

29 September 2009

Ref: Planning 8.10.09  
Contact: Susanne Gow  
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To: Councillors: Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman),  
D.J. Barnard, David Billing, Clare Body, Paul Clark, J.M. Cunningham,  
Gary Grindal, A.F. Hunter, David Levett, Alan Millard, M.R.M. Muir,  
Michael Paterson, R.L. Shakespeare-Smith and M.E. Weeks.

(Substitutes: Councillors: Liz Beardwell, Simon Bloxham, John Booth,  
S.K. Jarvis, Paul Marment, Deepak Sangha and Martin Stears-  
Handscomb).

You are invited to attend a

**MEETING OF THE PLANNING CONTROL COMMITTEE**  
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERONON  
ROAD, LETCHWORTH GARDEN CITY**

on

**THURSDAY, 8 OCTOBER 2009, at 7.30p.m.**

Yours sincerely,



David Miley  
Democratic Services Manager

**AGENDA**  
**PART I**

<b>ITEM</b>	<b>PAGE</b>
<b>1. APOLOGIES FOR ABSENCE</b>	-
<b>2. MINUTES</b> To take as read and approve as a true record the Minutes of the meeting of this Committee held on 10 September 2009.	-
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether the item(s) raised will be considered.	-
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest can speak on the item, but must leave the room before the debate and vote.	-
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
<b>6. PLANNING APPLICATIONS</b> REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER	<b>1</b>
<b>6.1 09/01423/1 – JOHN BARKER PLACE, FREEMANS CLOSE AND WESTMILL COMMUNITY CENTRE, WESTMILL, HITCHIN</b> Phased regeneration of land comprising: John Barker Place – relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above; existing Community Centre and Car Park – provision of social housing consisting of 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre; Freemans Close – replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos. 1-36 Freemans Close (inclusive).	<b>3</b>

<b>6.2</b>	<b>08/02903/1 – BALDOCK RAILWAY STATION, STATION ROAD, BALDOCK, SG7 5BU</b>	<b>21</b>
	Outline application: erection of a 3 and 2 ½ storey detached building to provide 11 two-bedroom flats with 11 allocated car parking spaces. Extension of existing station car park to provide an additional 28 car parking spaces – total 74 spaces (all matters reserved) (as amended by plan received on 2 July 2009).	
<b>6.3</b>	<b>09/01396/1 – DANESBURY HILL HOUSE, CODICOTE ROAD, WELWYN, AL6 9NF</b>	<b>35</b>
	Erection of replacement detached dwelling with integral garaging together with associated landscaping following demolition of existing property.	
<b>7.</b>	<b>PLANNING APPEALS</b> REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER	<b>45</b>
<b>8.</b>	<b>PLANNING ENFORCEMENT CASELOAD AND MONITORING</b> REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER	<b>59</b>

**For the remainder of the Civic Year 2009-2010, the Planning Control Committee will meet on the following dates:**

**Thursday, 12 November 2009**  
**Thursday, 17 December 2009**  
**Monday, 18 January 2010**  
**Thursday, 11 February 2010**  
**Thursday, 11 March 2010**  
**Thursday, 15 April 2010**

**Planning Control Committee  
8 October 2009**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**6**

**TITLE OF REPORT: PLANNING APPLICATIONS**

REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER

**Local Government (Access to Information) Act 1985 and Local Government Act 1972**

In respect of each of the following reports concerning individual applications for planning permission, Listed Building Consent, the whole of the application file shall be regarded as background papers for the purposes of Section 100(d) of the 1972 Act.

