

ITEM NO:

<u>Location:</u>	3 Commons Lane Kimpton Hitchin Hertfordshire SG4 8QG
<u>Applicant:</u>	Settle Group
<u>Proposal:</u>	Erection of one 4-bed detached dwelling including creation of vehicular access.
<u>Ref .No:</u>	19/02061/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 22.10.2019

Extension of statutory period: 20/12/2019

1.0 Submitted Plan Nos.:

PL001 – Site Location Plan
PL002 – Existing Site Plan
PL003A – Proposed Site Plan
PL100A – Proposed Floor Plans
PL200A – Proposed Elevations

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 5 – Excluded Villages
Policy 26 – Housing Proposals
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

Chapter 2 – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable Development in North Herts
SP8 – Housing
SP9 – Sustainable Design
D1 – Sustainable Design
D2 – House Extensions and Replacement Dwellings
D3 – Protecting Living Conditions
T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

3.0 **Site History**

None relevant.

4.0 **Representations**

4.1 **Site Notice:**

Start Date: 11/09/2019 Expiry Date: 04/10/2019

4.2 **Press Notice:**

Start Date: N/A Expiry Date: N/A

4.3 **Neighbouring Notifications:**

The owners/occupiers of No. 4, 5, 6 Commons Lane, 21 Claggy Road and 24 Lawn Avenue were notified on 06/09/2019. Neighbouring representations have been received from 5, 6 Commons Lane and 16 Claggy Road. The responses are summarised below:

5 Commons Lane (Objection):

- Will shut out light from kitchen / diner and Hallway / stairs.
- Will result in overlooking.
- Dust from construction will cause problems when drying washing.
- No details for boundary treatment changes.
- Loss of privacy in garden.
- Outlook will be obstructed.
- Delivery trucks will not be able to get up and down road when building is being constructed.

6 Commons Lane (Objection):

- Proposal results in selling of public land to the private market.
- The addition of a 4-bed dwelling for the private market would be contrary with the districts affordable housing need and would constitute inappropriate development that is not required to support NHDC's secured 5.3 year land supply within the emerging local plan and fails to demonstrate need through very special circumstances.
- The development would harm the character and appearance to this edge of village location by introducing smaller plot sizes, harming the open countryside aesthetic.
- The application did not seek pre-application advice, avoiding the opportunity to work with NHDC.
- The proposal would result in the loss of hedgerow and habitat that contributes to the landscaped character and setting of the application site. The removal of the hedgerow would also destroy natural habitats.
- The proposal by virtue of height, scale, massing & bulk would be 'materially larger' and have a 'materially greater impact' thereby harming visual amenity of the streetscape.
- The proposal fails to provide adequate garden depth and amenity space to the proposed dwelling. Contrary to design standards and to the wider character of the local context.
- Diminish existing amenity space to No. 3 Commons Lane.
- The two storey rear projection would be over-bearing, over-dominant and result in loss of light to No. 5 and 3 Commons Lane.
- Fails to provide suitable levels of privacy to neighbouring properties.
- The parking provided would be contrary to Policy 55 in the current local plan that required three parking spaces for a 4-bed dwelling.
- The parking provided would be over dominating and visually intrusive.
- Proposal would result in impact on pedestrian safety and increased conflicts in traffic flow.
- Timber windows would appear unsympathetic within local context.
- Chimneys are a feature. Proposal would be an erosive addition within streetscene.
- Fails to address concerns regarding welfare of any potential amphibious species.
- Fails to propose any new landscaping or boundary treatment details that would mitigate visual prominence of proposed new dwelling.
- Visual and sensory harm during its construction period.

16 Claggy Road (Objection):

- Size of property is too large and out of character to other properties on Commons Lane.
- 3 Commons Lane has been empty for a number of months. Previously garden was in use with a greenhouse, veg path and lawn.
- Not enough affordable houses or council houses in the village.
- Parking will be an issue as two spaces for four bedrooms is not sufficient. Parking already an issue on Commons Lane and Claggy Road.
- Removal of hedges and lawn space not good for the environment.

4.4 Parish Council / Statutory Consultees:

Kimpton Parish Council – *“Kimpton Parish Council considered this application at the meeting held on Wednesday 25th September.*

The council supports the comments made by Mr and Mrs J Croft.

The Commons Lane site is located within an area that is, predominately, social housing and was land previously owned by NHDC. The parish council strongly prefers that the land remains available for social housing rather than for the private market. Should the application be approved then the parish council request that the local social housing be supported through s106 agreement or other unilateral agreement/mechanism. Profits from this private development should be funnelled, by the applicant, to support the social housing needs of Kimpton.

The proposal for a 4 bedroom private dwelling does not comply with the recommendations of the Kimpton Housing Needs Survey completed in 2019.

The proposed development is an over development of the site resulting in the height of new dwelling higher than the neighbours thereby affecting the street scene and the neighbours. The increased bulk of the building is inappropriate for the area.

The on site parking provision is not compliant with planning policy and so would result in increased road parking to the detriment of the area.

Several of these attributes could be mitigated if the proposed development was a modest 3 bedroom dwelling instead of large 4 bedroom house.”

