for 8 dwellings was redesigned and amended under the instruction of the Council's Conservation Officer, to achieve what was considered to be the best scenario and to therefore reduce the harm as much as possible (despite his continued objection to the principle of the proposals given the loss of the rural setting of the conservation area and listed building). The scheme for 10 dwellings as now proposed is somewhat similar to the original proposal submitted in 2016 for 9 dwellings (under reference 16/02760/1) and which was withdrawn prior to determination, as officers informed the applicants that it was set to be recommended for refusal. It is therefore considered that the current proposal for 10 dwellings is of a significantly poorer design compared to that previously approved, resulting in increased harm in both design terms and in terms of the harmful impact on the conservation area and the setting of White Posts. A more detailed assessment of the proposed layout and design is provided in the following section of this report.

The comments/ objections of the Conservation Officer are attached at Annex A of this report. The Senior Conservation Officer noted that this would amount to 'less than substantial harm' and so in accordance with paragraph 196 of the NPPF, this harm should be weighed against any public benefits arising from the proposed development.

4.3.10 The public benefits of the proposed scheme would be largely the same as per the previously approved scheme; these include the provision of 2 no. affordable dwellings and benefits to the adjacent GP surgery, including the relocation of an electricity substation from the rear of the surgery, which would allow the surgery to extend and expand in the future and the provision of a new surgery car park and the re-alignment of the existing car parks. A letter of support, from the GP Surgery, for the proposed development has been submitted as part of the application and which outlines that they are facing ever increasing patient lists and with increasing housing numbers within their catchment area, the need to expand will become paramount. As it currently stands, the Barley Surgery is not capable of being expanded, largely due to the need for parking to the both the front and the rear of the building and the location of the large electricity sub-station to the rear of the building. It is acknowledged that the relocation of the sub-station would be a significant public benefit, as would be the provision of two affordable dwellings, in a location where the previous provision was some 12 years ago.

- 4.3.11 However, it is noted that compared to the previously approved scheme the weight afforded to the benefits of the proposals are reduced. As outlined above, only 'moderate weight' can now be attributed to the provision of ten houses in this location, given the change in the policy situation and stance taken in three recent appeal decisions (three decisions which relate to windfall housing sites on the edge of Category A villages).
- 4.3.12 In weighing the harm to the heritage assets, as identified by the Council's Senior Conservation Officer, I note that paragraph 193 of the NPPF states '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'. Modified Policy SP13: Historic Environment states that '*The Council will balance the need for growth with the proper protection and enhancement of the historic environment.... We will pursue a positive strategy for the conservation and enjoyment of the historic environment through: a. Maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting according to their significance.* Lastly, I note that modified Policy HE1 of the ELP states that '*Where substantial harm to, or loss of significance, of a designated heritage asset is proposed the Council shall refuse consent unless it can be demonstrated that the scheme is necessary to deliver considerable public benefits that outweigh the harm or loss*'.

Summary on planning balance

- 4.3.13 As outlined above, the previously approved scheme was in the officer opinion finely balanced in favour of the scheme, when weighing the harm against the public benefits. However, in comparison, the current proposal for ten dwellings would result in increased harm, owing to the poorer quality of the design the subsequent increased impact on the conservation area. In addition, the benefits are also decreased, owing to the change in the policy situation, as only moderate weight can now be afforded to the provision of ten new dwellings. In light of this, it is my view and my recommendation that on balance the harm to the Barley Conservation Area and the setting of the neighbouring listed building, as detailed in the attached comments by the Senior Conservation Officer, outweigh the public benefits. Therefore, the proposal is not acceptable in principle, and is contrary to paragraphs 11 and 196 of the NPPF and contrary to Saved Policy 6 of the existing Local Plan and contrary to Policies SP5, SP13, CGB1 and HE1 of the Emerging Local Plan as Modified.
- 4.3.14 **Scale and layout, design, character and appearance of the surrounding area**
The previously approved scheme included 7 relatively modest dwellings and one larger dwelling, which was to be of a design and form to reflect a dark timber-clad barn. Being of only 8 properties, most of a modest scale, this allowed for a significant amount spacing and green space between properties, including for a central 'green' which accommodated the retained Copper Beech Tree and a new retention Pond. The low density development was considered a high quality of design which reflected the sites context, on the edge of a rural village and where it would have provided the transition between the central core of the village and the open fields beyond to the north and west of the site.