**AGENDA INDEX**

<b>ITEM:</b>	<b>REF NO:</b>	<b>LOCATION:DESCRIPTION</b>	<b>CONTACT OFFICER:</b>	<b>PAGE:</b>
6.1.	09/01423/ 1	John Barker Place, Freemans Close and Westmill Community Centre, Westmill, Hitchin Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts	<b>Tom Rea</b> 01462 474565	

		Homes following the demolition of nos 1-36 Freemans Close (inclusive).		
6.2.	08/02903/ 1	Baldock Railway Station, Station Road, Baldock, SG7 5BU Outline Application: Erection of a 3 and 2 ½ storey detached building to provide 11 x 2 bedroom flats with 11 allocated car parking spaces. Extension of existing station car park to provide an additional 28 car parking spaces - total 74 spaces (all matters reserved) (as amended by plan received on 2 July 2009).	<b>Kirstie Hough</b> 01462 474311	
6.3.	09/01396/ 1	Danesbury Hill House, Codicote Road, Welwyn, AL6 9NF Erection of replacement detached dwelling with integral garaging together with associated landscaping following demolition of existing property	<b>Kate Poyser</b> 01462 474244	

<b>ITEM NO: 6.1</b>	<u>Location:</u>	<b>John Barker Place, Freemans Close and Westmill Community Centre, Westmill, Hitchin</b>
	<u>Applicant:</u>	Ms Hale North Hertfordshire Homes Limited
	<u>Proposal:</u>	<b>Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive)</b>
	<u>Ref. No:</u>	<b>09/01423/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period :** 26 October 2009

**Reason for Delay** (if applicable)

N/A

**Reason for Referral to Committee** (if applicable)

The site area is over 0.5 hectares

### **1.0 Relevant History**

- 1.1 Application ref: 09/00134/1 Phased regeneration of land comprising:  
John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above  
Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre  
Freemans Close: replacement of existing flats with 28 one-bedroom flats, 6 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Application withdrawn 3/4/09.

## **2.0 Policies**

### **2.1 Central Government Guidance:**

Planning Policy Statement (PPS)1: 'Delivering Sustainable Development'  
Planning Policy Statement (PPS) 3: 'Housing'  
Planning Policy Guidance Note PPG 13: Transport  
PPG 24: Planning & Noise

### **2.2 East of England Plan (May 2008):**

Policy SS1: Achieving Sustainable Development  
Policy H1: Regional Housing Provision  
Policy H2: Affordable Housing

### **2.3 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies):**

Policy 8: Development in Towns  
Policy 26: Housing Proposals  
Policy 51: 'Development Effects and Planning Gain'  
Policy 57: 'Residential Guidelines and Standards'

### **2.4 Supplementary Planning Guidance:**

'Vehicle Parking Provision at New Development (January 2006)  
'Planning Obligations Supplementary Planning Document' (November 2006)

## **3.0 Representations**

3.1 **Environment Agency:** Requests the attachment of a condition re surface water drainage scheme and planning informative concerning soakaways.

3.2 **Transportation Planning & Policy (Herts County Council):** Do not raise any objections. Request conditions and informatives.

3.3 **Hertfordshire County Council (Planning Obligations Officer, Hertfordshire Property):** Requires financial contributions towards Primary Education and Library Services and the provision of Fire Hydrants on site if required by infrastructure.

3.4 **NHDC Housing Development Officer:** No objections to the mix of accommodation proposed. Advise that the regeneration of this area including the provision of new affordable housing and greatly improved community and shopping facilities will be of much benefit to the local area and community.

3.5 **NHDC Waste & Recycling:** Does not raise any objections to the proposals.

3.6 **NHDC Leisure Services:** Would require more detail of the design proposals for the play area and Multi-use Games Area.

3.7 **NHDC Environmental Health (Environmental Protection Officer):** Recommends the attachment of an environmental risk assessment condition in line with the guidance in PPS 23: Planning and Pollution Control. Conditions are also requested with regard to noise and construction noise mitigation schemes, building waste disposal and plant to control smells nuisance.

