

<b>ITEM NO:</b>	<u>Location:</u>	<b>Land Off, Cambridge Road, Barkway</b>
	<u>Applicant:</u>	Mr Highfield Rockwell Ltd
	<u>Proposal:</u>	<b>Outline application (appearance and scale reserved) for residential development of 13 dwellings together with associated access road (as amended by plans received 15.3.17).</b>
	<u>Ref. No:</u>	<b>16/02237/ 1</b>
	<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:** 05 December 2016

**Reason for Delay**

Negotiations seeking agreement on heads of terms of a S106 Obligation. Statutory expiry date agreed extension 3 July 2017

**Reason for Referral to Committee**

Housing development on site exceeding 0.5 ha in area. Site allocated in Submission Local Plan.

**1.0 Relevant History**

- 1.1 No pre-application advice was sought on this site. It is however identified as a preferred option in the emerging Local Plan (BK1).

**2.0 Policies**

**2.1 National Planning Policy Framework**

Paragraph 14 'Presumption in Favour of Sustainable Development'

Paragraph 17 'Core Planning Principles'

Section 1 - Building a strong, competitive economy.

Section 3 - Supporting a prosperous rural economy.

Section 4 - Promoting sustainable transport.

Section 6 - Delivering a wide choice of high quality homes.

Section 7 - Requiring good design.

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment.

**2.2 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 - Rural Areas beyond the Green Belt.

Policy 14 – Nature Conservation

Policy 16

Policy 29A - Affordable Housing for Urban Housing Needs

Policy 51 - Development Effects and Planning Gain.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards

**2.3 Supplementary Planning Document.**

Planning Obligations SPD

Vehicle Parking Provision at New Development.

## 2.4 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map

Policy SD1 'Presumption in Favour of Sustainable Development'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy HDS1 'Housing Targets 2011-2031'

Policy HDS2 'Settlement Hierarchy'

Policy HDS3 'Affordable Housing'

Policy D1 'Design and Sustainability'

Policy D3 'Protecting Living Conditions'

Policy NE6 'Reducing Flood Risk'

Policy NE7 'Water Quality and Environment'

Policy NE9 'Contaminated Land'

Policy ID1 'Infrastructure Requirements and Developer Contributions'

Chapter 12 'Part 1': Development for North Hertfordshire's Own Needs'

Proposals Map - proposed site allocation - BK1

## **3.0 Representations**

### **3.1 Barkway Parish Council**

*The Parish Council wishes to object on the grounds of insufficient parking spaces within the proposed development. Realistically the way people now live, in rural areas such as Barkway where there is very little local employment or services, every adult is wholly dependent on private transport. This sort of development has been seen to cause parking issues in rural areas where people are forced to park on the roads and in turn could potentially block access for rubbish collectors, large delivery vans and emergency services.*

*The NPPF guidelines say that any development must be sustainable and this development will not create jobs for local people and it also says that developments should provide a good standard of amenity for residents, which should include sufficient and safe parking. A development located in an area with better services would not require as much parking, so each case should be considered in its own right.*

### **3.2 Hertfordshire Highways**

*The proposal would not significantly affect the adjacent highway network therefore Hertfordshire County Council as highway authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the above planning conditions and highway informatives.*

### **3.3 Housing & Environmental Health Services**

*I do not have any objections to the proposed development as there are no land uses or traffic networks in the vicinity which are likely to cause significant adverse impacts to the amenity of prospective occupiers of the dwellings from noise, odour, light etc. I would, however, like to highlight that the village hall is on the adjacent piece of land to the proposed development. I have checked the premises licence for the village hall and note that music entertainment is permitted until midnight on most days. I am not aware of any recent noise complaint history associated with*

*the premises since it was rebuilt. I do not think this premises will have an adverse impact on the proposed development but it is important for the occupiers to be aware of its presence and the developer should have consideration for this when they are deciding on the detailed design of the dwellings in terms of the orientation of bedrooms and the glazing and ventilation specifications.*

