

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01580/FP	Erection of two 3-bedroom dwellings and two 1-bedroom apartments on land adjacent to School House, with 5 parking spaces and new vehicular access onto School Lane.	School House School Lane Offley Hitchin Hertfordshire SG5 3AT

Submitted Plan Nos

1259.24.2 736 1-00 PA 736 1-01 PA Existing 736 1-02 PA 736 1-03 PA 736 2-01 PA Proposed 736 2-02 PA 736 2-03 PA 736 2-04 PA 736 11-01 PA

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
NE4	Biodiversity and geological sites
HE1	Designated heritage assets
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SP2	Settlement Hierarchy and Spatial Distrib
SP9	Design and Sustainability

2.0 **Site History**

- 2.1 16/01274/1: Erection of two 3 bed semi-detached dwellings and 4 associated parking spaces, together with construction of new parking space to serve School House (as amended by plans received 5th July 2016). Granted 26/08/2016. Not implemented.

3.0 **Representations**

- 3.1 Offley Parish Council: No response
- 3.2 Site Notice / Adjoining occupiers: (Notice Expires 16th October)

Comments include the following :

- ☐ Request 2 x integrated swift bricks secured by condition to accord with Policy NE4

- 3.3 Herts Highways: No objections. Recommends conditions and informatives

3.4 NHDC Ecology: Expresses concern at cramped nature of development and potential future loss of hedgerow. Recommends an Ecological enhancement plan condition .

3.5 NHDC Environmental Health:

No objections overall.

Noise – Construction Management Plan condition required

Air Quality – EV charging points required

Contamination – Recommends a condition.

3.6 HCC Historic Environment Advisor: Site has potential to contain archaeological remains therefore recommends an archaeological Written Scheme of Investigation condition.

3.7 NHDC Waste Manager:

Conditions not been met in relation to planning application (24/01580/FP).

External Storage containers, not enough space and or calculations of requirements not listed for the various waste and recycling streams (Refuse/Mixed Dry Recycling/Paper/Food/Garden (opt)).

Presentation of waste containers arrangements not agreed , Collection points not identified

Pathways to and from kerbside to properties - are across gravel

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site (approx. 540 sq metres) is located on the east side of School Lane and south east of the Offley Primary School. The site contains a single garage building and is enclosed by hedgerow and fencing and has a gated access onto School Lane. The southern boundary of the site is separated from the Offley Conservation area by an unmade track which runs from School Lane past Hilltop Cottages to open farmland to the north east.

4.2 **Proposal**

4.2.1 The proposals seek permission to erect a two storey terraced building comprising 2 x three bedroom dwellings and 2 x 1 bed room flats with associated landscaping parking and amenity areas. The building would occupy more or less a central position within the site with the main aspects facing north and south. The building would have a half hipped slate roof and be constructed in red brick. The terraced building would extend across most of the width of the site with two narrow gaps of around 1 metre minimum between the western and eastern boundaries. The hedgerow across the front of the site would be trimmed back to achieve visibility sightlines. The existing vehicular access would be re-used to provide vehicular access into the site where there would be a hardsurfaced parking and turning area. New trees and shrubs would be planted in and around the parking area.

4.3 **Key Issues**

4.3.1 The key issues are:

- ☐ Principle of development
- ☐ Impact on the character and appearance of the area
- ☐ Living conditions
- ☐ Highway, access and parking matters
- ☐ Heritage assets
- ☐ Environmental issues including biodiversity and climate change

4.3.2 Principle of development

4.3.3 The site is within the boundary of the Category 'A' settlement of Offley. Policy SP2 of the Local Plan states that in Category A villages general development will be allowed within the defined settlement boundaries. Furthermore, two storey housing development has been considered acceptable for this site by the Local Planning Authority through the previous grant of planning permission for two dwellings (see site history above). There can therefore be no objection in principle to residential development on this site – subject to all other material planning considerations.

4.3.4 Impact on the character and appearance of the area

4.3.5 The predominant form of development in School Lane is two storey housing comprising mainly inter-war and older Victorian housing although there is some more modern development at Westbury Farm Close to the south east. Within the vicinity of the application site the lane has a well landscaped feel with grassed verges, hedgerows and occasional trees providing a distinctive semi-rural character.

4.3.6 The proposed terrace would be sited close to the School Lane boundary and would be closer to the footpath than other development along the lane including the school buildings to the north. The west facing gable end of the development would be quite dominant in the street scene given its height and close proximity to the pavement boundary. The retained hedgerow would not provide sufficient screening to offset the visual impact and dominance of the building in the street scene. In addition the hedgerow is to be cut back to achieve the required sightlines to the vehicular access serving the development further limiting its screening potential. The close proximity of the side elevation of the terrace block to the highway boundary would produce a dominating, visually intrusive and urban form of development at odds with the general pattern of residential development in the area. The development would consequently not respond positively to its local context contrary to the provisions of Policy SP9 and D1 of the Local Plan.