3.8 **NHDC Community Development Officer:** Supports the scheme

3.9 **NHDC Legal Services:** Any comments on the Unilateral Undertaking/Section 106 will be reported at the meeting

3.10 **EDF Energy:** Any reply will be reported at the meeting

3.11 **Three Valleys Water:** Any reply will be reported at the meeting

**3.12 Response to Statutory site notice, Press Notice and Neighbour Notifications:**  
Letters received from the occupiers of 62 and 67 Mattocke Road raising the following points of concern:

- concern at loss of garages behind Freemans Close
- query whether there will be garages to rent at the rear of the shops

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site comprises three distinct sites all with direct or indirect access onto John Barker Place and sited within the heart of the Westmill housing estate located on the north west side of Hitchin. The three areas forming part of the site are the Westmill Community Centre, car park and garage court, John Barker Place and Freemans Close.

4.1.2 The Westmill Community Centre site consists of the existing community centre building with unallocated parking area together with 35 lock up garages. The site is relatively flat and is bordered by two storey residential properties in Hine Way, and Seebohm Close and four storey flats in John Barker Place. Vehicular access to the centre is via John Barker Place and pedestrian access into the parking area is also available from Hine Way.

4.1.3 The application site within John Barker Place consists of a small parade of shops currently occupied by a Londis supermarket, a hot food takeaway and youth centre (Coffee Mill). Two of the six shop units have been vacant for a considerable period. Above the shops are two storey flats with car park and service yard to the rear. In addition, the site includes several lock up garages, a basket ball court and children's play area. The application site is flanked by John Barker Place and Mattocke Road. Pedestrian access is available from the service yard at the rear of the shops through to Freemans Close and garages at the rear of Mattocke Road.

4.1.4 Freemans Close comprises a residential cul-de-sac of 36 one bedroom flats with vehicular access from Westmill Road. The flats, which are all two storey, are set well back from the carriageway and turning head with a large area of grass, crossed by tarmac footpaths separating the front entrance of the flats from the highway. Between the rear of Freeman's Close and the rear of properties fronting Mattocke Road is a hardsurfaced area used for parking with 16 garages.

### **4.2 Proposal**

4.2.1 Full planning permission is sought for an extensive redevelopment of the three sites described above involving the re-provision of housing, shops and community facilities including a community centre and attached youth centre, public open space and a multi-use games area (MUGA) together with associated infrastructure including access roads, parking facilities and landscaping. An additional 27 residential units is to be provided overall. The proposal involves the demolition of 36 one bedroom flats in Freemans Close and 6 three bedroom flats in John Barker Place and in total the scheme involves the construction of 69 dwellings of various sizes and tenures, all as affordable housing being provided by North Hertfordshire Homes as a Registered Social Landlord.

4.2.2 The detail of the redevelopment areas can be summarised as follows:

Community centre site (rear of Hine Way/Seebohm Close and John Barker Place)

Demolition of existing community centre and garages and construction of 15 two storey dwellings (5 x 3 bedroom houses and 10 x 2 bedroom houses) with vehicular access from John Barker Place and pedestrian access from Hine Way. The tenure of the units is shared ownership.

John Barker Place

Demolition of shops and 6 flats above and construction of 10, two bedroom flats for intermediate rent and supermarket and Class A5 takeaway unit located at the junction of John Barker Place/Bingen Road/Mattocke Road. Construction of a multi-use games area at right angles to the carriageway in John Barker Place. Construction of a community centre and attached youth centre on the south side of John Barker Place west of Michael Muir House. Provision of public open space south of the sports pitch including children's play equipment, seating and pedestrian access to a redeveloped Freemans Close. Provision of car parking including disabled parking off Mattocke Road and John Barker Place. Provision of new pedestrian crossing on John Barker Place.

Freemans Close

Demolition of existing flats and construction of 44 residential units all for social rent and comprising of the following unit sizes:

5 x 2 bedroom houses

7 x 3 bedroom houses

4 x 2/3 bedroom houses

16 x 1 bedroom maisonettes

12 x 1 bedroom flats

4.2.3 It is proposed to carry out the development in 5 phases as follows:

- Phase 1: Construction of MUGA and public open space and play area
- Phase 2: Construction of shops and 10 flats above, car and cycle parking and pedestrian crossover.
- Phase 3: Construction of community centre/youth centre and associated parking and access works
- Phase 4: Construction of housing and associated recreational area, access works and parking on former community centre site
- Phase 5: Construction of flats, maisonettes and dwellings together with associated parking and access works on the former Freemans Close site.