### **3.4 Environmental Protection**

*The EP Team records indicate a low likelihood of environmental risk from ground contamination. However, there is no specific information available about the subject site and the proposed development would represent a significant increase in the vulnerability of the end users to the presence of any land contamination that may be present. As such, there will be a requirement for the applicant to demonstrate that the proposed development will be suitable for use.*

### **3.5 Air Quality/Sustainable Transport**

*An approach to considering the impact of a development on air pollution and the potential mitigation of such is now in place in the form of the air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>*

*Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so only the minimum of air pollution mitigation is recommended. It is considered that this minimum could be achieved by placing the following condition on any permission that may be granted and as such the inclusion of this condition is strongly recommended.*

### **3.6 HCC Planning Obligations**

Contributions outlined within the S106.

### **3.7 Landscape and Urban Design - Planning Policy**

*Although I have no objection in principle to residential development on this site the following issues need to be addressed in order to create a high quality development that enhances the character and setting of its location.*

- (i) Layout - appears to be based around the tracking requirements of the refuse vehicle rather than being informed by the site characteristics, existing vegetation and adjoining land uses.*
- (ii) Scheme - needs a greater mix of types and size of dwellings.*
- (iii) There is too much hard surfacing particularly at the western end of the site. A revised layout should address this.*
- (iv) Insufficient weight has been given to the impact of the proposed development on neighbouring trees and hedges and to the trees and hedgerow along Cambridge Road.*
- (v) What protection is proposed for existing vegetation during construction?*
- (vi) Amenity area - reduce in size or lose altogether and include in private gardens which will allow the layout to be redesigned.*
- (vii) Detailed landscape scheme - should be the subject of a condition as part of any planning approval. The landscape scheme should create a sense of place and unique character for the development.*
- (viii) Reconsider whether it would be better to give all plots a single garage rather than 1 plot having a double garage and 2 plots having no garage.*

*Further to my comments of 19th September 2016 amendments have been received. The amendments raised above are welcomed and would result in an improved scheme.*

### 3.8 Hertfordshire Ecology

*We do not have any biological (species or habitats) records for the application site. We do have records of the bats in the area.*

*A Preliminary Ecological Appraisal (by Green willows Associates Ltd, dated June 2016) has been Submitted with this application. The site was surveyed on 25 May 2016 and comprises a semi-improved grassland horse grazed paddock surrounded by trees/hedgerows at each boundary. The limited vegetative habitats were assessed as being of little botanical interest. The site is generally considered sub-optimal for protected species due to the lack of suitable habitats on site.*

#### Birds

*Notwithstanding the above, the site does have potential for nesting birds in the trees and hedgerows and consideration should be given to breeding birds during site clearance. I advise an informative be added to any permission granted.*

#### Bats

*An Ash tree (TN1) was identified as having potential suitable roosting habitat. I advise a Precautionary approach to during heavy pruning or total removal should be adopted and an informative be added to any permission granted,*

#### Biodiversity enhancements

*Finally, I welcome the fact that bird boxes are suggested to provide enhancement opportunities for wildlife. These could be expanded to include bat boxes, integrated bat roost units (brick and tubes) in building, specific nest boxes for swifts, swallows and martins and/or refuge habitats (e.g log piles, hibernacula) for reptiles at the site boundaries. These should be considered at an early stage to avoid conflict with any external lighting plans.*

### 3.9 Hertfordshire DC Waste

*Consideration should be given to parking arrangements alongside the access to the site. This road appears narrow in comparison to the width of a refuse collection vehicle when reviewing plan 101-c. If car parking is currently to be permitted the consideration of parking restrictions will be required to ensure access is not inhibited for collection. Particularly we would recommend the suggested turning area for the vehicle would need to be hatched with yellow lines along the road to prevent parking on collection day restricting access to the vehicle.*

*Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005. There is no mention of a collection point for the properties at the far end of the development beyond the reach of the freighter. Collections from their property boundary appear to exceed this requirement currently and therefore an agreed collection point should be provided where residents are required to pull their closer to the reach of the freighter.*

*The space provided to each property for storage of the bins does appear to meet requirements however please note that, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.*

