

**ITEM NO:**

Location:           **Brookside  
Bedford Road  
Holwell  
Hitchin  
Hertfordshire  
SG5 3RX**

Applicant:           **Mr S Adams**

Proposal:           **Erection of one detached 4-bed dwelling with associated garden and parking area (following demolition of existing garage) (as amended by plans received 31 July 2019).**

Ref. No:               19/01213/FP

Officer:               **Jo Cousins**

**Date of expiry of statutory period : 01.08.2019**

**Reason for Delay**

Extension of time to allow for negotiations and amended plans and for the Committee meeting cycle.

**Reason for Referral to Committee**

Cllr North has called this application in. He feels that the Parish Council have a point with regard to the impact on the Highway and that it would be more appropriate for the Parish Council to explain the highway matter in committee, particularly as they are eluding to large vehicles which would not usually be associated with dwelling.

**1.0 Policies****1.1 National Planning Policy Framework -**

Section 6 - Delivering a sufficient supply of homes

Section 12 - Requiring good design

Section 16 - Conserving and enhancing the natural environment

**1.2 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

**1.3 Supplementary Planning Documents**

Design

Vehicle Parking at New Developments

#### 1.4 **North Hertfordshire District Local Plan 2011-2031 'Preferred Options Consultation Paper' and Proposals Map**

Policy SP1 'Presumption in Favour of Sustainable Development'

Policy SP2 'Settlement Hierarchy'

Policy SP5 'Countryside and Green Belt'

Policy SP8 'Housing'

Policy SP9 'Design and Sustainability'

Policy CGB1 'Rural Areas beyond the Green Belt'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy HS1 Local Housing Allocations'

Policy D1 'Design and Sustainability'

Policy D3 'Protecting Living Conditions'

#### 2.0 **Site History**

2.1 An application for a single dwelling to the front of Brookside was withdrawn prior to determination due to the position in relation to the brook to the side and forward position in relation to the existing property.

2.2 Permission was granted for a residential annexe at Brookside in March 2007, this was not implemented.

2.3 An application for a dwelling at Sunvale was allowed on appeal in January 2017 with the inspector concluding that in the absence of a 5 year supply of deliverable housing sites that there would be no adverse impact that would significantly and demonstrably outweigh the benefits of the development which was considered to constitute sustainable development as set out in the NPPF.

2.4 A single dwelling, following the demolition of an existing workshop and, at Ramerick Nursery (to the rear of Conifer Dell and the current application site) was granted permission in October 2013.

#### 3.0 **Representations**

3.1 **Holwell Parish Council** – Object:-

1. The development is not in any building line along that stretch of road.

2. The access in and out to the site is hazardous as the road the access leads onto is a fast, dangerous road with poor visibility in both directions, especially when exiting the site.

3. When entering the site, there is limited space for large vehicles to turn.

4. The right of way into the site is shared by an additional resident and this would affect their access and would cause them a huge amount of disruption.

5. There is no need for an additional property to support the existing bungalow residents.

3.2 **Local residents** - The occupiers of Conifer Dell Bedford Road raised concerns to the plans as originally submitted with regard to potential overlooking from the proposed dwelling and how construction access would be gained to the site. Amended plans have been provided and the occupiers of Conifer Dell.

3.3 **Environmental Health (Noise)** – have no objections subject to the inclusion of informatives relating to the times construction activities can take place and to ensure that asbestos is properly treated if found in a survey.

3.4 **Environmental Protection (Land Contamination)** - Having reviewed the submitted documents and the records held by the Environmental Protection and Housing Team, confirm that there are no land contamination and no local air quality issues anticipated in relation to this application site and so no conditions will be required in this instance.

3.5 **River Ivel Drainage Board** – make the following comments:-  
***The Board recently commented on this application and requested a Flood Risk Assessment as part of the proposed development was in Flood Zone 3. The Board has received a revised site layout plan for this application which shows the development outside of Flood Zone 3 so a Flood Risk Assessment is now not required. Other requirements regarding methods of surface water drainage as stated in the initial response dated 1<sup>st</sup> July 2019 remain valid.***

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.1.1 The application site in the Rural Area beyond the Green Belt in planning policy terms. The site lies outside of a settlement as Brookside is one of just eight dwellings in a small cluster of houses located along the Bedford Road between Lower Stondon to the north and Hitchin to the south.