4.2.4 The application is supported by a Design, Access and Sustainability statement, Planning Obligation statement and Draft Section 106 document.

#### 4.3 **Key Issues**

4.3.1 The application site is located within the urban area of Hitchin and an area designated for housing in the Local Plan (Policy 26, site HR 16 Westmill). As such this mixed use development, involving the re-provision of community facilities, shops and additional housing is acceptable in principle.

4.3.2 Given that the principle of the development is acceptable in planning terms the main issues for consideration are design and layout, the impact of the development on the living conditions of existing and proposed residents, environmental issues such as contamination and impact on local ecology, highway implications including access and car parking, the phasing of the development and planning obligations.

#### 4.3.3 **Design and Layout**

Members may be aware PPS 1 and PPS 3 require new development to achieve the highest standard of design and PPS 3 in particular promotes the construction of new housing on previously developed land in sustainable locations. Policies 8 and 26 of the local plan also encourage new housing and particular the re-use of urban land to assist urban regeneration and renewal. The application sites comprise previously developed land and form part of an area dominated by medium to high density housing.

4.3.4 Although the proposed development is spread across three sites the design approach adopted seeks to make the three areas more accessible and interconnected with improved vehicular and pedestrian access between them with the new and extended community facilities forming the focal point of the scheme with modern facilities and landmark buildings.

4.3.5 The initial phases of the development will concentrate on replacing the existing basketball pitch with a multi-use games area, providing public open space and a children's play area and providing shops and 10 two bedroom flats (site 2). The existing shops will continue to operate whilst the new facilities are being constructed following which the operators will transfer to the new accommodation to make way for the new phase involving the provision of the community centre and youth centre. The layout of site 2 (John Barker Place) is such that the new community centre and youth centre is separated from the new three storey shops and flats block by an area of predominantly open space leading through into the later phase of development at Freemans Close. The new three storey block comprising the shops and flats above is only marginally higher than the existing John Barker Place shops and flats but less in width and depth. The siting of the building at the corner of Mattocke Road together with the existing block of flats at 1 - 17 Bingen Road frames the junction and its massing is not significantly greater than the three storey flats in this location both opposite and on the same side of the road. The provision of the new access road and parking area off Mattocke Road to serve the shops and flats together with new dedicated parking in front of the shops on John Barker Place allows for the community and youth centre building to be fully accessible to both service vehicles, pedestrians and visitors arriving by car.

4.3.6 The introduction of the community centre and attached single storey youth centre is clearly a significant new addition to the street scene in John Barker Place however I consider that its siting along this main estate road alongside the shop units, sports pitch and open space is entirely appropriate and particularly valuable in re-vitalising this part of the estate and achieving the aim of providing high quality community facilities in an accessible and highly prominent location. In streetscape terms the contemporary design adds variety and interest and the use of a mixture of render, brickwork, timber cladding and zinc roof cladding on both the community/youth centre and shops and flats provides for some variety whilst maintaining a cohesive form of development. The community/youth centre building and shops and flats units are united by the 'public realm' landscaped area between and the architectural language and limited range of materials is common to both buildings. The set back of the youth centre building breaks up the built frontage and allows for the site frontage to be punctuated with a parking bay allowing direct disabled access to the community uses and acts as a draw for pedestrians into the site and the open space beyond.