### 3.10 NHDC Tree Officer

*I have inspected the ash tree along the Cambridge Road, Barkway and am in agreement that it adds high amenity value to the tree lined aspect to the entrance into the village.*

*Visually it appears to be in good condition with no signs of die back and no indication of any fungal bodies and is an overall good specimen.*

*If the tree is removed it will create a significant gap to detract from the mature tree lined effect of this particular area. If left the ash will also add to softening any new build projects.*

*I echo your thoughts in that the ash would be worthy of a TPO in this instance.*

### 3.11 LLFA

*As the Lead Local Flood Authority, we have been consulted to provide any comment on the amended proposal.*

*However the new information submitted (drawings RT16028\_101\_G-proposed Site Plan and RT16028\_102\_C-Site Elevation) does not address our concerns raised in our previous letter. Our position therefore remains unchanged, that is to object to this application and to recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.*

*We ask to be re-consulted with the results of the surface water drainage assessment. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.*

**Agent has since submitted a revised Surface Water Drainage Assessment which seeks to mitigate the objections raised by the LLFA - At the time of writing I have not received further responses from the LLFA. An update at Committee will be made.**

### 3.12 Local Residents

*Mr P Bassett,  
Mr M Newton, 2 Periwinkle Close,  
Dr R Davidson 5 Periwinkle Close,  
Mrs P Cook, 11 Periwinkle Close,  
Ms Conners, 14 Periwinkle Close,  
Ms Erby, Flint House*

*Summary of representations received are shown below:*

- *Access - there should be no access from Periwinkle Close*
- *Parking - not enough spaces*
- *Highway safety*
- *Inadequate infrastructure in village - doctors/school/shop/post office*
- *Negative impact on ecology*
- *Trees and hedgerows should be retained*
- *Over development of Barkway*
- *Plot 11 - too close to new dwelling in grounds of Flint House*
- *Restrict development and conversions of garages*

## **4.0 Planning Considerations**

### 4.1 Site & Surroundings

- 4.1.1 The application site is on the northern edge of Barkway village within the village boundary as defined in the new Local Plan 2011-2031. It adjoins residential development on the southern and western boundaries and paddocks on the northern boundary. The adjoining land-uses include Periwinkle Close characterised by bungalows/two storey houses in short terraces; the Telephone Exchange and Flint House to the south which is the subject of a planning application for 4 dwellings in the rear garden (16/00847/1); and Barkway Village Hall to the north. On the eastern side of Cambridge Road, opposite the site, there are large detached properties on large plots. The site is outside Barkway

Conservation Area.

4.1.2 The PRoW definitive map shows Bridleway no. 17 running along the northern boundary between the site and the Village Hall before turning northwards along the western boundary of the village Hall. There is a footway alongside Cambridge Road for access into the village and a range of facilities.

#### 4.2 **Proposal**

4.2.1 Outline application for residential development of 12 dwellings together with associated access road.

4.2.2 The matters of layout, landscaping and access will be considered in the outline application. Matters of appearance and scale are reserved.

#### 4.3 **Key Issues**

4.3.1 Taking account of the development plan policies, other material considerations and representations received from all interested parties referred to above I consider the key material considerations to be addressed in the determination of this planning application are as follows:

- Whether housing development is acceptable on this site in principle, taking account of the presumption in favour of sustainable development set out in the NPPF and weight that can be attributed to emerging Local Plan policies;
- Whether the proposed development is capable of delivering high quality and inclusive design, which can enhance the way the area functions (paragraphs 58-61 of the NPPF). This will include an assessment of any landscape impacts and relationship to the character and appearance of the surrounding village and heritage assets;
- Whether the proposal would deliver necessary mitigation on local services through planning gain and S106 contributions to address the impact of the development on those services;
- Whether the proposal is acceptable in terms of traffic impact and other infrastructure such as flood risk (see response from relevant technical consultees reported above);
- Whether the proposal would have an acceptable relationship with nearby residential properties and other land uses in terms of living conditions and other amenity impacts;

#### **Principle of development**

4.3.2 Under paragraphs 14 it is therefore clearly necessary to assess the weight that can be applied to relevant development plan policies to this application. The development plan for North Hertfordshire consists of the saved policies of the North Hertfordshire District Local Plan No. 2 - with Alterations (adopted 1996). This application site is a greenfield site located outside the village boundary of Barkway, as defined in the North Hertfordshire District Local Plan No. 2 - with Alterations proposals map (adopted 1996). Saved Policy 6 of the adopted Local Plan seeks to resist development proposals outside settlement boundaries except for various small scale development schemes that are appropriate in the countryside.

