

ITEM NO:

4

Location: **11 Royal Oak Lane
Pirton
Hitchin
Hertfordshire
SG5 3QT**

Applicant: **Mr Gammell**

Proposal: **Erection of one 3-bed dwelling; partial demolition and reconfiguration of existing dwelling to facilitate new vehicular access and driveway to serve detached 3-bed dwelling in rear garden and closing of existing access (as amended by plans received 6th and 17th June 2019)**

Ref.No: 19/00317/FP

Officer: **Kate Poyser**

Date of expiry of statutory period :

15.April 2019

Reason for Delay (if applicable)**Reason for Referral to Committee** (if applicable)**Submitted Plan Nos**

ROL-10-001rev 1 ROL-10-002rev 1 ROL-10-003rev 1 ROL-10-004rev 1 ROL-02-01-010
ROL-02-01-011 ROL-02-01-012 ROL-02-01-013rev 1 ROL-02-01-014rev 1
ROL-02-01-015rev 1 ROL-02-01-016 ROL-02-01-017 ROL-02-01-018 ROL-02-01-020
ROL-02-01-021 ROL-02-01-022 ROL-02-01-023 ROL-02-01-024 ROL-02-01-025
ROL-02-01-026

Reason for committee decision – The application was initially called to the Planning Control Committee on 30th May 2019 by Cllr Dave Barnard on the grounds of being debated for the public interest.

1.0 Site History

1.1 18/00238PRE request for pre-application advice for a 3 bedroom, single storey dwelling.

1.2 93/00474/1HH single storey rear extension.

2.0 Policies

2.1 **North Hertfordshire District Local Plan with Alterations 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**

In general and with regard to:

Section 2 - Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 16 – Conserving and enhancing the historic environment

2.3 **Emerging Local Plan 2011 – 2031**

The current progress is that the Inspector's Main Modifications have been publicised.

Policy SP2 – Settlement hierarchy
Policy T1 – Assessment of transport matters
Policy T2 – Parking
Policy HS5 – Accessible and adaptable housing
Policy D1 – Sustainable Design
Policy D3 – Protecting living conditions
Policy HE1 – Designated heritage assets
Policy HE4 – Archaeology

2.4 **Pirton Neighbourhood Plan** – made on 27th April 2018 and now forms part of the Development Plan.

3.0 **Representations**

3.1 Please see previous committee report, attached as an appendix to this item. This shows the comments received to the original applications. Comments that have been received as a result of the amended scheme are shown below.

3.2 Highway Authority - has no objections to the amended scheme, subject to the closing of the existing access and reinstatement of the verge.

3.3 County Archaeologist – no further comments received.

3.4 Environmental Health – confirms that the changes to the application do not alter the advice given previously.

3.5 Pirton Parish Council no further comments have been received.

3.6 Pirton NP Steering Group – no further comments have been received.

3.7 Local Residents – no further comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 11 Royal Oak Lane is a detached bungalow with roof lights to provide some first floor accommodation. It is located in the southern half of the street, approximately 110 metres from the junction with the High Street. Much of the southern half of Royal Oak Lane lies within Pirton Conservation Area, but this property is one of a group of 6 properties not within its boundary. The Conservation Area does, however, include the grass verge that lies between 11 Royal Oak Lane and the carriageway, and runs along the front of several properties. There is no footway here. Royal Oak Lane has a wide variety of housing types and styles, although most at this end of the street are detached, many on good sized plots.

4.2 **Proposal**

4.3 This application was deferred at the 30th May Planning Control Committee. The reason for the deferral was due to the last minute receipt of amended drawings and to enable the planning officer to consider the planning merits of the amendments.

4.3 The proposal is to building a bungalow in the rear garden of 11 Royal Oak Lane. Part of the existing dwelling would be demolished to provide a gap wide enough for a driveway through to the site at the rear. Please see previous report to the Planning Control Committee on 30th May 2019, which is copied as an **appendix** to this item.

4.4 The proposed amendments relate to the vehicular accesses for the existing and proposed dwellings. The original drawings showed the existing access to remain and a new access was proposed to serve the new dwelling. The amended drawings show just one new access to serve both the existing and proposed dwellings. The existing access would be removed, leaving just the one access.

4.3 **Key Issues**

4.3.1 The key planning considerations relate to:

- The principle of the development;
- The effect on the character of the locality including adjacent Conservation Area;
- Living conditions of neighbours and future occupiers;
- Any highway/parking matters.

