DELEGATED FILE NOTE

CASE OFFICER: ...Richard Tiffin.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01395/FP	Erection of two 3-bed semi-detached dwellings together with associated parking and amenity space	Fox And Hounds High Street Barley Royston Hertfordshire SG8 8HU

Submitted Plan Nos

14-15.4

1.0 Policies

LP57 Residential Guidelines and Standards

LP7	Selected Villages Beyond the Green Belt
SECN12	Achieving well-designed places
SECN16	Conserve + enhance historic environment
XD3	Protecting Living Conditions
XHE1	Designated Heritage Assets
XHE4	Archaeology
XSP13	Historic Environment

2.0 **Site History**

2.1 Planning permission was granted for a two dwelling scheme based on a staggered footprint to avoid overlooking the property 'Kestrels'. Ref 13/01694/1. This was never implemented.

2.2 In 2016 a variation submission was made specifying essentially the same footprint as the two unit scheme but one dwelling. (16/00661/1). Access continues to be from the pub car park.

2.3 Approval for a replacement dwelling on the site of Kestrels under ref 17/04403/FP would mitigate some concerns raised by the current occupier . This scheme has been started and Kestrels has been demolished.

3.0 **Representations**

3.1 **Highway Authority** – No objection subject to conditions.

3.2 **Archaeology** – Standard condition as per previous submission

3.3 **Barley PC** – Objects as follows:

Barley Parish Council considered this application at its meeting on 2nd July 2018 and unanimously resolved as follows:-

Barley Parish Council objects to this application and when arriving at their decision wish NHDC to take the following comments into account:-

This application appears to be substantially the same as the previous application under case ref.18/00694/FP except that the proposed development is now to be a pair of 3 bedroom semi-detached houses rather than two detached 3 bedroom houses. Our objections to this application are similar to those of the previous application.

The property is situated within the Barley Selected Village Policy Area of the current 1996 NHDC Local Plan and the Barley Selected Village Policy Area of the Preferred Options Draft Local Plan which is currently the subject of Examination by the Planning Inspectorate. The property is also within the Barley Conservation Area.

As noted in the Design and Access Statement accompanying the application there have been two previous consents granted for this site – the original consent for 2x2 bedroom semi-detached houses which has now expired (February 2017) and more recently for 1x4 bedroom detached house. In each case access was over the adjoining Fox and Hounds car park. This application for 2x3 bedroom semi-detached houses remains in our view a significant over development of the site. The scale, bulk and massing of the proposal being unacceptable in this sensitive location. We note that the application does not include any meaningful information on the impact of the proposed development on the street scene in this important location in the heart of the village. This is an important omission from the application. The absence of this information makes it difficult to set the proposal in proper context with its surroundings. We also have concerns that as the two houses are set back into the site there will be overlooking issues affecting both Kestrels to the rear and the adjoining house on Bankside.

The planning application states that there is no new or altered vehicle or pedestrian access to the site. Both of these statements are clearly untrue.

We have major concerns about the proposed access for the development which is the same as for the previous application and which the applicant has totally failed to address. Contrary to the statement in the Design and Access Statement the proposal will not in our view allow sufficient vehicular turning space within the site nor sufficient visitor parking. Furthermore it is our view that it will not be possible for the necessary sight lines for vehicles exiting the property safely to be achieved due in part to the difference in levels between the site and the public highway including the footpath, and the need to construct retaining walls as shown on the plans. The provision of this new access so close to the existing access road serving Bankside and the other existing accesses to properties on the opposite side of High Street will constitute an added and unacceptable danger to passing vehicles and pedestrians. High

Street in this location is effectively a single carriageway due to the number of cars parked on the opposite side of this busy road.