4.3.3 In order to consider how much weight to apply to development plan policies post publication of the NPPF (March 2012), paragraph 215 of the NPPF states that:

**'[for policies contained in Local Plans adopted before the 2004 Act - i.e. the**

**1996 Local Plan] due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'**

- 4.3.4 Moreover, where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. This claim will of course be tested at the forthcoming Examination in Public (EiP) into the Local Plan. Therefore as a precautionary approach it is in my view necessary to consider the relevance of saved Policy 6 on the basis that the Council cannot at this stage with any degree of confidence categorically claim it has a five year land supply of deliverable housing sites. The weight to be attributed to saved Policy 6 must therefore be tested through paragraph 49 of the NPPF as well as paragraph 215. Paragraph 49 states that:

**'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year land supply of deliverable housing sites.'**

- 4.3.5 Whilst Policy 6 clearly has a role in directing new housing development towards existing settlements and in this respect it is out of date, it is not explicitly a policy that relates to the supply of housing. It has a broader planning purpose that of protecting the character of the countryside, which has a degree of consistency with the 'Core Planning Principles' set out in the NPPF at paragraph 17 that:

**'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'**

- 4.3.6 On this basis and recent appeal decisions have re-affirmed this view, in terms of Policy 6 acting as a tool to restrict the supply of housing it is out of date and must be given very limited weight, particularly as in this case where I cannot be wholly confident of the Council's position on five year land supply. Paradoxically however the policy's method of restricting the supply of housing is to protect the countryside which the NPPF recognises has intrinsic value. Therefore when applying saved Local Plan Policy 6 which has a degree of consistency with the core planning principles set out in the NPPF, in my view this development proposal could be seen to conflict with the aim of protecting the countryside to maintain its intrinsic beauty. Any conflict with this policy represents an element of harm which may only be outweighed on confirmation of the sites adoption, that housing development identified in this outline planning application would cause to the intrinsic value of the countryside on which the site is located. The policy is however to be replaced by Policy CGB1 of the submission Local Plan (2011-2031). As the site would be located within a new settlement boundary of Barkway (to be identified as a Category A village) there is a risk that very soon the status and weight than can be attributed to Saved Policy 6 of the 1996 Local Plan will diminish further. On this basis and as precautionary approach I give this conflict with saved Policy 6 very limited weight in and of itself.

## **Emerging Local Plan Policies (2011 - 2031)**

4.3.7 Full Council agreed to submit the North Hertfordshire Local Plan (2011-2031) to the Secretary of State for examination at the meeting held on 11 April 2017. This is another step in the progress of the Local Plan which means that the policies contained in the Local Plan now carry more weight in development management decisions than it did before the decision of Full Council on 11 April 2017. At the time of writing the Plan has now also been submitted to the Secretary of State.

4.3.8 Within this document this site is identified as part of proposed housing allocation BK1. The Local Plan also proposes (as with all rural or edge of urban land allocations) to take the site out of the rural area and within a revised settlement boundary of Barkway. The dwelling estimate for the whole BK1 site is 13 dwellings. The requirements of any housing delivery on site BK1 are listed in the Local Plan as follows:

- **'Site layout designed to integrate with any future use of adjoining reserve school site;**
- **Appropriate treatment of northern boundary to maintain integrity of Bridleway Barkway 017;**
- **Sensitive design to respect setting of Barkway Conservation Area and Cockenach Registered Park and Garden to include:**
  - **Reinforcing hedgerows and landscaping along southern boundary of site; and**
  - **Access arrangements designed to minimise harm to heritage assets'**

4.3.9 Insofar as this is an outline planning application with matters reserved apart from access, landscaping and layout, it is not possible at this stage to assess this application against all of the requirements of the proposed BK1 land allocation listed above. Matters such as detailed design, appearance and scale of buildings for example are reserved and can only be considered as part of an assessment of any submission of reserved matters. There are however some requirements which need to be addressed within this outline planning application in order for the overall scheme to deliver the BK1 land allocation.