- 4.3.15 By comparison, it is the officer view (both the case officer and the Senior Conservation Officer) that the current proposal for ten dwellings is of a significantly poorer design in its own right and which results in increased harm to the Barley Conservation Area and increased harm to the setting of the Listed Building at the neighbouring property White Posts.
- 4.3.16 Paragraph 127 of NPPF states that *'decisions should ensure that developments: b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'* Paragraph 130 of the NPPF also states *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'* Paragraph 130 also goes on to state that *"Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)'*.
- 4.3.17 It is acknowledged that the general layout of the proposed cul-de-sac is similar to that of the previously approved scheme. However, by increasing the proposal by two dwellings (25% increase) compared to the previously approved scheme, the amount of built mass and hardstanding has of course increased. A particularly large area of hardstanding is now proposed at the southern end of the proposed cul-de-sac, where a terrace of three dwellings are proposed which would be served by a large area of parking, turning space and a shared car-port.
- 4.3.18 Whereas the approved scheme included a relatively large open space at the north western corner (garden to serve plot 4), which is a particularly sensitive part of the site where it has open countryside to the north and to the west and where the site abuts a public footpath, the current proposal now includes for a substantial, two-and-half storey, five bedroom property (potentially 6 bedroom owing to its size). The dwelling would also be served by a large double garage which would have a tall pitched roof and which would sit directly alongside the northern boundary of the site and public footpath which runs to the north.
- 4.3.19 Likely to be the most significant change, however, is the introduction of plot 9, which would be located towards the centre of the site, largely in place of the central green/ amenity space which was included as part of the previously approved scheme. This would result in the loss of a significant green space which was fundamental to the success of the previous scheme, in achieving what was previously a low density, semi-rural layout. The remaining green space would be a small amount of space around the Copper Beech Tree and a retention pond would

also be included, however this would now be to the rear of the tree, between the rear of Plots 9 and 10 and the side of The Gables. This space would not be usable and would not be particularly visible, particularly compared to its prominent, central location as part of the previously approved scheme.

4.3.20 Lastly, officers considered that by reason of the number of dwellings now proposed, together with a combination of the proposed size, siting and appearance the proposal would not be cohesive and would provide an 'eclectic' group of properties which relate poorly to their setting and would not 'replicate a traditional farmstead' as suggested as part of the application. The more standard street-scene' layout now provided would not provide the semi-rural, transitional development as that previously approved and would provide an overly 'engineered' arrangement which would be harmful to the Barley Conservation Area. I refer Members again to the attached comments of the Senior Conservation Officer, which outlines in more detail the concerns of the design, massing and form of the current proposals.

4.3.21 In summary, it is the officers view that the current proposals would result in a poor standard of design, which whilst still of a relatively low density, would be represent an excessive, overly 'sub-urban' style of development for this semi-rural context, which I turn would result in further harm to the Barley Conservation Area and to a less extent to the setting of White Posts. The proposal is therefore found to be contrary to paragraphs 127 and 130 of the NPPF, to Policy 6 and Policy 57 of the existing Local Plan and to Policies SP9, SP13, D1 and HE1 of the Emerging Local Plan.

4.3.22 The poor standard of design and the subsequent harm is considered in the overall planning balance noted in paragraph 4.3.13 above.

4.3.23 **The living conditions of adjoining and future occupiers**

In terms of amenity, the ten proposed dwellings would be sufficiently spaced and would be set within relatively generous plots and so each of the new dwellings would benefit from sufficient privacy and a sufficient amount of amenity space.

4.3.24 The proposed ten houses would be set away from existing properties on High Street to both the east and to the south of the site. Plot 10 is the only proposed dwelling which would be within any form of close proximity to neighbouring dwellings and would be set along side the double garages at Chadwick (proposed garage) and Barley Croft (existing garage). The house at The Gables would retain a sufficient rear garden and which would remain private, owing to the distance and orientation of neighbouring properties. Likewise, the Garden at White Posts, to the east of the site, would also remain private, as the gardens of plots 9 and 10 would sit alongside this. In addition, further planting and screening is proposed between the site and plot at White Posts.

4.3.25 In summary, officers consider that the proposed development would not result in any significantly adverse impacts on the amenity of neighbouring properties and the future occupiers of the development would also be provided with a sufficient level of amenity.

4.3.26 **Access and Highway safety matters**

The Highway officer states that 'the Highway Authority does not wish to restrict the grant of permission subject to conditions'. The development proposals include for the widening and improvement of the existing access track and improvements to the junction on High Street, to allow for suitable sightlines during entrance and egress. The submitted plans and information has demonstrated to the HCC Highway Officer that the proposed development would benefit from suitable access, with sufficient sight lines onto what is a 30mph road and where the road is relatively straight (i.e. no sharp bends) and there are long views in both directions. In addition, a swept path analysis has also been provided showing that the widened access road would be suitable for both refuse/ waste trucks and for larger emergency vehicles to be able to access the site and to be able to turn around.

4.3.27 In light of the comments from the HCC highway Officer, officers consider that the proposed development would be acceptable in terms of access and highway safety and would likely result in improvements in this regard, compared to the current situation.

4.3.28 In terms of parking, it is noted that each of the eight dwellings would be provided with at least two off-street parking spaces. As such, parking provision would be sufficient and in accordance with the Council's current minimum standards and so no concerns are raised in this regard.