4.1.2 The site comprises a plot to the rear of Brookside, currently containing a detached double garage. Brookside is the last dwelling on the western side of the road, with a brook to the north and fields beyond. To the south is Conifer Dell and to the rear is a new dwelling known as Hawthorns. These three properties are served by a shared access off Bedford Road.

##### 4.2 **Proposal**

4.2.1 The proposal is for a four bedroom detached dwelling with a parking area to the front. The proposed plot would be 34 metres deep by 12 metres wide to the front and 17 metres wide at the rear. The proposal sets the dwelling on a similar, albeit larger footprint to the garage. The proposed dwelling would be approx. 8.3 metres wide, 12.9 metres long and 7.4 metres high at its ridge. The dwelling would be of a simple design with a pitched roof with windows to the front and rear gable ends. The accommodation would be provided over two floors and includes a ground floor bedroom (wheelchair accessibility to the ground floor), bathroom and three first floor bedrooms (one en-suite shower room).

4.2.2 The application has been the subject of minor amendments to secure the amenity of the area and to overcome concerns raised. The siting on the plot is demonstrated to be outside the flood zone and a temporary access for construction vehicles has been illustrated. In relation to car parking provision the dwelling has been amended on the plot to allow for an enlarged parking area to the front and for cars to enter and leave the site in forward gear. To safeguard privacy for neighbours first floor front windows have been revised to have restricted opening and obscure glazing.

4.2.3 In addition a new vehicular access would be provided to the front of Brookside adjacent to the plot boundary with the existing dwelling set some 13m from the highway boundary and opposite the driveway to Conifer Dell to the south. The application was accompanied by a design and access statement.

### 4.3 Key Issues

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

- Principle of development;
- Five year land supply of deliverable housing sites. In the clear absence of a five year land supply it is necessary to apply the;
- Presumption in Favour of Sustainable Development;
- Consideration of all the benefits of delivering new homes;
- Sustainability;
- Character and appearance;
- Design and visual impact;
- Residential amenity;
- Highways and access;
- Environmental protection.

Planning obligations are not currently justified for this scale of development and in this location.

#### **Principle of development:**

4.3.2 The application site is located outside a village boundary, and is designated Rural Area Beyond the Green Belt. Therefore, the key policy in this instance is Saved Policy 6 of the Local Plan. This policy, whilst being from the dated Local Plan, is considered to be NPPF compliant and can be attributed weight, and is supported by Policy CGB1 of the emerging local plan.

4.3.3 The Main Modifications to the Local Plan were received from the Inspector on 19th November 2018, have been put out to public consultation and the Inspector is currently considering these comments. Whilst the Local Plan is well advanced, the Council has received letters from the Inspector setting out his considerations and indicating that further hearings will be required. The matters relating to the further hearings are not relevant to the pertinent issues of this application, namely sustainable location and impact on the countryside (rural area beyond the Green Belt). Therefore it is considered the relevant policies of the emerging Local Plan can be attributed weight.

4.3.4 In my view, given the location of the site in between Brookside and Hawthorns and the appeal decision allowed at Sunvale to the south of the site, I consider that this site can be considered to comply with Save Policy 6 and emerging Policy CGB1, and can be considered to be a single dwelling on a plot within the built core of a 'settlement'. I note that this collection of houses on Bedford Road is not 'a settlement' in its own right, but in my view, the development of a single dwelling house on this plot would not result in the outward spread of new development into the countryside, the plot is contained and the use of the plot for a dwelling house would be consistent with the character of the area. I therefore consider that the development of this plot is consistent with the

'spirit' of Saved Policy 6, and no objection would be raised to the principle of development in this instance. This argument was debated in the appeal determination at Sunvale and I would concur with the Inspectors view that the fall back position is that this is a sustainable location.

#### **The need for and latest position on five year land supply for housing**

4.3.5 Paragraph 73 of the NPPF requires Local Planning Authorities to:

**"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirements set out in adopted strategic policies".**

4.3.6 The Council currently cannot demonstrate a five year land supply of deliverable housing sites. On this, this planning application for housing must therefore be assessed against the 'Presumption in Favour of Sustainable Development'.

