

ITEM NO:	<u>Location:</u>	Tally Ho, London Road, Barkway, Royston, SG8 8EX
	<u>Applicant:</u>	Mr J Harvey Harvey Developments Cheshunt Ltd
	<u>Proposal:</u>	Reserved matters application for approval of appearance and landscaping for outline planning application 15/01724/1 granted 27.8.15. for one x 4 bedroom detached dwelling.
	<u>Ref .No:</u>	17/00264/ 1
	<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 17 April 2017

Reason for Referral to Committee

Councillor call-in in the public interest following objections raised by the Parish Council.

1.0 Relevant History

- 1.1 **15/01724/1** Outline application for one detached four bed dwelling (appearance and landscaping reserved) **CONDITIONAL OUTLINE PERMISSION GRANTED 27/08/2015**
- 1.2 **16/03082/1** Two 3 bedroom semi-detached dwellings with associated parking and access off High Street. **THIS APPLICATION IS YET TO BE DETERMINED**

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 Belts
Policy 26 - Housing Proposals
Policy 55 - Car Parking Standards
Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework:

Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

2.3 Supplementary Planning Guidance:

Vehicle Parking Provision at New Development (revised November 2011)
Design SPD

2.4 North Hertfordshire Draft Local Plan 2011-2031

The submission Local plan has been agreed in April by Full Council to be Submitted to the Secretary of State. The Policies of the submission Local Plan therefore carry limited weight at this stage (however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption). The policies of relevance in this instance are as follows:

SP8 Housing
SP9 - Design and sustainability
CGB1 Rural Areas Beyond the Greenbelt
T2 Parking
D1 Sustainable Design
D3 Protecting Living Conditions

3.0 Representations

3.1 Barkway Parish Council –

The Parish Council wishes to object to the above mentioned reserved matters application. The site being next door to a busy pub would no doubt lead to environmental health issues for residents. The height of the building would be substantially taller than the pub next door and the fact that it would be built end on to the road would not be in keeping with the rest of the village.

The applicants present at the Council meeting pointed out that the Parish Council had supported the outline application which was granted permission back in 2015 and queried why it now proposed to object to the current application. The Council informed the applicants that they had supported the previous application because the applicants at that time were the owners of the Tally Ho who had informed the Council that they wanted to build a house for their own use in order to free up accommodation above the pub for their staff (see attached minutes of the Parish Council meeting held on 10th August 2015). The Council felt that in that situation car parking and environmental health issues would not be so much of a problem as the residents of the house, being the owners of the pub, would have some control of the situation and it would not threaten viability of the pub business. The Parish Council wished to support the new owners of the pub as it was considered to be an important village amenity. As the current applicants have no connection to the pub, this alters the Parish Council's view on development to this site.

It was noted that the outline application design and access statement stated that no trees would need to be removed. The applicant has already removed a large willow tree.

However, although the Parish Council wishes to object to this application, the Parish Council's opinion is that one 4 bedroom house would have less potential negative impact on the pub business than 2 x 3 bedroom houses. It is also felt that to turn the proposed 4 bedroom house so that it faced on to the road would be much more in keeping with the character of the village. The property could be designed to have bathrooms, utility room, etc. with obscured glass facing the pub and car park. Although the property would not have much garden behind, it would have a south facing side garden. Barkway Cottage, being the neighbouring property at the northern side of the Tally Ho, is a good example of a site like this with a side garden.

3.2 Local residents

No neighbour representations were made

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is located on the southern edge of the village of Barkway on the road south before the Nuthampstead turn and was previously the Tally Ho's beer garden. The site is on the edge of the conservation area.

4.1.2 This site was sold after the outline application was approved and is not in ownership of the Tally-Ho pub.

4.2 **Proposal**

4.2.1 The reserved matters application seeks permission to develop the former beer garden of the Tally Ho Public House for one detached four bed dwelling.

4.2.2 The new dwelling has a footprint of 11 m x 7 m and a ridge height of 8.7 m has been shown on the amended plans.

4.2.3 An access is proposed on the western boundary adjacent the pub car park. Two car parking spaces have been marked out with a turning area at the front of the proposed dwelling.