4.3.29 **Further considerations**

4.3.30 Historic Environment and Archaeology

The proposed development is located within an Area of Archaeological Significance, as identified in the Local Plan. This covers the historic village of Barley, which has medieval or Saxon origins, and fields containing significant prehistoric and Roman remains to its north and west. The proposed development site is also within the bounds of the historic core of Barley, and thus there is some potential for Anglo-Saxon or medieval remains at this location. As such, the HCC Historic Environment Officer has advised that whilst they do not raise any objections to the proposals 'it should be regarded as likely to have an impact on heritage assets with archaeological interest. Therefore, three conditions have been recommended which require that further site investigations take place prior to the commencement of development.

4.3.31 Surface water drainage

The LLFA has advised that they are satisfied that a suitable drainage scheme is possible on this site, which would ensure that the development would not have an adverse impact on the site or the surrounding area in terms of flooding. Although the final detailed drainage scheme has not been agreed as yet, the LLFA have advised that this can be required via a condition and that 'no development take place until the final design of a drainage scheme is completed and sent to the LPA for approval'.

4.3.32 Contaminated land

The possibility of ground contamination exists at the application site, although for the majority of the application site it is assumed to be relatively low given the current land use. However, the Environmental Protection Team holds no information on the land

use history of the application site. Additionally the relocation of an electricity sub-station gives rise to the potential discovery of ground contamination in the form of oils and poly-chlorinated biphenyl (PCB) compounds. Therefore, when considered alongside the proposed introduction of an end use that would be vulnerable to the presence of ground contamination, the Council's Environmental Health Officer has recommended the inclusion of the planning conditions which would require suitable investigations take place and that any required remedial works take place prior to the commencement and occupation of the development.

4.3.33 Ecology

The Herts Ecology Officer's have advised that the Ecology report submitted with the application is satisfactory and provides sufficient information to demonstrate that there are not likely to be any significant ecological impacts associated with the proposed development. However, due diligence is required in this instance with regard to nesting birds and so an informative has been recommend regarding the removal and pruning of trees and shrubs.

4.4 **Conclusion**

- 4.4.1 The proposed development would be sited wholly within the Barley Conservation Area and by way of the inappropriate number, siting, design and massing of the proposed development, the proposals would result in harm to the conservation area and to a less extent to the setting of the Grade II Listed White Posts which is immediately to the east of the site. Whilst the proposals would result in various public benefits, namely two affordable dwellings and improvements to the adjacent Doctors Surgery, it is the officer's view that this would not outweigh the harm as identified to the heritage assets. In addition, when comparing the current scheme with a recently approved scheme of eight dwellings on the same site, not only is the harm increased by way of the poor design, the public benefits are also decreased, as the Emerging Local Plan has now advanced to modifications stage and increased weight can be afforded to the housing supply policies contained therein and less weight in favour of unallocated housing. Subsequently, through the Emerging Local Plan the Council is seeking to address the housing shortfall and therefore the benefits of providing ten new houses as part of this windfall site can now only be afford moderate weight.

In applying the key planning balance in this instance, it is the officer's view that the identified harm outweighs the public benefits and so the proposal represents an inappropriate form of development.

4.5 **Alternative Options**

- 4.5.1 The scheme presented is affectively a re-submission of an alternative scheme which was found to be acceptable. As such, the only applicable alternative is considered to be that which already has permission under reference 17/02316/1.

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 **REFUSED** for the following reasons:

The principle of residential development on this site would harm the character and appearance of the Barley Conservation Area as it would result in the loss of the existing open land which represents a transitional area from the village fringe to the rural countryside and which commands an important role in providing the rural setting of the Barley Conservation Area. The proposal would therefore harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building. The in-principle harm would be further exacerbated by the poor standard of design included as part of this proposal, which would be at odds with the semi-rural, edge-of- village context and which would fail to provide a cohesive appearance and form of development. Although the degree of harm is considered to be less than substantial, the public benefits of the proposal do not outweigh the harm that has been identified and which has been afforded significant weight. As a consequence the proposed development is contrary to Policies 6 and 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policies SP5, SP9, SP13, D1, CGB1 and HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 as Modified and Sections 12 and 16 of the National Planning Policy Framework 2018.

7.0 **Appendices**

7.1 Annex A – Comments of the Senior Conservation Officer

1. The principle of residential development on this site would harm the character and appearance of the Barley Conservation Area as it would result in the loss of the existing open land which represents a transitional area from the village fringe to the rural countryside and which commands an important role in providing the rural setting of the Barley Conservation Area. The proposal would therefore harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building. The in-principle harm would be further exacerbated by the poor standard of design included as part of this proposal, which would be at odds with the semi-rural, edge-of- village context and which would fail to provide a cohesive appearance and form of development. Although the degree of harm is considered to be less than substantial, the public benefits of the proposal do not outweigh the harm that has been identified and which has been afforded significant weight. As a consequence the proposed development is contrary to Policies 6 and 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policies SP5, SP9, SP13, D1, CGB1 and HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 as Modified and Sections 12 and 16 of the National Planning Policy Framework 2018.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.