

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01938/FP	Erection of two self-build detached 3-bed dwellings including refuse and cycle storage and parking following demolition of existing outbuilding.	Winch Hill House Winch Hill Road Luton Hertfordshire LU2 8PB

Submitted Plan Nos

PL01_B PL02 PL03 PL12 PL13 Plot 1 and 2

1.0 Policies

1.0 **Relevant Planning Policy**

National Planning Policy Framework (NPPF) (2023) as a whole including:

Paragraph 11 'Presumption in Favour of Sustainable Development'

Section 9 - Promoting sustainable transport

Section 5 - Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 13: Green Belt land

Section 14 – Meeting the needs of climate change

Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Document - Vehicle Parking Provision at New Development

Supplementary Planning Document – Design

North Hertfordshire District Local Plan 2011-2031 Local Plan

Policy SP1 'Presumption in Favour of Sustainable Development'

Policy SP5 'Countryside and Green Belt'

Policy SP9 'Design and Sustainability'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy D1 'Design'

Policy D3 'Protecting Living Conditions'

2.0 **Site History**

2.1 21/00019/PIP: Permission in Principle: Conversion of existing redundant barn located approximately 40 metres to the east of Winch Hill House into two dwellings. Granted 23.3.21

2.2 23/01401/TDCMIN: Technical Details Consent for conversion of existing redundant barn located approximately 40 metres to the east of Winch Hill House into two dwellings (technical details following approval for permission in principle ref 21/00019/PIP granted on 23.03.2021). (as amended by drawing no. 01D received 24th July 2023)
Granted 18.01.2024

3.0 **Representations**

- 3.1 Hertfordshire Highways: 'Does not wish to restrict the grant of permission'.
- 3.2 Kings Walden Parish Council: No response
- 3.3 NHDC Ecologist: Recommends a condition to seek Biodiversity enhancement

3.4 NHDC Environmental Health:

'Given the circumstances, I have no objections to the application but recommend that the conditions placed on the 23/01401/TDCMIN decision notice, namely conditions 3 (EV Charging point), 4 (land contamination reports – I can see no further submission in this matter) and 5 (noise mitigation), are placed on any decision notice for this application should you be minded to grant approval'.

- 3.5 Site Notice/ Adjoining occupiers: No responses.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

Detached house with outbuildings / barn set in extensive grounds east of Luton Airport. The site is within the Green Belt.

The curtilage of Winch Hill House includes a formal garden and then a more extensive area of woodland extending beyond the barn to the west and to the south. Levels fall generally to the south. Beyond the curtilage the property is surrounded by arable farmland. The property is only a few hundred metres north east of the end of the runway to London Luton Airport. The site is approximately 0.75 miles west from Breachwood Green Village. A public footpath (Kings Walden 043) runs opposite the entrance to Winch Hill House towards the eastern side of Luton.

The barn is accessed via the exiting vehicular access off Winch Hill Road which also serves the existing dwelling. The barn is approximately 135 sq metres in area with a maximum ridge height of approximately 5.5 metres.

4.2 **Proposal**

- 4.2.1 This application seeks approval for the demolition of an existing barn and the construction of two detached , 1.5 storey, three bedroom dwellings with ancillary amenity spaces, parking and landscaping.

The submitted documents include a proposed site plan (PL12) which shows in dotted outline the position of the existing barn and how the proposed dwellings would be sited largely over the existing footprint. There would be two dwellings sited 1m apart with

ancillary gardens and parking areas and the means of access via the existing track which leads into the site from Winch Hill.

4.3 **Background to 'PIP' and 'Technical Details Consent stage'**

4.3.1 Permission in Principle (PIP) was introduced in June 2018 under The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

4.3.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

Development cannot proceed until a Technical Detailed Consent has been granted.

4.3.3 A technical details consent application (see ref above) was approved on 18th January 2024.

4.3.4 **Key Issues**

4.3.5 The key issues are planning policy and the principle of the development, design and appearance, living conditions, parking and access issues and environmental issues such as noise, contamination, biodiversity and flooding.

4.3.6 **Planning Policy and the principle of the development**

4.3.7 Paragraph 154 of the NPPF states that the construction of new buildings within the Green Belt would be inappropriate development. Exceptions include the following:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 4.3.8 In this case the existing building, which was previously used as a workshop associated with the main dwelling and has not been in agricultural use, can be considered previously developed land. Because the proposed development utilises to a large extent the existing footprint of the existing barn and is no higher in height nor wider than the existing building, it is considered that the development would not have a greater impact on the openness of the Green Belt than the existing development. The development is therefore considered not to be inappropriate development in the Green Belt. Paragraph 154 does not include any other caveats to this category of development.
- 4.3.9 In terms of the openness of the Green Belt the proposal would not conflict with any of the five purposes of the Green Belt as set out in paragraph 143 of the NPFF.
- 4.3.10 Notwithstanding the above assessment that the proposals are not inappropriate development and would not detract from the openness of the Green Belt it is important to note that the applicant has a credible and realistic fall back position in that planning permission exists to convert the existing building into two dwellings (see history above).
- 4.3.11 Overall, it is considered that the principle of the development, particularly in terms of Green Belt policy, is acceptable.