- 4.3.7 The layout of site 2 has also been designed well in terms of the integration between hard and soft landscaping and manages successfully the conflicts that can arise between pedestrians and vehicles including the necessary servicing requirements for the various uses. It is important to note that site 2 plays a significant role in securing the permeability of the whole re-generation scheme particularly for pedestrians and cyclists this being evident with the strong linkages across the development area from the entrance to Freemans Close to the pedestrian crossing across John Barker Place and on to Hine Way through the redeveloped community centre and garage court site.
- 4.3.8 Given the existing scale and form of development along John Barker Place comprising of three storey buildings, basketball court and open space and the general re-provision of these uses, albeit juxtaposed differently, it would be difficult to argue that the proposed scale and form of development along John Barker Place and the consequent street scene impact is inappropriate. Furthermore I believe that the layout of site 2 provides a high degree of circulation for both pedestrians, cyclists and motorists and delivers an enhanced public realm and focal point for community facilities.
- 4.3.9 Phase 4 of the development involves the construction of 15 two storey dwellings (5 x 3 bedroom houses and 10 x 2 bedroom houses) with vehicular access from John Barker Place and pedestrian access from Hine Way (shared ownership tenure). The proposed housing would be in the form of a crescent consisting of primarily of pairs of semi-detached dwellings (with one detached unit). The siting of the units has been designed to ensure maximum solar energy gain from solar water heating panels installed on the roofslopes. Although generally traditional in appearance the design incorporates large framed windows at first floor level and corner windows at ground floor level to maximise natural light to internal rooms. A key feature of the layout and design of site 1 is the creation of a centrally located and landscaped informal recreation area provided with natural surveillance from all of the dwellings. The layout will include an appropriate mix of private and public spaces providing adequate private gardens and car parking to serve the needs of future occupiers. As with the other sites within the overall project the hard landscaping areas consist of a variety of materials interspersed with a substantial amount of soft landscaping. The pedestrian/cycleway access from Hine Way leading into site 1 is to be re-laid with landscaped borders. The development is under pinned by the principles of 'Home Zones' and 'Manual for Streets' guidance which aims to improve the quality of life for residents, reducing traffic speeds and promoting children's play in an informally monitored environment. The layout for site 1 achieves this aim with some merit in my view.
- 4.3.10 The final phase of the scheme relates to the comprehensive redevelopment of Freemans Close with a range of dwelling sizes, all for social rent, continuing the theme established in site 1 of an upgraded access, centrally provided and landscaped informal recreation area and enhanced landscaping. The new homes will overlook the play area and parking areas and existing footpaths linking into neighbouring streets will be retained and enhanced with new surfaces. A key feature of site 3 is the provision of parking closely associated with the dwellings which they are to serve as opposed to unused surface parking and garage courts at the rear of the existing buildings which has led to haphazard parking across the close. It is noted that all of the houses, flats and maisonettes in Freemans Close will have private rear gardens containing secure cycle storage areas and refuse storage facilities. In taking into account of the above features I consider that this part of the scheme is also a considerable enhancement on the existing situation providing a high standard of design and layout.

4.3.11 In concluding on the general layout and design of the three sites I am satisfied that the proposed development represents a high standard of design taking into account the context of the sites, the advice in PPS 1 and PPS 3 and Policies 26 and 57 of the local plan. Furthermore, the development would achieve the important regeneration and enhancement benefits which have been identified by the Council and the applicant in their Design and Access statement.

**4.3.12 Impact on the living conditions of existing and future residents**

With regard to the impact of the development on existing residents I consider that the redevelopment of the existing community centre site would benefit existing residents in terms of reducing crime and anti-social behaviour in the locality, improving the pedestrian access and landscaping in the area, providing unsupervised play areas for children that have surveillance from housing and generally contributing to an enhanced living environment. The new housing on site 1 is limited to two storeys, is not overbearing on existing residents and meets current privacy standards. Any noise and disturbance associated with the existing community centre use on this site will be removed through its relocation to a more suitable main road frontage in John Barker Place alongside other non-residential uses. In terms of future residents it is considered that the design and layout of site 1 using Home Zone Guidelines and the guidance in Manual for Streets will establish a high quality residential environment for new residents in this part of the development.