4.3.10 On this basis the following section of the report sets out an assessment of the outline planning application against the requirements of proposed land allocation BK1; explaining whether such matters are relevant at this stage or are reserved for future consideration:

### **1) Site layout designed to integrate with any future use of adjoining reserve school site**

The proposed development is set away from the boundary with the proposed school site. Plot No.12 would be the closest to the adjoining boundary. The existing trees and hedgerows along the boundary are to be retained given screening to any future development on this reserved school site.

### **2) Appropriate treatment of northern boundary to maintain integrity of Bridleway Barkway 017**

Within the landscape plan it shows the retention of the existing hedgerow and trees along the boundary with the bridleway.

### **3) Sensitive design to respect setting of Barkway Conservation Area and Cockenach Registered Park and Garden**

Matters of appearance and design are reserved matters. However with the retention of the trees on the front boundary along with the removal of the front dwelling in the original scheme have helped soften the front boundary along Cambridge Road.



4.3.11 Other policies which are of relevance within the emerging Local Plan include a requirement for 25% affordable housing within the scheme (Policy HS2) are set out in the list given above. Many of these policies such as 'Protecting Living Conditions' (Policy D3) are not fully engaged until details of design and scale are assessed.

#### **Weight Attributed to Emerging Local Plan Policies**

4.3.12 Whilst I have identified some conflict with emerging Local Plan policies in the earlier section of this report, as the emerging Local Plan is not as yet the development plan it is at this stage an 'other material consideration' which must be taken into account in the determination of this planning application. At this time and before adoption of the new Local Plan the development plan remains the Saved policies of the North Hertfordshire District Local Plan 1996 - with Alterations. In relation to the development plan I have identified above conflict with Saved Policy 6 of the 1996 Local Plan, albeit and is explained this policy carries limited weight as advised in the NPPF.

4.3.13 The NPPF also offers clear guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:

**'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:**

**\* the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);**

**\* the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and**

**\* the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'**

4.3.14 In order to establish how much weight to attribute to land allocation policy BK1 it is clearly necessary to assess its status in light of the three tests set out in paragraph 216 and in this respect I make the following observations:

4.3.15 **Stage of preparation:** On the 11 April 2017 Full Council agreed to submit the Local Plan to the Secretary of State for examination. This decision represents another important step in plan preparation and as is set out above, the more advanced the stage in preparation, the more weight that should be attributed to the policy.

4.3.16 **Extent of unresolved objections:** I have examined key consultation responses to the submission Local Plan consultation which took place in Autumn 2016 and there are no fundamental unresolved objections to the delivery of housing on the BK1 site from important technical consultees. There are of course a number of local concerns expressed but for the purposes of paragraph 216 I am of the view that the key test is any significant, evidence based planning objections from key consultees, such as the highway authority, education authority, or utilities for example.

4.3.17 This test is also often satisfied through an assessment of the planning application and as can be seen above other than a probably resolvable technical objection from the Lead Local Flood Authority (negotiation on this is on going) there are no clear unresolved technical objections to development on this site.

4.3.18 **Compliance with the NPPF:** The requirements of proposed site allocation BK1 are in my view consistent with the policies set out in the NPPF.

4.3.19 On this basis and in relation to this planning application I consider that considerable weight can be attributed to proposed allocation policy BK1.

### **Sustainability**

4.3.20 There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn:

4.3.21 In terms of an economic role there are obvious economic benefits associated with the delivery of new homes on this site, through new employment opportunities in construction and new households to serve local businesses and services. The social role can be satisfied within the completed S106 Obligation in my opinion which would deliver the necessary enhancements to local infrastructure. In regards to the environmental role, the submission Local Plan identifies Barkway as a category A village, capable of supporting significant housing growth.