The Design and Access Statement states:-

"….The proposed access uses an existing dropped kerb and therefore access cannot be denied. The design of the access together with the ramp has been designed to accord with Highway requirements and was approved for the previous scheme by the Highway Engineer." Bearing in mind the Highway Authority's comments on the current application there would appear to be some doubt as to whether any part of this statement is true other than in respect of the existence of a dropped kerb along a small part of the frontage. While a dropped kerb does exist its use has long been abandoned (its last previous use being unknown) but it is located adjacent to the boundary of the site with Bankside and not in the middle of the frontage as shown on the plans. The position of the proposed access would only use a very small section of this dropped kerb. In any event the ground level along the boundary of the site with the highway has been built up over the years such that there is now a difference in the levels between the site generally and the pavement of in excess of 1.0m which makes this proposed access, because of inadequate sight lines and the close proximity of existing accesses to other properties and other matters referred to earlier, unsatisfactory in highway terms. This is particularly important as the proposed scheme needs to allow for 4 cars and visitor parking on site to exit safely from the site in a forward motion, and safe arrangements for other occasional vehicles including delivery vehicles etc. should be made. We also note that there is no segregated pedestrian access to the proposed development.

Since the original consent was granted in 2014 the potential for creating an access in this general location has been considered many times by the different site owners but a satisfactory solution in highway terms has not proved possible. This proposal is no exception and the application should in our view be refused on this basis alone.

We are aware that Hertfordshire County Council Highway Authority also share our views on the proposed access and parking/turning arrangements and have recommended that planning permission be refused.

The site also lies within the Barley Conservation Area and we consider that this proposal will have an even greater adverse impact on the Conservation Area than either the current consent for a single 4 bedroom property or even the original consent for 2x2 bedroom semi-detached houses which consent expired in February 2017. The Conservation Area Policy provides that NHDC will only permit proposals which will maintain or enhance their character and any development proposal which does not respect and reflect the visual quality of the area because of its design, materials, colour, form and scale will be refused. It is our view that this proposal will have an adverse effect on the visual quality and character

of the conservation area in this location because of its design, materials, form and scale and should be refused accordingly.

We consider that this proposed development is contrary to the provisions of both the current Barley Selected Village Policy Area as set out in the 1996 NHDC Local Plan and of the proposed Preferred Options Draft Local Plan, and the provisions of the Barley Conservation Area, and also having regard to Hertfordshire County Council Highway Authority's recommendation that the application be refused, the proposal also appears to be contrary to the NPPF, and we would urge NHDC to refuse this application.

The ward cllr has indicated that he does not want to call the matter in if officers are minded to approve.

3.4 **Local Residents** – The occupiers of Kestrels (now demolished), Shah Cottage and 19 Picknage Road have raised the following concerns:

- Overlooking of Kestrels (now demolished)
- Unsafe access – reversing onto High Street
- Exacerbate flooding issues.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site currently forms the northern section of the Fox and Hounds car park adjacent to No 14 High Street. To the rear of the site is the property 'Kestrels' with the public house to the south.

4.2 **Proposal**

4.2.1 The proposal seeks to revive the two dwelling variant approved in 2013 except the latest scheme is more conventional in design being a standard pair of semi's of similar scale to those off the High Street north of the site. The application specifies an asymmetrical pair of semis 13m wide in total and 9m deep with a 2.5m space either side to boundaries. Car parking is specified for 4 vehicles is specified off of a shared drive. The building is specified in brick at ground floor with a rendered first floor and chimneys either end, expressed on the elevations.

4.3 **Key Issues**

4.3.1 Planning permission has already been granted recently for dwellings on this site, both a two variant scheme (13/01699/1) and a single dwelling (16/00661/1). This being the case I am of the view that the principle is well established. Accordingly, it is my view that the determination of this application rests on considering the differences between the current proposal and those approved previously. In my judgement these are:

- Access from High Street not from the pub car park as approved previously
- Design changed to more conventional pair of semi's
- Impact on neighbours in particular new dwelling approved at Kestrels.

It should be acknowledged that since approving the other two applications the Government has issued a new version of the NPPF. However, in my view this does not alter the determination of tis application in any material sense compared with the two approved schemes.

4.3.2 In terms of the access the Highway Authority (HA) did initially raise an objection based on the applicant's failure to demonstrate adequate visibility. Following the submission of an amended drawing, the HA withdrew its objection. I do have some sympathy with the views of the Parish Council and local residents in that it would be difficult to ensure that vehicles did not reverse out onto the High Street. However this would be true of all parking provision in front of a dwelling and in the absence of any objection from the Highway Authority and the provision for turning shown, I consider that it would difficult to substantiate a refusal of permission on highway grounds.