HCC Highways – “Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

If the local planning authority resolves to grant permission the highway authority recommend inclusion of the following advisory notes to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980 HIGHWAY INFORMATIVES:

I recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Policy Review As part of the Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (July 2018); • Hertfordshire County Council’s (HCC) Local Transport Plan-4 [2018-2031, May2018] • Roads in Hertfordshire Design Guide 3rd Edition -2011 • North Herts Local Planning policy [2011-2031] Planning History: The application site has no previous planning histories

COMMENTS / ANALYSIS:

The application is seeking permission to build a 4-bed dwelling at side garden area of the existing house (3 The Common Lane, Kimpton). It also, has proposed to create two new vehicular cross overs (VXO) onto Common Lane which would serve new and existing dwellings Common Lane is a Cal De Sac and designated as an unclassified local access (L2) road, subject to a speed limit of subject 30mph and is highway maintainable at public expense.

VEHICULAR ACCESS AND VISIBILITY:

The application site has no any direct vehicular and section 12 of the submitted application drawing (Ref- PL03, Rev- xx) reveals that two new accesses have been proposed to create onto Common Lane. This proposal would be acceptable in the highway terms.

In this instance, due to the low hierarchy of Common Lane, developer would need to apply for a dropped kerb via online to the HCC's website (www.hertsdirect.org/droppedkerbs.) and the highway network management team will make their decision.

For the better access of construction traffics to the site, building works should be started after complication of the proposed access.

VEHICLE PARKING

The submitted drawing (Ref- PL03, Rev-xx) shows the proposed parking spaces and turning area with the development site which deemed satisfactory and would be acceptable.

TRAFFIC GENERATION

Proposal of erection of one dwelling would not generate substantial number of trips to the site compare with the existing usage. Therefore, it has been considered that this scale of development would not have a significant impact on the local highway network.

REFUSE / WASTE COLLECTION:

No specific details have been included as part of the application. Provision would need to be made for on-site bin-refuse stores within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by NHDC waste management. The details should be secured as part of a planning condition.

SECTION 278:

Not applicable for this instance.

CONCLUSION:

In summary, Hertfordshire County Council as a Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently would have no objections on highway grounds. However, the developer would need to apply for standard dropped kern to create a VXO before the proposed building works are started."

Environmental Health (Noise) – No objections subject to informatives.

Environmental Health (Contaminated Land) – No objections subject to conditions.

Waste and Recycling – No comments received.

5.0 **Planning Considerations**

5.1 **Site and Surroundings**

5.1.1 The application site comprises open land adjacent to No. 3 Commons Lane. This part of Commons Lane comprises of predominately semi-detached dwellings within a planned estate. Parking is a mixture of on and off street.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a 4-bed detached dwelling and creation of vehicular access for the supply of off-street car parking. The proposed dwelling would measure approximately 9.3m in width, 9.4m in depth (including the two storey rear projection) and 8.1m in height with 5.3m to the eaves. The proposed new dwelling would feature a two storey rear projection that would itself measure approximately 3.4m in depth, 3.9m wide and 7.3m in height.

5.2.2 The proposal would increase the creation of a new vehicular access off Commons Lane allowing for the provision of two off-street car parking spaces for the proposed new dwelling.

5.2.3 Amended plans were received on the 19th November 2019 with changes to the proposed design of the dwelling, including changes to fenestration design and the inclusion of a chimney stack in order to make the proposed dwelling appear in keeping with the character and appearance of nearby existing dwellings.

5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of a new dwelling in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwelling.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.

Principle of Development:

5.3.2 The application site is situated within Kimpton, which is defined as an excluded village within the Current Local Plan and a Category A village in the Emerging Local Plan. Within an excluded village, the Council will normally permit development for housing provided the development proposed is compatible with the maintenance and enhancement of the village character and the maintenance of Green Belt Boundaries. The principle of the proposed development would be acceptable in this location and within the village of Kimpton. However, the acceptability of the proposal therefore relates to the detail to be discussed below.

5.3.3 Paragraph 11 of the National Planning Policy Framework (2019) and its “presumption in favour of sustainable development” is engaged as follows:

“for decision taking... granted permission unless... 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”

5.3.4 The proposed development would result in the gain of one additional housing unit that would contribute toward additional housing in the district. The application site is within a Category A village and predominately residential location. I therefore consider the proposal to be a located in sustainable location that would bring about limited benefits in terms of social and economic considerations.

Design and Appearance:

5.3.5 The NPPF attaches great importance to the design of the built environment, stating *“the creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. The NPPF goes on to state that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The aims of the NPPF are reflected in the Saved Local Plan Policy 57 and the Emerging Local Plan Policy D1.

5.3.6 Policy 57 of the Saved Local Plan sets out the guidelines and standards for residential development. Policy 57 states under Guideline 1 that *“each new development must relate to the site’s physical shape and existing features, and the character of the surroundings”*. The guideline goes on to states that *“the concern for the site and surroundings is equally, if not more, important for small developments. For example, single dwellings... can have a disastrous impact on the street scene... due to insensitivity to the scale of the surrounding buildings or the use of the wrong type of materials”*.