4.3.22 On this basis, the current application, in my view presents a genuinely deliverable social and environmentally sustainable form of development.

### **Site Access and Highway issues**

4.3.23 Access to the proposed development would be from Cambridge Road. The development has its main highway frontage along the southern boundary with the Cambridge Road that is the classified B1368 road which is designated as a secondary distributor road subject to a restricted speed limit of 30 mph. Following an existing Ash Tree on the front boundary of the site which was proposed to be felled in the original layout was subject to a new Tree Preservation Order, the access was amended.

4.3.24 The Highway Authority have no objection to the proposed access and it is considered that this would not significantly affect the adjacent highway network.

### **Layout**

4.3.25 The layout of the development has been amended by reducing the scheme from 13 dwellings to 12 which allows the dwelling on plot 1 to be moved back from the Cambridge Road boundary to provide a greater soft landscape buffer to Cambridge Road. The reduction also improves the general layout and creates a better relationship between plots.

4.3.26 The access road has been realigned and its junction with Cambridge Road is south of the previous position moving it away from tree T1 Ash which is to be retained. The realignment also creates more space on the north side of the access road for soft landscaping and buffer to the adjoining land use. The overall realignment of the road through the scheme is an improvement as it creates a better building line and allows the repositioning of the visitor parking bays (three spaces have been shown) away from Cambridge Road. The turning head in the middle of the scheme has been removed and vehicles will need to use the hammerhead at the end of the cul-de-sac. This has reduced the amount of hard surfacing and is an improvement.

4.3.27 The site plan shows 7 detached dwelling and 2 pairs of semi detached dwelling with a mix of 3 and 4 bed dwellings. Plots 1, 2, 5, 6, 7, 8, 9, 11 and 12 have a single garage and two off street parking spaces. The two affordable units have two off-street parking spaces and plot 10 has a double garage and two off street parking spaces. I note the concerns raised by the Parish Council and a number of neighbour representation in regards to the provision of parking spaces. The

Vehicle SPD states that from dwellings of two beds and up have an allocation of 2 parking spaces. All the proposed dwellings have a minimum of two spaces with 9 of the 12 having additional garages. I have conditioned that these garages remain as garages to safeguard the parking standards for this development. I am therefore satisfied that the development meets the required parking standard.

- 4.3.28 Overall, the layout of the proposed development would result in an attractive development.

### **Design and appearance**

- 4.3.29 The application is outline in form and this being the case all matters relating to appearance, design and scale are reserved. However, based on the indicative information submitted I can see no grounds for concluding that a scheme of 12 units could not be designed such as to improve the character of the area as required by para 64 of the NPPF.
- 4.3.30 I have recommended a condition to remove all permitted development rights (Part 1: Classes A-F) for the proposed dwellings. 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.

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

- 4.3.31 I consider that no significant harm would be caused to the living conditions of nearby residents. I note the concerns raised by the neighbouring property of Flint House in regards to plot 10 (as amended). Plot 10 is shown to be approximately 10 metres from Plot 2 of the Flint House application. However, it is my view that the rear facing elevation is orientated west rather than onto the shared boundary with Plot 2 on the Flint House Development. Plot 2 of this scheme does not have any first floor windows on the rear elevation with the bedroom windows on the front and skylights within the roof. In regard to the appearance, design and fenestration these are reserved matters therefore without the detail I cannot comment further on this point. These elements can be negotiated at the reserved matters application in order to safeguard the amenities and privacy of all residents.
- 4.3.32 Also I would comment that Plots 3 and 4 of the Flint House development have two first floor windows on the rear elevation facing the development site. These windows facilitate a bathroom for each of the pair of semis. With careful layout design at reserved matters stage, privacy of all properties can be maintained.
- 4.3.33 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. The majority of the proposed units would have rear gardens over 100 square metres. Whilst the two affordable housing properties would have smaller rear gardens in my view the amenity space would be acceptable. The majority of the properties would still have more than 75 square metres of amenity space (as recommended by Policy 57).