4.3.13 The mix of uses within site 2 has the potential to cause environmental problems particularly with the enlarged community facilities and re-provided shops closer to properties in Mattocke Road and Bingen Road. Due regard however must be had to disturbance caused by the existing facilities. The application is not accompanied by any noise impact assessment and therefore it is appropriate that planning conditions, as suggested by the Council's Environmental Health officer are attached to mitigate the impact of construction dust, noise and disturbance. Similarly it is suggested that the potential for disturbance from the takeaway unit and supermarket close to housing should be controlled so that these operations do not operate outside of the day time hours as specified in PPG 24 (i.e. no operation between 11.00pm and 07.00 am). The location of the community/youth centre close to flats in Michael Muir House and the new family dwellings proposed in Freemans Close may also give rise to environmental issues therefore it is suggested that the use of these facilities is restricted to community use (Class D1 of the Use Classes Order 2005) and that the hours of use are restricted to the existing hours of operation of the centre between 7.00 am and 12.00pm on any day.

4.3.14 It is acknowledged that two residents are concerned at the loss of garaging at the rear of Freemans Close however only 16 of these remain, the usage of which appears limited. In addition there are no on street parking restrictions in Mattocke Road and many of the properties along this road already have off street parking. Whilst it is regrettable that the availability of garages to a small number of residents may not be available ultimately it is a decision for the landlord to make these garages available. Balanced against the significant benefits of this regeneration scheme I consider that the loss of a small number of garages is acceptable.

4.3.15 As with site 1 the design and layout of site 3 using Home Zone Guidelines and the guidance in Manual for Streets will establish a high quality residential environment for new residents in this part of the development in addition to the significant benefit of the dwellings being Housing Association rented accommodation.

4.3.16 Subject to the conditions recommended below it is considered that the mix of uses within site 2 can co-exist without detriment to the living conditions of existing and future residents. Furthermore any potential impact during the construction phases can be mitigated by the use of appropriate environmental protection conditions as suggested by the Environmental Health department.

#### 4.3.17 **Highway Impact, car parking and access**

One of the main considerations with regard to this scheme has been the assessment of the appropriate amount of car parking particularly in view of the large amount of existing surface parking and garaging within all three site areas. It is generally acknowledged that the existing parking and in particular garaging across the application site is underused and prone to vandalism and anti-social behaviour problems primarily because of the isolated location at the rear of buildings where there is no natural surveillance. The application proposals include a greater proportion of family housing however parking demand is likely to be higher than for the existing mainly small flats accommodation and therefore the applicant proposes a similar level of parking. The parking provision for the houses and flats is, as mentioned above, more integrated with the development being generally located in front of the properties and interspersed with landscaping. The level of parking dedicated to the housing element overall equates to 1.5 spaces per dwelling which is consistent with Government guidance and the recommendations set out in the Council's adopted supplementary planning document on parking at new development. The amount of parking also reflects the accessibility of the area which is served by bus routes and the generally sustainable location where residents are close to community facilities, shops and local schools e.g. Oughton Primary & Nursery school and Priory School. In terms of the community facilities a large number of off-street spaces are provided in a secure location next to the community centre, overlooked by housing and the youth centre benefits from parking directly in front of the building off the highway. New parallel parking is proposed on John Barker Place and 90 degree parking is proposed in front of the shops in addition to cycle parking facilities. The Highway Authority raises no objection to the level of parking and therefore it is considered that the parking provision for this scheme strikes an appropriate balance between the need to ensure adequate landscaping and pedestrian space against the requirements of the Supplementary Planning Guidance.

4.3.18 No significant changes are proposed to the main access points into Freemans Close or the former community centre site other than enhancement works to the surfacing and footways. A significant new feature is the provision of a new dedicated access and parking area in front of the youth centre primarily for disabled access to the building and other community uses. The provision of a pedestrian crossing point over John Barker Place will slow traffic speeds and provide safe connection to the community facilities for residents on the north side of John Barker Place.

4.3.19 The overall traffic impact of the development is considered to be slight given that only 27 additional units are created across a large area served by several local roads. The highway authority is satisfied that the proposed turning and circulatory areas have sufficient room for large vehicles using the estate roads to enter and exit the development in forward gear and provides sufficient space for large refuse vehicles such as refuse freighters to safely pass parked cars in the access roads. Various off-site works will require the applicant to enter into a Section 278 Agreement under the Highways Act with the County Council. Overall the highway authority raise no objections to the scheme concluding that the development would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the recommended conditions and informatives.