#### **Presumption in Favour of Sustainable Development**

4.3.7 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development as for decision takers in development management as follows:

**"approving development proposals that accord with an up-to-date development plan without delay; or**

**where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

For specific policies in this framework, in North Hertfordshire these include designated Green Belt, SSSIs, National Parks, AONBs. This application site is not within any of these designations and on this basis the planning application must be judged against the policies of the NPPF as a whole and only if any harm identified would **significantly** and **demonstrably** outweigh the benefits of delivering new homes on this site, should planning permission be refused.

#### **The Benefits of Delivering New Homes**

4.3.8 In the absence of a five year land supply of deliverable housing sites, the benefits of delivering new homes are greater, as the absence of a five year land supply is a clear indication that insufficient homes are being delivered within the District to meet housing need (household formation). This planning application proposes one new home which would make a contribution, albeit a very small one, towards improving the five year land supply but also helping to meet the objectively assessed housing need for new homes

across the District, through the plan period (2011-2031). Meeting housing need is in itself a benefit of the proposed development.

- 4.3.9 In terms of economic benefits, it is clear that the proposed development would create some employment opportunities in construction and by providing for one new household in the local area. The development would help to support existing local businesses and services in the wider area.
- 4.3.10 Since the enactment of the Localism Act 2011, Section 70(2) of the Town and Country Planning Act 1990 (as amended), requires planning applications to be determined in accordance with the development plan, any local finance considerations and any other material considerations. The Act defines local finance considerations for the purposes of determining planning applications as income derived from the Community Infrastructure Levy (CIL) and the government's Homes Bonus scheme as a top up to revenue grant to support the delivery of new homes.
- 4.3.11 Whilst the Council has not adopted a CIL, it is necessary to consider homes bonus income to the Council that would result from this development proposal. This is in my view another benefit of the scheme that must be considered, albeit, a non-land use factor.
- 4.3.12 The above is not an exhaustive list of the benefits of delivering a new home on this site, but it does however provide a useful summary. Applying the presumption in favour of sustainable development, it is necessary to critically assess this planning application against the policies of the NPPF taken as a whole.

#### **Sustainable development**

- 4.3.13 With regard to this issue the proposed dwelling would be within a cluster of existing buildings which in close proximity to local shops and other facilities in Henlow Camp and in easy access of a bus stop which covers a number of routes to town centre facilities. There is a continuous footpath opposite the site to Henlow Camp. A walking/cycling distance of around a mile to these facilities is not unreasonable given the rural location. Whilst the footpath is located on the opposite side of a busy main road, there is good visibility in both directions. In addition, a number of bus services that run along Bedford Road stop at the nearby bus stop. These connect the site to nearby settlements, including Hitchin, where further services and employment opportunities are available. The application site therefore has relatively good access to public transport and I am satisfied that there would not be a significant safety risk to access public transport or facilities to future occupiers of the development in this regard. I conclude that future occupiers of the development would not be unduly reliant on private transport. The development would therefore accord with the Framework, which seeks to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.
- 4.3.14 Given the above argument and conclusions I do not consider that the application for a single dwelling would be unacceptable. A refusal here could not be justified on sustainability grounds in my view.

### **Character and appearance**

- 4.3.15 In allowing the appeal at Sunvale (***Appeal Decision APP/X1925/W/16/3156040***) on land in close proximity to the current application site the inspector stated that: ***the site is largely screened from longer views by trees and boundary planting. In these circumstances, I do not consider that the proposal would be harmful to the intrinsic beauty of the countryside in this location.*** He concluded that: ***the development would cause no significant harm to the character and appearance of the area. It would therefore be in accordance with Policy 57 of the North Hertfordshire District Local Plan No 2 with Alterations (1996). It would also accord with the Framework, which recognises the intrinsic character and beauty of the countryside.***

With regard to the current application site I would agree with this conclusion as the proposal would be set behind existing buildings and would benefit from screening by trees and boundary planting in wider views. I find it difficult to see any convincing grounds in the light of the appeal to resist the current application. The site is slightly closer to the facilities in Henlow Camp, it is set within the rear garden of an existing property and would be of a scale and form and design appropriate to the area. I therefore consider that the proposals would not occasion harm to the character and appearance of the area.