4.2.4 The dwelling is located 9 metres from the highway and orientated east to west with the front elevation mirroring the Tally Ho. The dwelling has a garden area of over 100 square metres.

4.2.5 The matters of layout, scale and access have been considered in the outline application. Matters of landscaping and appearance are reserved.

4.3 **Key Issues**

- 4.3.1 It is considered that the key issues for consideration are the
- appearance and landscaping and the effect of the proposed development on the character and appearance of the surrounding area, and
 - the living conditions of adjoining and future occupiers
 - other matters

Principle of the development

4.3.2 The principle of the development has already been determined within the outline application. It was concluded that the proposed scheme would be acceptable in principle and would not have any adverse impact on the streetscene, neighbouring properties, and have minimum impact on highway safety. Further, at the time of determination the Council was required to approve applications unless the harm of doing so **significantly and demonstrably** outweighed the benefits of delivering more housing (paragraph 14 of the NPPF).

4.3.3 The site is located just outside the selected village boundary (Policy 7) and lies within the rural area beyond the Green Belt (Policy 6). Even with the age of the Plan, Policy 6 is still regarded as being relevant and in some part compliant with the NPPF. The emerging policy CGB1 (Rural Area Beyond the Green Belt) and SP2 (Settlement hierarchy) also carry some weight since the approval by Full Council to submit the Proposed Submission Local Plan to the Secretary of State at the end of May.

4.3.4 It is my view that the development of a single dwellinghouse on this site would not offend the aims of Policy 6 insofar as it relates to the protection of the countryside. The sites proximity to the selected village boundary, the clearly defined site boundary and the existing dwellings to the south of the site leading out of the village, all serve to minimise the impact of a dwelling in this location.

Appearance, design in relationship to the character and appearance of the surrounding area

4.3.5 Matters of appearance, design and landscaping are to be determined as part of this reserved matters application. Issues involving scale, siting and layout and access were approved as part of the outline planning application.

- 4.3.6 The proposed house would be a two storey four bedroom detached property. The property would be 8.7 metres high with a width of 7 metres and a maximum depth of 11 metres. Although the proposed dwelling would be taller than the existing Tally-Ho pub, it is my opinion that this would not have a detrimental impact on the Tally-Ho itself or the surrounding area due to the dwelling being sited with the side elevation facing the highway and the proposed front elevation located 30 metres from the front elevation of the existing Tally Ho pub with the pub car park in between.
- 4.3.7 The indicative plan approved by the outline application showed the proposed dwelling to mirror the orientation of the Tally-Ho pub. Although this orientation of the dwelling differs from a number of properties with Barkway, it is my opinion that this orientation is acceptable.
- 4.3.8 The design principle for Barkway outlined in the Design SPD states that any future development will have to be sympathetic to the existing development. Barkway in general has a variety of house designs. Examples were given to the agent outlining the design principles that should be followed including materials and fenestration. Following negotiations with the agent the design of the dwellinghouse was amended to be more in keeping with similar dwellinghouses in Barkway. Materials include slate roof, render and red brick with chimney details on the side elevation fronting the highway. Details of these materials have been conditioned to ensure that the development will have an acceptable appearance.
- 4.3.9 Following these amendments, I do not find the design unacceptable for this location and the proposed design would not detract from the appearance and character of the surrounding area.

Landscaping

- 4.3.10 The matters of landscape have been reserved. This is in relationship to the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by walls and fences.
- 4.2.11 I note the concerns raised by the parish council and the ward Councillor in regard to the felling of a willow tree before this application for reserved matters was submitted. This site is not within the conservation area and the trees are not protected by any Tree Preservation Order. Although the outline permission had conditions that related to the landscaping and detailed the retention and removal of trees within the site this application was not implemented therefore the conditions were not breached. It is in my opinion that the felling of the willow tree has not had a negative impact on the surrounding area.
- 4.3.12 From visiting the site and assessing the detail shown on the submitted landscape plan, it should be noted that existing well established hedge rows on the rear and front boundaries and existing mature trees along the southern boundary are present. These have been shown to be retained to safeguard the appearance of the rural area and help screen the new dwelling within the surrounding area.
- 4.3.13 Plan No. TH/TPP/001SK demonstrates the protection measure during construction of the existing hedgerow and trees that are outside the boundary of the site as well as the protection of the grass verge and existing trees. It would be important to ensure that the trees and hedges within the site were protected during the construction phase because of the contribution they make to the character and appearance of the locality. This is a matter which I have recommended to be controlled by a condition.