4.3.7 The majority of the northern part of the site would be hardsurfaced to accommodate the parking and turning area. The visual impact of this area would largely be contained by the hedgerow and fencing around the site.

4.3.8 The proposed building would be two storey with traditional materials including red brick and slates which is similar to the materials used on the Hilltop Cottages terrace to the south. No objections are raised to the choice of external materials.

4.3.9 Notwithstanding the acceptable materials and limited impact of the car parking area the development is considered to be of a scale and appearance that would, for the reasons set out above, be harmful to the character and appearance of the area.

4.3.10 Living conditions

4.3.11 The supporting Design and Access statement sets out in section 2.2 the floor areas for each unit as follows:

House A 3 bedroom is 83.2 sqm

Flat B (first floor) 1 bedroom is 38.7 sqm

Flat C (Ground floor) 1 bedroom is 35.1sqm

House D 3 bedroom is 83.2 sq

4.3.12 The detailed floor plans show that the number of bed spaces for the two houses would provide a 5 person dwelling (3 single beds and 1 double bed is shown). The flats are shown to be 2 person units (1 x double bed). The above floor space calculations would not meet the Governments Technical housing standards – nationally described space standard (2015) which require the following:

3 bed 5 person unit two storey dwelling = 93 sq metres

1 bed 2 person unit flat (1 storey) = 50 sq metres

1 bed 2 person unit flat (2 storey) = 50 sq metres

As such the development would not provide the minimum gross internal floor areas set out in the Space Standard in order to provide reasonable living accommodation standards. Policy D1 of the North Herts Local Plan requires residential schemes to meet or exceed the nationally described space standards.

4.3.14 In addition to the above deficiency it is noted that the garden areas particularly for the flats (B& C) and house (D) are very small and likely to be in considerable shade through the size and location of adjacent trees and hedgerow. These two matters – i.e. substandard floor space and inadequately sized, shaded gardens would amount to poor living conditions for the prospective occupiers contrary to the provisions of Policy D3 of the Local Pan which advises that development which results in unacceptable harm to living conditions will be refused permission.

It is also noted that there would be the potential for the overlooking of the private gardens to the 3 bedroom houses from the rear balcony to the one bedroom first floor apartment.

4.3.15 Impact on neighbours

4.3.16 There would be no direct impact on the occupiers of the School House to the north of the proposed terrace due to the distance between the two buildings. The site is already used on occasion for the parking of school vehicles and the parking of vehicles close to the school house boundary would be screened by an existing fence. There would be some noise and disturbance from vehicles manoeuvring in and out of the spaces however for the small number involved I do not consider this would amount to excessive noise and disturbance.

4.3.17 Of more concern however is the direct overlooking of the Primary School play space from the first floor side facing windows of House D (i.e. the end unit furthest from School Lane). These windows are to two bedrooms and a bathroom. These windows would be within 2 metres or so of the play space boundary. Such overlooking may raise safeguarding issues and may curtail usage of the outside play space.

4.3.18 Highway, access and parking matters

4.3.19 The proposal is to re-use the existing vehicular access into the site. Sightlines are shown on the submitted drawings. The Highway Authority has no objection to the proposed access arrangements. The HA does note however that the parking spaces shown measure 4.8m x 2.4m and not the dimensions that are now required (i.e. 5m x 2.5m) as set out in HCC's Place & Movement Planning Design Guidance adopted in March 2024. Outside cycle parking appears to be covered but not lockable.

4.3.20 The District Council's adopted Parking SPD requires 6 parking spaces (2 spaces for the one bed flats and 4 spaces for the three bed houses). For visitors the requirement would be 0.75 spaces per dwelling so 3 spaces. The scheme as it stands provides only 5 spaces which are also substandard in size.

4.3.21 In addition to the above issues it is noted that two trees are proposed to be planted with tree pits inside the identified parking area. This planting is likely to impede the effective use of at least four of the parking spaces which are already of a substandard size.

Therefore the development as proposed is not acceptable in terms of parking provision. As a consequence, it is likely that the development will lead to on-street parking and congestion in School Lane particularly around school drop off and pick up times.

4.3.22 Refuse provision

4.3.23 The Council's waste officer advises that insufficient provision has been made for refuse storage and collection. The concern is regarding insufficient space for waste containers, lack of collection points and inadequate pathways to kerbside collection.