### **Landscape and Ecology**

- 4.3.34 In the original scheme an Ash Tree on the front boundary was proposed to be removed to allow for the access onto Cambridge Road. Following a site visit I considered that the tree was a fine specimen and warranted a Tree Preservation Order because it had high amenity value to the tree lined aspect to the entrance into the village. I consulted with NHDC Tree Officer for a second opinion. Mr Wilkin stated that the tree

- 4.3.35 ***“Visually it appears to be in good condition with no signs of die back and no indication of any fungal bodies and is an overall good specimen. If the tree is removed it will create a significant gap to detract from the mature tree lined effect of this particular area. If left the ash will also add to softening any new build projects.”***
- 4.3.36 In light of the TPO on the Ash Tree (T1) the scheme was amended by changing the access point and removing the front dwelling to allow for the access to be compliant with Highway conditions. The removal of the front plot also helps soften the development on the frontage by providing amenity area alongside plot 1.
- 4.3.37 On the amended site plan it is shown that the existing hedgerows are to be retained and improved. I have recommended a number of conditions to safeguard the existing and proposed vegetation during construction. These conditions are imposed are also to safeguard and enhance the appearance of the completed development and the visual amenity of the locality.
- 4.3.38 In terms of the ecology impacts of the development, HCC Ecology have recommended a number of informatives to safeguard existing and future habitats.

### **Outstanding Technical Matters**

- 4.3.39 As can be seen from the technical consultation responses outlined above. All technical consultees have been satisfied with the applicants submission and there are no objections from any of the technical consultees apart from the Lead Local Flood Authority LLFA. The applicant has continued to liaise with the LLFA in order to overcome their objections and any further updates will be reported orally at Committee.

### **Waste and recycling**

- 4.3.40 The site plan shows bins and boxes to be stored at the rear of the proposed garages. Occupiers would present these to the frontage on collection day. These arrangements would minimise the presence of waste and recycling receptacles in the streetscene of the development, retaining an attractive appearance to the development. The Waste Officer had recommended a condition requesting further details at reserved matters stage to protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

### **Affordable Housing**

- 4.3.41 The Council is moving towards a revised affordable housing policy with Policy HS2 of the emerging local plan where a development of this size will require 25% of the dwellings to be affordable. The new local plan has been submitted to the Secretary of State and the new policy will, as part of the new plan, have to be the subject of an Examination in Public later in 2017. Paragraph 216 of the NPPF allows decision makers to give weight to policies in emerging local plans and therefore officers have asked the applicants to make an affordable housing offer in recognition of the advanced stage of the new local plan policy.
- 4.3.42 The proposed development has 2 affordable units, one at affordable rent, and the other shared ownership. In discussions with the agent and applicant off site contributions were initially offered. Through consultation with the Housing Officer it was preferred that onsite provision was met in accordance with the Submitted Local Plan policies. Through these negotiations the provision of onsite was agreed. Although two affordable units on site does not meet the requirements for 25%, in order to provide onsite affordable units the view was taken along with the reduction of the number of units on the site from 13 to 12, two units could be supported.

## Planning Obligations

4.3.43 Outlined in the table below are the agreed heads of terms. The S106 at the time of writing this report is awaiting agreement by all parties.

Element	Details	Justification
Affordable Housing	Two units provided on site  1x 3 bed Affordable Rent 1x3 bed Shared Ownership	Policy HS2 North Hertfordshire Submission Local Plan (2011-2031)  Planning Obligations SPD  As required by housing enabling officer
Open Space management and maintenance	Private management body	Planning Obligations SPD
HCC First School education	Expansion of Barkway School: £27, 624 based on 12 dwellings or apply table within SPD if lower number (index linked)	HCC toolkit and Planning Obligations SPD
HCC Middle School contribution	Expansion of Roysia Middle School from 3fe to 4fe: £23,804 based on 12 dwellings or apply table in SPD if lower (index linked)	HCC toolkit and Planning Obligations SPD
HCC Youth Services	Towards Meridian Youth Centre – to update facility to support the delivery of youth curriculum: £722 based on 12 dwellings or apply table in SPD if lower (index linked)	HCC toolkit and Planning Obligations
Fire hydrant provision across the site	HCC requirement	HCC toolkit

