

<b>ITEM NO:</b>	<u>Location:</u>	<b>Tally Ho, London Road, Barkway, Royston, SG8 8EX</b>
	<u>Applicant:</u>	<b>Harvey Developments Cheshunt Ltd</b>
	<u>Proposal:</u>	<b>Two 3-bedroom semi detached dwellings with associated parking and access off High Street(as amended by plans received on 07/02/2017)</b>
	<u>Ref. No:</u>	<b>16/03082/ 1</b>
	<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:** 01 February 2017

**Reason for delay**

Extension of time agreed to the 1 June to allow for May committee.

**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 **17/00264/1** Reserved matters application for approval of appearance and landscaping for outline application 15/01724/1 granted 27/08/2015 for one 4 bed house. **APPLICATION 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 26 - Housing Proposals  
 Policy 55 - Car Parking Standards  
 Policy 57 - Residential Guidelines and Standards

**2.2 National Planning Policy Framework:**

Paragraph 14 - Presumption in Favour of Sustainable Development  
 Paragraph 17 - Core Planning Principles  
 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**

SP8 Housing  
 SP9 - Design and sustainability  
 CGB1 Rural Areas Beyond the Greenbelt  
 T2 Parking

### **3.0 Representations**

- 3.1 **Barkway Parish Council** – *The Parish Council still believes that 2 x 3 bedroom properties on this site is not appropriate. The site does not allow for sufficient car parking. The Council understands from the applicants that 2 spaces per house is acceptable as far as planning requirements are concerned. However, in this particular situation, it is clearly not enough. With very limited public transport available in Barkway most adults have to drive to access employment and services. It is likely that each household on this site would have at least 3 cars. In addition to this there is no provision for visitor parking. As the site is next door to a busy pub with a limited pub car park, the road and verges outside are commonly parked up with the pub customer's cars, so additional parking on the Highway for these properties would be difficult and hazardous as it is close to the junction with the Nuthampstead Road. This stretch of road is also well known for vehicles exceeding speed limits as they head in or out of the village. Vehicular access to and from this site will be dangerous as pub customers use the verges either side of the proposed access splay to park close to the pub and this limits visibility. The Council asked the applicants if they had witnessed the parking issues in the area when the pub was busy. They had not. It was suggested that they should check out the site on a Thursday or Friday night or at lunch times when walking groups are meeting and see the situation for themselves. It should be noted that the parking is so hazardous there at times that residents nearby have asked the Police to get involved. PCSO Chris Braybrooke who was also present at the Council meeting confirmed this in his Police report.*

*In addition the Council wishes to object to the fact that the proposed properties would face the pub car park and that would surely lead to environmental health issues for the residents? As the pub already exists, is it appropriate that these houses face on to and would be so close to the pub? Would a pub be allowed to be built so close to the houses if the situation was the other way around? If the residents became unhappy with the activities of the pub then it could jeopardise the viability of the pub, which incidentally is the only pub left in Barkway now. The NPPF states that any development which may have a negative affect on employment should be refused.*

*The Parish Council also wishes to object on the grounds that the proposed height of the building is substantially higher than the neighbouring Tally Ho pub and so would not look in keeping. It is also to be noted that most properties face on to the road, the proposed dwellings would be side on to the road and would therefore not be in character with the rest of the village.*

*The Parish Council would request that should you wish to approve this application, that in the public interest, this application be put before the Planning Committee.*

- 3.2 **Hertfordshire Highways** – *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 the above planning conditions and informative.*

### 3.3 **Environmental Health – Contaminated Land**

*The information submitted and the limited information available within the EP Team files indicates a low likelihood of environmental risk from ground contamination. For this reason there is no requirement for a specific land contamination condition to be included on any planning permission. However, the applicant should be informed of the included informative.*

### 3.4 **Environmental Health – Noise**

*I am of the opinion 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 site already has benefit of planning permission for one dwelling. 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. To summarise, whilst some noise will be generated by the Public House and its patrons, I do not consider that a noise assessment is required.*

3.5 **Hertfordshire Ecology** – *Due to the nature and scale of the proposals, I have no reason to request any ecological surveys in this instance. I do not consider there to be any known ecological constraints with these proposals.*

3.6 **Historic Environment** – *In this instance, based on current knowledge this proposal is unlikely to have an impact on any significant heritage assets. We therefore have no comment to make upon it.*

3.7 **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 This application seeks permission to develop the former beer garden of the Tally Ho Public House for two three bed semi-detached dwellings.