4.3.24 Heritage assets

4.3.25 The application site lies close to the boundary with the Offley Conservation Area and as such the development needs to be assessed in terms of its potential impact on the setting of the adjacent Conservation Area and any other nearby heritage assets. The submitted DAS does not address this issue.

4.3.26 The Offley Conservation Area Character statement indicates that the Conservation area boundary runs along the southern edge of the track which adjoins the southern boundary of the site. The area south of the site does not contain any special designations such as key views or significant areas of trees etc. The nearest listed building is the north and east barn ranges at Westbury Farm alongside School Lane. Given the distance of the barns from the site and on the opposite side of School lane it is not considered that these barns are affected by the proposed development. Overall it is considered that the development would have a neutral effect on the setting of the identified nearby heritage assets.

In terms of archaeological assets of historic importance the County Council's historic environment officer is satisfied that an archaeological condition could be attached should permission be granted.

4.3.27 Environmental issues

4.3.28 The amended landscaping details will secure the mandatory 10% biodiversity gain

4.3.29 Contamination can be dealt with by planning condition.

4.3.30 Noise is unlikely to be an issue for future occupiers in this primarily residential location.

4.3.31 The Council has recently adopted a Sustainability Supplementary Planning Document that seeks to achieve high levels of sustainability in all development by ensuring that new development is energy efficient and adaptable to climate change. The SPD is a material planning consideration in the determination of planning applications. The SPD covers a range of topics ranging from passive design and fabric to sustainable urban drainage. The SPD sets three standards of sustainability: bronze, silver and gold with gold being the highest level of sustainability. For this level of development the minimum requirement would be for the submission of a Sustainability & Energy statement showing compliance with policy and Building Regulations.

4.3.32 The submitted DAS includes a brief chapter on economic and environmental issues citing the following aspects of the scheme :

- ☐ EV charging points
- ☐ Potential for south facing PV roof panels
- ☐ Potential for ASHP's
- ☐ Homes built to current Building Regulations standards
- ☐ Use of Eco – friendly materials

4.3.33 The DAS is limited in terms of how the scheme could comply with the Sustainability SPD with EV charging points now a mandatory requirement under the building regulations as well as the mandatory compliance with the Building regulations. It does not commit to the provision of solar panels or ASHP's. There is no detail on the 'eco-friendly' materials. This scheme would only be expected to achieve the 'Bronze' standard under the SPD.

4.4 **Conclusion**

4.4.1 The proposed development, whilst acceptable in principle, would be harmful to the character and appearance of the area, would fail to provide acceptable living conditions for the proposed occupiers due to the small size of the units, overlooking between units and lack of suitable amenity space. There would also be overlooking of the school playspace. In addition, insufficient parking to meet the needs of the development can be provided within the site. Refuse and cycle storage provision is not up to the required standards. These deficiencies indicate that too much development is being sought for the site and accordingly the development is unacceptable in planning terms.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 That planning permission **REFUSED** for the following reasons:

1. By reason of the siting of the development close to the highway boundary, the number of units proposed and the restricted site area, the proposed development would result in an overdevelopment of the site that would have an adverse impact on the visual amenities and general character of the area. As a consequence the proposals would fail to achieve a high standard of environment required by the National Planning Policy Framework and Policy SP9 and Policy D1 of the North Herts Local Plan 2011 - 2031.
2. The proposed layout does not provide adequate levels of car parking (in terms of number of spaces and dimensions) to meet the standards set out in the Council's Supplementary Planning Document 'Car Parking at New Development' and the Hertfordshire County Council's Place and Movement Planning Design Guidance (2023). Consequently it is likely that the development will give rise to additional on street car parking and congestion that would have a negative impact on pedestrian and highway safety in the vicinity of the site. The development would fail to comply with Policy SP9 and Policy D1 of the North Herts Local Plan 2011 - 2031.
3. The proposed development does not make adequate provision for the storage of refuse and recycling bins in accordance with standards adopted by the North Herts District Council waste services department. The development would fail to meet the requirements of Policy SP9 and D1 of the Local Plan .
4. The proposed development would result in overlooking at close quarters of the primary school playing fields / play space and a consequent loss of privacy and potential safeguarding issue for children attending the school. The development would be contrary to the provisions of Policy SP9, Policy D1 and Policy D3 of the North Herts Local Plan 2011 - 2031.
5. The proposed development would result in sub-standard accommodation by reason of the inadequate size of the flats and houses and the limited size of the communal amenity area and / or private amenity areas. Furthermore it is likely that the proximity of mature trees and hedgerow would result in significant shading of the proposed amenity areas to the detriment of the living conditions of the proposed occupiers. The proposal would therefore be contrary to Policy SP9, Policy D1 and Policy D3 of the North Herts Local Plan 2011 - 2031.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 1 November 2024	