4.3.12 Design and Appearance

- 4.3.13 The design of the dwellings will be essentially rural in overall appearance with barn like proportions and detailing. The dwellings will be mostly timber clad with slate roofs and traditional casement windows. Roof windows are proposed instead of dormers to reduce the domestic appearance in this rural location. A simple gable is added to both dwellings as a departure from the existing gable building however the gable has a limited projection. The 1.5 stories with a single storey eaves height ensures that the development retains a modest, unobtrusive scale in this rural environment.
- 4.3.14 It is considered that the plan and elevational details show how a sympathetic redevelopment of the existing barn can be achieved with suitable materials and adequate amenity space, parking, access and refuse storage facilities. The standard of accommodation would be consistent with that required by Policies SP9, D1 and D3 of the Local Plan.

4.3.15 Living conditions

- 4.3.16 The only impact on neighbouring property would be on the host dwelling at Winch Hill House which shares the access road to Winch Hill. The houses are far enough away to the south east so as not to directly affect the living conditions of the occupiers of Winch Hill House. Comings and goings along the access road would be limited.
- 4.3.17 The development provides adequate parking for the two dwellings and each dwelling will have a reasonably large garden and outside storage space. The gardens are south facing. It is considered that the development would provide adequate living conditions for existing and future residents in accordance with Policy D3 of the Local Plan. For noise impact see below.

4.3.18 Land contamination

- 4.3.19 The application is accompanied by a Preliminary Contamination Risk Assessment (June 2023). The report concludes that there is a low risk level from potential contamination sources on the site and surrounding area. The report does recommend a limited intrusive soil investigation to be undertaken.
- 4.3.20 The Council's EHO is satisfied with the scope and methodology employed in the phase 1 investigation and agrees with the recommendations for further work. Accordingly a phase II environmental risk assessment is recommended by way of a planning condition.

4.3.21 Noise impact assessment

- 4.3.22 The application is accompanied by a noise impact assessment by Philip Acoustics Ltd. The main source of noise is from the nearby Luton Airport. This report sets out a scheme of noise mitigation measures and these include high performance acoustic grade insulation, plasterboard and glazing for the walls, windows and roof structure and mechanical ventilation. These measures would comply with BS8233:2014 criteria.
- 4.3.23 With regard to external amenity space, the report states that the survey results indicates overall day period noise levels at the development site as above the BS8233:2014 external amenity space upper guidance LAeq,T 55dB. The magnitude of exceedance being dependent upon the airport's operational mode. Flights take off in both an easterly and westerly direction from the airport with the easterly mode generating the highest noise levels. Fortunately the easterly mode occurs less often and on average 30% of the time. The report concludes that based on consideration of the BS8233:2014 advice / guidance as a whole, plus in combination that external noise levels for the majority of the time (airport operating Westerly mode) are only slightly above the external amenity space guidance LAeq,T 55dB, it is considered reasonable that noise levels into external amenity spaces for the proposed dwellings be acceptable. The Council's EHO requires that the development is carried out in accordance with the submitted noise assessment. I am inclined to accept the recommendations and mitigations in the report particularly on the basis that permission in principle and detailed consent has been granted for a two dwelling scheme already.

4.3.24 Parking and access and Provision of electric vehicle re-charging infrastructure

- 4.3.25 Two electric vehicle charging points are shown to be provided adjacent to the parking area for the two units. A condition is recommended to ensure compliance.
- 4.3.26 Each dwelling has access to two spaces plus one visitor space and cars can turn around within the site and exit in forward gear. The Highway Authority has asked for 3 conditions but cycle parking and the refuse point is already shown on the submitted plans therefore only condition 3 concerning the provision of a pedestrians in road sign is required to be secured.

4.3.27 Details of refuse collection point

4.3.28 Two refuse storage areas are shown within the curtilages of both dwellings and a refuse collection point within 10m of the highway is shown at the front of the site on plan 2019/957/01D.

4.3.29 **Other matters**

4.3.30 This application is of a scale that would have little impact on local climate change.

4.3.31 The site is within Flood Zone 1 where there is a low probability of flooding. No mitigation is therefore required in respect of this issue.

4.3.32 The proposal is self build scheme therefore it is exempt from the BNG regulations to require a 10% biodiversity net gain. In reality the development will result in a biodiversity net gain with the provision of new gardens and landscaping in compliance with Policy NE4.

4.3.33 In terms of sustainability the proposal will redevelop previously develop land and the development, as set out in the DAS, will use embedded low or carbon zero energy features as follows:

- ☐ EV car charging points
- ☐ Solar panels
- ☐ Air Source heat pumps.

It is therefore considered that the development will be consistent with the aims of the Council's Sustainability SPD (2024).

4.4 **Conclusion**

4.4.1 The proposed development would be in accordance with national and local plan planning policies and is acceptable in terms of highway safety.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Recommendation**

5.1 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. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to the first occupation of the first dwelling hereby approved and retained on site thereafter.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework. To comply with Policy NE4 of the North Herts Local Plan

4. Prior to occupation, each of the proposed new dwellings 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.

5.
 - (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report, based on the conclusions of the Phase I preliminary environmental risk assessment already submitted, 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

(b) 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.

(c) 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.

(d) 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.

6. The development hereby approved shall be carried out in accordance with the recommendations and noise mitigation measures set out in the submitted Noise Impact Assessment by Philip Acoustics Ltd dated May 2023.

Reason: To ensure satisfactory living conditions and to comply with Policy D3 of the North Herts Local Plan 2011 - 2031.

7. Prior to occupation full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- i) Two "Pedestrians in road ahead" signs to be located 30 metres one number each side of the development entrance.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

8. 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 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

0. 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:

0. Highway Informatives:

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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community

Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 3 December 2024	