## 4.4 Conclusion

4.4.1 Following lengthy negotiations between officers and the applicants I consider that the development proposals are acceptable. Although in outline enough details have been submitted to demonstrate that this development will have a sufficiently high standard of environment and meet the sustainable development aspirations as set out in the NPPF. It will also provide much needed homes on a site which is deliverable and allocated in the Submission local Plan 2011-2031. Overall I consider this development to be in accordance with local plan policies and the Framework as a whole.

## 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 and to the applicant entering into the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure and contributions as set out in the above Heads of Terms table and to the applicant agreeing any necessary extensions to the Statutory period to allow the completion of the S106 Obligation. Also subject to the objections from the Lead Local Flood Authority being overcome.

6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of an absence of a completed Section 106 Obligation:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. 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.

5. Notwithstanding the approved layout plan, as part of the Reserved Matters application full details must be submitted of the on-site storage facilities for **household waste** including waste for recycling. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point or within 10m for communal bin storage areas. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

6. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

**Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.**

7. **EV Recharging Infrastructure Condition:**

Prior to occupation, each of the thirteen residential properties 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.**

8. None of the trees to be retained 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.

9. 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 and hedgerows to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

10. The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on the in principle drawing number 101 revision G to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

11. Prior to occupation a footway shall be provided 1.8 metres wide along the frontage of the new development that will connect the site with the existing bus stops in the village High Street as part of the application. The improved footway link will need to be joined to the development's own footway. These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments.' Section 2 part 1 chapter 9 para 9.4

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the



carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

13. The gradient of the main access from the Cambridge Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

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

14. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

15. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;

b. Construction and storage compounds (including areas designated for car parking);

c. The Siting and details of wheel washing facilities;

d. Cable trenches within the public highway that affect traffic movement of existing residents;

e. Foundation works that may affect traffic movement of existing residents;

f. Cleaning of site entrances and the adjacent public highways and,

g. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

16. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

I. Roads, footways, foul and on-site water drainage.

II. Proposed access arrangements including visibility splays, with acceptable Stage 2 Road Safety Audit;

III. Servicing areas, loading areas and turning areas for all vehicles.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

17. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

### **Proactive Statement**

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

### HIGHWAY INFORMATIVES:

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

1. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service (Tel: Direct line 01992 555243) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access.

### REASON:

1. To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements passing the crossing point in the interests of pedestrian safety on a Public Right of Way.

2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

### REASON:

2. 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.

3. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

## WASTE MANAGEMENT INFORMATIVE

Further advice on waste provision for developments is available on our website.

<http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area, or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

## ECOLOGY INFORMATIVE:

### Birds

- ***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.***

### Bats

- ***If bats or evidence for them is discovered during the course of any tree works, work must stop immediately and advice sought on how to proceed lawfully from: Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist.***

Trees and soft landscaping

- ***Retained trees (including roots and overhanging branches) should be protected from harm/damage during construction. New planting should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.***

Lighting

- ***Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.***

Badgers and other animals

- ***Trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.***

ENVIRONMENTAL HEALTH INFORMATIVE

1) 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.

2) The above condition is considered relevant and reasonable for the following reasons:

- Section 7 of the Planning DAS submitted with the application mentions that the development intends to positively encourage energy efficient modes of transport and Section 9 acknowledges that climate change mitigation will be incorporated into the development.
- Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.

- The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
- HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
- It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.
- The proposed plans for the development include garages/dedicated parking spaces associated with all thirteen properties, which means that they are suited to the incorporation of EV charging infrastructure. The assessment of reasonable is also based on the approximate costs for installing appropriate cabling to a new build property would be expected to be approximately £400.00 per property and installation of a wall-mounted point approximately £400.00 per property.

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.