- 4.3.14 One small conifer along the front boundary has been stated to be removed and replaced with a field maple. An additional Sorbus Aria has been proposed within the front garden adjacent the parking area. Also a proposed Hawthorn hedge is to be planted along the side boundary.
- 4.3.15 The boundary treatment along the shared boundary with the Tally-Ho car park is proposed to be 1.8 metre high close boarded fence. The driveway is proposed to be silver grey paving.
- 4.3.16 It is my view that the proposed landscape scheme would help to enhance and protect the site's amenity through hard and soft measures, with the retention of the hedge rows and the majority of the existing trees. I have recommended retention conditions to ensure that the landscaping is preserved.

Impact on neighbouring properties

- 4.3.17 I consider that no significant harm would be caused to the living conditions of nearby residents.
- 4.3.18 In terms of the new residents, it is important to ensure that this development provides a satisfactory living environment. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57. The proposal would not have an adverse built impact on neighbouring properties, given the distance between them and vegetation surrounding the property. Whilst the property would have a small rear garden in my view the amenity space would be acceptable and the property would still have more than 75 square metres of amenity space (as recommended by Policy 57).
- 4.3.19 Following concerns raised by the Parish Council and Cllr Morris in relation to the potential negative impact on any future residents and the existing pub use I raised the concerns with the Environmental Health Officer. They concluded that

“the proposed site layout and floor plans detailed in the application offer the best option in terms of reducing the likelihood of complaints about noise from the Tally Ho Public House. The orientation of the buildings provides separation from the Public House, with the front of the properties laid to hardstanding/car parking. The rear garden amenity areas are sheltered by the dwellings, which will assist with noise mitigation during daylight hours when these areas will be in use. The smaller bedrooms are to the rear of the houses. The main bedrooms face the Public House, but as the premises closes at 23.00hrs, noise will not affect sleep core hours of 23.00hrs to 07.00hrs. Standard double glazing will provide noise mitigation to the living rooms and main bedrooms”

Access and Highway considerations.

- 4.3.20 The issues of access covers the accessibility to and within the site for vehicles, cycles and pedestrians. These matters were satisfactorily addressed in my opinion in the outline application. The access has not changed since the outline application.
- 4.3.21 The Highways Authority were consulted on the current application and raised no objections. Two spaces to be provided on site which would meet the requirements of the Supplementary Planning Document: Vehicle Parking at New Development.
- 4.3.22 Hertfordshire County Council as Highway Authority has considered that the proposal is of a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application subject to the inclusion of planning

conditions and an informative.

4.3.23 Following on from issues raised by the Parish Council in regard to the parking of cars within the Tally-Ho pub the highway authority have concluded that the impact of this development should not have a bearing on the pub car park. The proposed dwelling complies with the North Herts District Council supplementary planning document.

4.3.24 Conditions involving Highways were included on the outline permission.

Unilateral Undertaking

4.3.25 At the time of submission no unilateral undertaking was required for this scale of development.

4.4 Conclusion

4.4.1 In conclusion the proposed scheme would be acceptable in design and landscaping terms, and would not have any adverse impact on the streetscene, neighbouring properties.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

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

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. Notwithstanding the details shown on the approved plan no.1257-103 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.

4. The approved details of landscaping as shown on the approved plan (THo/LP/001/SK) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the

completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

5. Before the commencement of any other works on the site, trees and hedgerows 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.

6. None of the trees or hedgerows shown to be retained on the approved plan (THo/LP/001/SK) 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.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.