4.2.2 The new semi-detached dwellings have a footprint of 12 m x 9 m and an approximate ridge height of 8.5 m has been shown on the amended plans.

4.2.3 A shared access is proposed on the western boundary adjacent the pub car park. Four car parking spaces have been marked out in front of each of the dwellings.

4.2.4 The dwellings are located 7 metres from the highway and orientated east to west with the front elevation mirroring the Tally Ho. The dwellings are set 30 metres from the southern elevation of the Tally Ho pub with the pub car park in between the pub and the proposed dwellings. The dwellings have rear garden areas of over 100 square metres.

### 4.3 Key Issues

4.3.1 The key issues in the consideration of this application, in the light of the above policies, are dealt with under the following headings

- Principle of the development of two 3 bed semi-detached dwellings
- Design 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
- Highway issues
- Landscaping
- Other matters

#### Principle of the development

4.3.2 The principle of residential development on this site has already been determined within the outline application for one four bed dwellinghouse in a similar orientation and footprint as proposed. It was concluded that the proposed scheme would be acceptable in principle and would not have any adverse impact on the streetscene, neighbouring properties, parking and highways. 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 this site with the increase of one additional dwelling to two 3 bed semi-detached dwellings 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 two dwellings in this location. The application site may be outside the settlement boundary however, due to its link to the village by the foot way, the development is on balance acceptable in my view.

4.3.5 Also to be considered, as set out in the NPPF, are the principles of sustainability in terms of economic, social and environmental roles, all of which should be given simultaneous consideration. In terms of the social and environmental aspects of new development, the need to access everyday services without significant reliance on private transport is a prime consideration. Barkway is a selected settlement and is likely to retain this status in the emerging plan. It has a primary school and a pub and while it has little else (relying on nearby Barley and Royston for other services) it will continue to be a focus for some development in the emerging plan as one of the District's larger villages.

4.3.6 Given the status of the village, now and into the future, I do not consider that, on balance, the likely reliance on private transport, would amount to a defensible reason for refusal of the application in this case.

## **Design in relationship to the character and appearance of the surrounding area**

- 4.3.7 The proposed dwellings would be two storey three bedroom semi-detached property. The properties would be 8.7 metres high with a width of 13 metres and a maximum depth of 9 metres. Although the proposed dwellings 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 dwellings being sited with the side elevation facing the highway and the proposed front elevation located 32 metres from the front elevation of the existing Tally Ho pub with the pub car park in between.
- 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 NPPF section 7 (design) paragraph 64 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."***
- 4.3.10 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.

## **Impact on neighbouring properties**

- 4.3.11 I consider that no significant harm would be caused to the living conditions of nearby residents.
- 4.3.12 In terms of the future 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 properties would have small rear gardens 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).
- 4.3.13 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"

- 4.3.14 There is no obvious issue in relation to either contamination or noise. Suffice to report that the Council's Environmental Protection team recommend a condition which would require the applicant to adequately screen for contamination.
- 4.3.15 In light of these comments I am satisfied that the proposed dwellings would not have a negative impact in regards to noise impact on future residences or have a detrimental impact upon the public house and its use.