4.3.3 The provision of a separate access does free up more parking for the pub as the previously approved scheme was accessed via the pub car park necessarily sterilising areas of the car park.

4.3.4 Turning now to the altered design, I am mindful that the development of this site has the potential to impact on the both the setting of the listed Fox and Hounds and the character of the Barley conservation area. This said, the conservation officer said of the amended dwelling approved in 2016:

"This dwelling would read very much as a stand-a-lone house type and it would be a little disingenuous to suggest that it in someway reflects vernacular dwellings along the High Street. It is, nonetheless, a more modest and less ambitious proposal when compared with more recent iterations.

There is good reason to commend the alterations to the side elevation and subject to awaiting feed back, I am minded to support this scheme on the basis that, in my opinion, there would be no harm occasioned to the setting of nearby listed buildings or to the character or appearance of the Barley Conservation Area, thus, potentially satisfying Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Sections 7 and 12 of the NPPF."

The latest proposal is for a modest pair of hipped semi's which very much reflect the scale and form of established dwellings in the High Street. Given this vernacular modesty and the fact that the submitted scheme would be materially no nearer to the listed pub than the approved scheme, I am not minded to conclude that there would be any harm to either historic asset. Further, I have discussed the provision of wall along the shared boundary with the pub instead of the unfortunately specified close boarded fence. The applicant agrees that this would be a better solution both in terms of impact on the setting and noise attenuation for the new occupiers. This would be a condition of permission.

4.3.5 The proposal does present a first floor nearer to former property known as Kestrels than the staggered design approved previously. This said the property at Kestrels has now been demolished and the planning permission granted under ref 17/04403/FP is underway. The design of this property actually improved levels of privacy for the new

dwelling by introducing a wing along the boundary with the application site. This would effectively screen the garden area immediately to the rear of the new property from views from first floor windows of the new properties. It is acknowledged that the will be some surveillance over the garden of the new dwelling at Kestrels but this is typical of a built up area such as this and not, in my view, sufficient grounds for refusal.

4.3.6 Being in line with No 14 , I can see no grounds for concluding that there would be any adverse impact on that property. The street scene produced by the applicant demonstrates that there would be little difference in height between existing and proposed dwellings.

4.4 **Conclusion**

4.4.1 Based on the previous approvals for this site and the absence of any objection from the Highway Authority I am not minded to conclude that there any grounds for objection subject to conditions, including the withdrawal of permitted development rights and the specification of a good quality brick boundary will with the pub car park.

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 commence until full details (in the form of scaled plans and written specifications) have been submitted and approved in writing by the Local Planning Authority to illustrate the following:

   o Details of any works required within existing highway land including any widening of the existing dropped kerb on the southern part of the proposed access.

   Reason: In the interests of highway safety.

4. The gradient of the vehicular access and driveway shall not exceed 1:10.

Reason: In the interests of the safety of persons using the access and users of the highway.

5. Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

   Reason: In the interest of highway safety and traffic movement and to ensure permanent availability of the parking / manoeuvring area.

6. Before the access is first brought into use by the new development, a triangular vision splay shall be provided on each side of the new access and shall measure 0.65 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 0.65 metres measured into the site at right angles to the same line along the side of the new access drive. The vision splays shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

   Reason: To provide adequate visibility for and of drivers entering or leaving the site in the interests of pedestrian safety.

7. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

   Reason: To minimise danger, obstruction and inconvenience to users of the highway.

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.

9. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
   1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)
C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate."

Reason: To safeguard the historical record

10. Notwithstanding the details shown on the approved drawing, the applicant shall subimit details of a brick boundary wall allong the boundary with the pub lic house (south). The aproved details shall be implemented prior to first occupation of the dwellings hereby approved.

Reason: To safegusrd the appearnce of the conservation area and the setting of the listed building.

Proactive Statement:

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

Informative/s:

HIGHWAY INFORMATIVE:
HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Construction standards for amended / new vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.
Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the

applicant's behalf. Further information is available via the website. https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 6 August 2018	