4.3.2 **Principle of the Development**

See previous report. The amendments to the scheme do not alter the consideration of this matter.

4.3.3 **Effect upon the Character of the Locality**

This is the consideration most affected by the amended scheme. The original application was recommended for refusal for the following reason:

“The proposed new dwelling would be back-land development with a curtilage smaller than average for properties in Royal Oak Lane, as such it would fail to relate well to its site and surroundings and to the established character and appearance of the area. Also, the proposed creation of a new vehicular access across a green amenity strip that runs to the front of the group of houses would be harmful to Pirton Conservation Area of which this part of the scheme would lie within. Furthermore, the development would set an undesirable precedent for similar such development in the locality. The development would, therefore, be contrary to the North Hertfordshire District Local Plan No. 2 with Alterations, Policy 57 - Residential Guidelines and Standards; the National Planning Policy Framework, Section 5 - Delivering a sufficient supply of homes, paragraph 70, Section 12 - Achieving well-designed places, paragraphs 127 and 130, Section 16 - Conserving and enhancing the historic environment; Pirton Neighbourhood Plan, Policy PNP 2 - Design and Character; and the Emerging Local Plan 2011 - 2031, Policy D1 - Sustainable design and Policy HE1 – Designated heritage assets.”

The reason for refusal deals with two matters; the effect of the second driveway across the pleasant wide grass verge, which lies within Pirton Conservation Area and; the effect of the new, back -garden plot on the pattern of development in the area.

4.3.4 The amended scheme would, effectively, relocate the access across a pleasant grass verge, rather than add a further hard surface to this area. **I therefore consider the amended drawings would overcome this part of the reason for refusal.**

4.3.4 This leaves the objection to the creation of a back garden plot and it being out of keeping with the pattern of development in the area. I maintain the view that the back garden development would not reflect the pattern of development in Royal Oak Lane. I acknowledge that, due to its location and single storey height there would be very little public visibility of the new building. There is variety in plot sizes in the street, although numbers 7, 9 and 11 are similar. I consider there is potential for setting a precedent for similar such development to these two neighbouring sites. However, does this on its own amount to a strong enough reason for refusal? I consider this to be border line case and I am influenced by the support of the scheme shown by Pirton Parish Council. Overall, there is a presumption in favour of sustainable development, and this would be sustainable. **On balance, I consider that there is no longer sufficient harm to the character of the area to justify withholding planning permission.**

4.3.5 Living Conditions

The proposed amendment would not have a significant effect upon neighbouring living conditions or those of the future occupiers of the new dwelling. There are neighbour objections to the original scheme and I would refer you to the previous report for considerations of those matters.

4.3.6 Highway/Parking Matters

The amended scheme would not change the proposed parking arrangements for the new dwelling. It would, however, affect the existing parking and access arrangements for the existing bungalow. The existing access would be closed up and the new access would be shared between the two properties. The amended scheme shows two car parking spaces in front of the bungalow. I can see no objections to this number of spaces. The Highway Authority has been consulted on the amendments and no objections are raised, subject to the existing access being closed and the verge reinstated.

4.4 **Conclusion**

The original recommendation was one of refusal. The amended scheme has overcome one of the main concerns. There is a fine balance of planning considerations to the proposed development as it now stands. It is felt that as there is a thrust in favour of allowing sustainable development, and due to the support of Pirton Parish Council, that permission should now be granted.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

None proposed.

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. Details of the proposed finish for the weather boarding shall be submitted to and approved in writing by the Local Planning Authority prior to this part of the development being carried out. Thereafter, the development shall be completed as agreed.

Reason: In the interests of the appearance of the completed development and the visual amenities of the locality.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D, E and 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.

5. Before the proposed development is first occupied, the existing access shall be closed and the grass verge reinstated to the satisfaction of the Local Planning Authority

Reason: In the interest of Highways Safety.

6. No construction vehicles in association with the approved development shall attend the site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

Details submitted in respect of the CMP, incorporated on a plan, shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The CMP shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Reason: In the interests of highway safety and amenity.

7. Work shall not commence on the construction of the new dwelling until the applicant has submitted a written response from the fire authority to the Local Planning Authority and the Highway Authority agreeing the means of access for Fire Authority.

Reason: in the interest of highway safety and emergency access .

8. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

9. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (8)

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

- 10 The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (8) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

11. Prior to occupation, the new residential dwelling (11A Royal Oak Lane) 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.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.0 **Appendices**

7.1 Previous report to the 30th May 2019 Planning Control Committee.