### **Design & Visual Impact**

- 4.3.16 The application proposes a one and a half storey dwelling with brick walls and below a slate roof. Given the location there is no identifiable architectural style in this area. NPPF section 12 (design) at paragraph 130 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."***

- 4.3.17 In my view the proposed design approach which is a simple built form with an open parking area to the front is acceptable. The plans as amended simplify the window pattern to the front elevation and orientate the building on the site to maintain the structure outside the flood zone and allow for the appropriate parking provision. The design and scale would be acceptable for the area which would not be seen as open countryside as there is a dwelling (Hawthorns) to the rear. In my view the development is acceptable and would not significantly harm the character or quality of the area.

### **Residential Amenity**

- 4.3.18 I have considered whether there would be any adverse impact on the amenity of any neighbouring residential occupiers. The dwelling is set off the boundary with Brookside and the nearest neighbour would be Conifer Dell opposite. Overall the relationship between adjoining dwellings would be acceptable. The plans have been the subject of an amendments to windows at the front at first floor level. The windows are now shown to be obscure glazed and restricted to prevent undue over looking. I am of the view that the plans are acceptable but would recommend the imposition of a condition to safeguard this window pattern in perpetuity. In my view the amenities that occupiers of dwellings in the vicinity of the site currently enjoy, would not be affected by the development.

## **Highways and Access**

- 4.3.19 The site is located on a private access drive that leads to Hawthorns at the rear, Conifer Dell and the application site, Brookside. The development is site at some distance (approx. 40 metres) from the highway access with Bedford Road which would not be altered as a result of the proposals. The development provides parking for the new dwelling on an enlarged forecourt at the front of the site and the displaced parking would be provided to the front of Brookside to meet the needs of that property. Issues have been raised concerning the legal use of the driveway, particularly during construction, which is a civil matter between the parties involved. However, to resolve any perceived concerns the applicants have illustrated that construction traffic would be through the host site to avoid any conflict on the access. I have added a suitably worded condition to safeguard this as such.
- Overall I am satisfied that the proposal, layout and details are such that no issues with the highway access from Bedford Road would arise here.

## **Environmental Protection**

- 4.3.20 There is no obvious issue in relation to either contamination or noise and I have included the informatives that have been requested. Although an Electric Vehicle charging point is not proposed here. I have included an additional informative relating to the provision of Electric Vehicle charging points or facilities so that on can easily be installed, which should guide the applicant to future proof the site.

## **4.4 Conclusion**

- 4.4.1 On balance and in the light of the recent history of applications in this area I consider that sufficient justification exists to allow a dwelling here. The proposal is outside the settlement but would not occasion harm to the character and appearance of the area, the amenities of any residential property and is considered sustainable for the reasons I have set out above. I therefore have framed a favourable recommendation accordingly.

## **4.5 Alternative Options**

None applicable

## **4.6 Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are 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. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

Reason: To protect quality of groundwater and the nearby watercourse. We strongly encourage sustainable drainage systems using infiltration, but it must be demonstrated that the infiltration will be clean surface water into uncontaminated ground. This condition ensures that the site disposes of surface water without contaminating groundwater or the nearby watercourse.

4. The parking facilities to serve the proposed dwelling hereby permitted and Brookside, shall be provided and appropriately marked out within the curtilage of the site prior to the first occupation of the new dwelling. The parking facilities shall be kept available solely for the parking of motor vehicles and shall therefore be permanently retained as provided thereafter.

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

5. 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 and E 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.

6. The windows at first floor level, to the front (NE) elevation of the development hereby granted permission, shall be installed in accordance with the details illustrated on drawing 18.16:03C note A. . These windows shall be permanently glazed with glass of opacity level 4 or 5 of the range of glass manufactured by Pilkington plc or of an equivalent standard agreed in writing by the local planning authority and thereafter permanently maintained as such.

Reason: To safeguard privacy for the occupiers of the neighbouring dwelling.

7. Construction traffic associated with the development hereby permitted shall access the site via the temporary vehicle access illustrated on drawing 18.16:01K.

Reason: To ensure that that vehicular access to other properties on Bedford Road (Conifer Dell and Hawthorns) is not restricted or compromised during the construction process.

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

**Informative/s:**

1. 1. Any discharge into the watercourse will require the approval of the Bedfordshire and River Ivel Internal Drainage board, and an application to this board has to be made.
2. 2. During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) must be adhered to.

During the construction/change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 09:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

3. The applicants should considered future proofing the site by providing an Electric Vehicle (EV) charging point or the facilities to easily install one in the future. details relating to EV facilities and 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>  
Charging points should 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).

- o 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.
- o 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o 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.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.