5.3.7 Guideline 2 of Policy 57 relates to design and layout of new residential development. The guideline suggests that *“the design and layout of new houses should be acceptable to most people in visual, functional and social terms, whether as residents of as visitors”*. The guidelines goes on to state *“to achieve the highest standards of design, housing proposal should relate to and enhance their site and surroundings”*

5.3.8 Policy D1 of the Emerging Local Plan states that development proposal should *“respond positively to the site’s local context”*. Policy D1 is reflected in Paragraph 127 (c) of the NPPF which states that development should be *“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”*.

5.3.9 The proposed detached dwelling would be sited within an open plot of land between No. 3 and 5 Commons Lane. The dwelling would maintain the built line of this part the street scene. Furthermore, the development, whilst detached, would maintain the character of the street scene given the appropriate details included within the design of the proposed dwelling including fenestration details, chimney details and use of materials.

5.3.10 When viewed from within the street scene, the proposed dwelling would be of appropriate design and appearance when compared to existing properties within the street scene. I therefore consider that the proposed development would be an appropriate addition within the street scene and would not result in any unacceptable impact upon the character and appearance of the locality. The proposal would therefore be in compliance with Policy 26 and 57 of the Current Local Plan, Policy D1 of the Emerging Local Plan and the core principles set out within the NPPF.

Standard of Accommodation:

5.3.11 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and in Policy SP9 of the Emerging Local Plan.

5.3.12 The proposed development would provide an appropriate amount of private amenity space for any potential future occupiers given the proposed size of the garden. Furthermore, each bedroom would be served by large windows giving any future occupiers access to high levels of natural light. The proposed dwelling would provide occupiers with a kitchen and a W/C accessible on each floor of the property.

5.3.13 The proposed development is considered to provide an acceptable high standard of living for any potential future occupiers and is in my view in compliance with both local and national planning policies.

Impact on Neighbouring Properties:

5.3.14 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.

5.3.15 The proposed dwelling would be situated on land between No. 3 and 5 Common Rise. No dwellings neighbour the proposed property to the rear. No. 3 Common Rise is a two storey semi-detached dwelling. The proposed development would be sited closest to No. 3, but would not project beyond the front or the rear of the neighbouring property. Furthermore, the developments two storey rear projection would be sited along the south western boundary of the site and therefore away from No. 3. The development would not result in any unacceptable impact upon the light, privacy or amenities to the occupiers of No. 3 Commons Lane.

5.3.16 No. 5 Commons Lane is a two storey semi-detached dwelling that would neighbour the proposed new dwelling to the south. No. 5 is set away from the boundary with the application site by approximately 9.2m and features a detached garage to the side of the neighbouring dwelling. Given the separation between the application plot and No. 5 Commons Lane, it is considered that the proposed development would not result in any unacceptable overbearing impact or loss of light to the neighbouring occupiers.

5.3.17 The proposed development would include the addition of side facing windows on the south western elevation at both ground and first floor level. It is considered appropriate to condition the first floor side facing window to be obscure glazed and non-opening below 1.7m in order to safeguard neighbouring amenity. However, the fenestration proposed within the new dwelling would not result in an unacceptable loss of privacy to nearby neighbouring occupiers.

5.3.18 Given the above, it is considered that the proposed development would not result in any unacceptable impact upon the light, privacy or amenity of the neighbouring occupiers and is therefore in compliance with both local and national planning policies in my view.

Highways and Parking:

5.3.19 The proposed 4-bed dwelling would benefit from access to two off-street car parking spaces. The Vehicle Parking at New Development SPD states that “the standards for 3

or 4 bedroom dwellings are the same as 2+ bedrooms with a minimum of 2 spaces per dwelling". This is reflected in Table 4.1 of the SPD. The proposed development would therefore supply the minimum number of off-street car parking spaces required for a dwelling of this size.

- 5.3.20 Furthermore, the County Highways Authority have raised no objections to the proposed development and I consider that the development would not result in any unacceptable impact upon the safe operation and use of the public highway.

Neighbouring and Parish Council Objections:

- 5.3.21 Note has been taken of the objections raised by neighbouring occupiers, much of which is addressed within the above report. However, it has been noted that an objection has been raised regarding the construction of the proposed dwelling to be sold on the private market. Given that only one dwelling is proposed within the site, the Council cannot ask that the property be used as social housing. The concern raised regarding the construction of the property for the private market is therefore not a planning consideration in this case.

5.4 Conclusion

- 5.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

5.5 Alternative Options

- 5.5.1 None applicable

5.6 Pre-Commencement Conditions

- 5.6.1 Pre-commencement conditions not yet agreed at the time of writing. Members to be updated at Committee.

6.0 Legal Implications

- 6.1 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.

7.0 Recommendation

- 7.1 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. The window at first floor level on the south west elevation of the development hereby permitted shall be permanently glazed with obscure glass and be non-opening below 1.7m.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

4. (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) If the Local Planning 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:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(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 (b), 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 (c) 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) and (b), 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.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
3. 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.
4. 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.