#### **Access and Highway considerations.**

- 4.3.16 A new access is to be provided onto the High Street. This access is the same as the access approved as part of the previous outline application. Four parking spaces have been proposed to serve the two semi-detached dwellings. These parking spaces are located at the front of the dwellings. The four proposed parking spaces would meet the requirements of the Supplementary Planning Document: Vehicle Parking at New Development. The new development will have appropriate off-road parking. The proposed development includes a new access the details of which meet the required highway design size and layout.
- 4.3.17 The Highways Authority were consulted on the current application and raised no objections. Hertfordshire County Council as the 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.
- 4.3.18 The proposal includes a 4.5 metres wide access which will accommodate the parking demand or the scale of development and accommodate two-way passing of vehicles at the access.
- 4.3.19 HCC has considered that the development that is located along the London Road that is designated as a secondary distributor road with the capacity to accommodate the traffic generation of vehicles is considered not to have a significant impact on the local highway network.
- 4.3.20 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.
- 4.3.21 Conditions and an informative have been recommended.

#### **Landscaping**

- 4.3.22 In regards to the landscaping of the site, no detailed landscape plan was submitted as part of this application. Only an indicative scheme was shown on plan No. 1257 005. Approving a detailed landscaping scheme will safeguard the appearance of the rural area and help screen the new dwelling within the surrounding area.
- 4.3.23 I have recommended a condition that requires a detailed landscape scheme to be submitted and approved in writing by the Local Planning Authority before development commences. This is to ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

4.3.24 I note the concerns raised by the parish council and the ward Councillor in regard to the felling of the 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.

4.3.25 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.

#### **Other matters**

4.3.26 Hertfordshire Ecology have confirmed that there are no grounds here to request extensive ecological surveys and have asked for an informative to safeguard the position in respect of the unlikely event that a protected species is present.

4.3.27 Historic Environment have also confirmed that due to the site location and current knowledge this proposal is unlikely to have an impact on any significant heritage assets.

#### **Unilateral Undertaking**

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

#### **4.4 Conclusion**

4.4.1 The proposed scheme is acceptable in principle, would not have any adverse impact on the streetscene, neighbouring properties, parking and highways. The proposal is outside a settlement but in a location where it would not conflict with the aims of the current Local Plan or the NPPF, which seeks to protect the countryside outside of identified settlements from speculative and harmful development. The development in my view would not assert such significant harm to the rural area to justify or sustain a reason for refusal. I have therefore framed a favourable recommendation accordingly.

### **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 provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A-F 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

4. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the verge has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

5. The gradient of the access shall not be steeper than 1 in 20 for at least the first 5 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

6. The access shall be not more than 4.5 metres wide.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

7. The access shall be constructed in a hard surfacing material for the first 5.0 metres from the back edge of the footway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

8. The turning area as shown on the approved drawing shall be provided, marked out and adequately surfaced and ready for use and shall be retained in that form and kept available for the purposes of the development and maintained thereafter.

Reason: To ensure the development makes adequate provision for the manoeuvring of vehicles likely to be associated with its use.

9. Prior to occupation, the residential property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.



10. Notwithstanding the approved plans, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority before development commences and the approved details shall be implemented on site. The landscape scheme shall include the following :
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure, and any hardscaping proposed
  - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

11. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

12. 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 trunks or hedgerows 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 trees or hedgerows. 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.

### **Proactive Statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

## HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway:

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority to ensure the satisfactory completion of the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

### **Informative**

#### **EV Charging Point Specification:**

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

### **Informative:**

Where a development is proposed, it is the developer who is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Therefore, if during development of the site any ground contamination is encountered it shall be brought to the attention of the Local Planning Authority as soon as practically possible so that a scheme to render the contamination harmless can be agreed.

### **Informative - Ecology**

The removal of trees & shrubs should be avoided during the **bird** breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

**Existing trees** (including the roots and overhanging branches) that are remaining on (or adjacent to the) site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist.

**Soft landscaping** - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. The planting of ash (*Fraxinus excelsior*) should be avoided due to the serious Ash dieback disease that is killing ash across Europe, and thus the subsequent ban on the movement of ash planting stock. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.