#### 4.3.20 **Environmental Issues**

The Local Planning Authority is required to have regard to PPS 23, 25 and PPS 9 in determining planning applications. In terms of flood risk and protecting water quality it is clear that the Environment Agency consider any potential risks to be low in relation to this development and accordingly are satisfied with a surface water drainage condition only. On site contamination is likely to be low however the Environmental Health officer exercises a precautionary approach with regard to a requested condition requiring an environmental risk assessment in the event of any harmful contamination being uncovered by an initial risk assessment.

4.3.21 Given the existing large areas of hardsurfacing, lack of planting and soft landscaping the scheme is likely to bring environmental benefits in terms of new planting and wildlife habitat particularly with the creation of garden areas especially within site 1 (existing community centre site).

#### 4.3.22 **Phasing**

The scheme includes the retention of the existing community centre during the construction of the proposed new community centre. The provision of the shops and flats as part of phase 1 will allow the existing shops to trade until completion of this phase and the transfer of shops and tenants in the existing block into the new building at the junction of Mattocke Road. All of the community facilities will be in place before construction begins on the majority of the housing units in sites 1 and 3. The highway authority have requested a condition to establish an agreed phased construction programme and this has been incorporated into a condition seeking a detailed phasing programme from the applicant prior to the commencement of the development.

#### 4.3.23 **Planning Obligations matters**

The requirements of the Council's adopted SPD on Section 106 Obligations need to be balanced against the community benefits that this scheme can deliver on site. The applicants have set out the considerable environmental and social benefits of this scheme in a supporting statement particularly addressing Section 106 contributions and the request for the Local Planning Authority to waive the majority of the infrastructure contributions in view of the nature of the scheme and in particular having regard to the 100% affordable housing tenure. Taking into account the applicants case and the particular content of uses and facilities of this major re-generation project it is recommended that no standard charges are required through the SPD towards community centres, leisure facilities, public open space, sports pitches or sustainable transport. The County Council do not require contributions towards nursery or youth provision or secondary education. In view of these factors the outstanding requirements of the SPD to which the applicant has agreed to pay the contributions are as follows:

- Waste collection and recycling - £2,059
  - Allotments (voluntary contribution) - £1,000
  - Library services - £1,921
  - Primary education - £90,999
- Total contribution - £95,979

4.3.24 The County Council require, if necessary, fire hydrant provision across the site and it is recommended that a suitably worded condition is attached in respect of this infrastructure provision.

### 4.4 **Conclusion**

4.4.1 Taking account of all of the above factors in my judgement this re-development proposal will achieve the key objectives of enhancement and regeneration of this area. Moreover, the development will secure a higher standard of community facilities than is currently provided for across the site and a mix of social housing that is in accordance with the Council's housing needs assessment for this deprived area. I am also satisfied that, subject to the imposition of the conditions recommended below that the development would achieve acceptable living conditions for future occupiers of the proposed development and preserve, if not enhance, the amenities of existing residents on the site and in the surrounding area. The fact that the applicants have carried out extensive pre-application public consultation, incorporating feedback into the design of the scheme, and in view of the almost complete absence of objections to the planning application, confirms in my view that this scheme has the support of the local community and accordingly my recommendation is that permission is granted subject to conditions and the applicants Unilateral Undertaking.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.**

**Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.**

4. **Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping associated with this development proposal shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the following elements:**

**a) which, if any, of the existing vegetation is to be removed and which is to be retained**

**b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting**

**c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed**

**d) details of any earthworks proposed**

**Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.**

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. **Full details of a construction phasing programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:**

- a) hours of construction operations including times of deliveries and removal of waste;
- b) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- c) access and protection arrangements around the site for pedestrians, cyclists and other road users;
- d) details of provisions for temporary public car parking during construction;
- e) arrangements for on-going servicing of existing retail units during construction;
- f) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures
- g) screening and hoarding details, to protect neighbouring residents;
- h) end of day tidying procedures to ensure protection of the street scene outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- i) arrangements for maintaining existing recycling facilities and access to them during the construction period.

**Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction, minimising any environmental impacts, in the interests of highway safety and amenity.**

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A -F of Part 1 of Schedule 2 to the Order 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. This condition applies to the proposed 15 houses on site 1 and the 5 x 2 bedroom houses, 7 x 3 bedroom houses and 4 x 2/3 bedroom houses within site 3.

8. **Prior to the commencement of the development hereby permitted full details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and to ensure their effective maintenance.

9. **Prior to the commencement of the development hereby details of all external lighting required in association with the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details or particulars and in accordance with the requirements of the phasing programme required under condition no. 6 of this planning permission and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure all external lighting is installed in the interests of maintaining community safety and amenity.

10. (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 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<sup>1</sup>, 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 where 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 and the built and natural environment.**

- 11. Prior to the commencement of the development hereby approved, a noise mitigation scheme designed to protect the occupiers of this development from internal and external noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.**

**Reason: To protect the residential amenities of future occupiers of the development.**

- 12. Prior to the commencement of the development hereby approved a scheme designed to minimise the impact of the demolition and construction activities associated with this development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To protect the residential amenities of existing residents and to minimise the potential for dust and noise from plant and equipment.**

- 13. All building waste from the proposed development shall be properly stored then removed from the site for disposal or recycling. No building wastes shall be burnt on site.**

**Reason: To protect the amenities of nearby residents.**

- 14. A scheme designed to prevent the impact of noise and smells from the commercial premises hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the operation of the units. Full details of the plant to be used shall be submitted with this scheme. The development shall be carried out in accordance with the details as approved.**

**Reason: To protect the residential amenities of future and existing residents from noise and smells nuisance.**

15. The supermarket/retail unit and hot food takeaway unit hereby permitted shall be closed for business between the hours of 11.00pm and 07.00am on any day.

Reason: In the interests of preserving local residential amenity.

16. The community hall and attached youth centre hereby permitted shall only be used for purposes falling within use Class D1 (non-residential institutions) and A4 (drinking establishments) and for no other purposes whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the submitted application and to ensure the proper planning and functioning of the development scheme.

17. The access roads and circulatory areas shall be as identified on drawing numbers 0770wd2.011 revision p2, 0770wd2.012 revision p2, 0770wd2.013 revision p2 and 0770wd2.013 revision p2.

Reason: In order that large vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people. [Manual for Streets 6.8.7]

18. A 2.0 metre x 2.0 metre visibility splay shall be provided and permanently maintained each side of the driveway accesses. They shall be measured from the edge of the accessway to the edge of the carriageway/back of footpath, within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway/footpath level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

19. Prior to the occupation of the development hereby approved the location of pedestrian crossing points shall be agreed with the Highway Authority and tactile construction shall be provided in accordance with the agreed phased construction of the development.

Reason: So that pedestrians may cross the road with convenience and safety.

20. Prior to occupation of the proposal, parking spaces as identified on drawing numbers 0770wd2.011 revision p2, 0770wd2.012 revision p2, 0770wd2.013 revision p2 and 0770wd2.013 revision p2 shall be provided and appropriately marked out within the curtilage of the site in accordance with the agreed phased construction of the development. The parking facilities shall be kept available solely for the parking of motor vehicles and shall therefore be permanently retained as provided thereafter.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the new development. In the interests of highway safety and amenity.

21. **No development shall take place until details of a scheme for the provision of fire hydrants to serve the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.**

22. **No development shall take place until the occupancy criteria to be used for determining the identity of occupiers of the affordable housing hereby permitted and the means by which such occupancy criteria shall be enforced has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall only be occupied in accordance with the agreed occupancy criteria.**

**Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.**

**Reason for Decision**

In the opinion of the Local Planning Authority the development hereby permitted would regenerate and enhance the locality and is of a high standard of design of layout. Subject to the conditions contained within this planning permission the proposal would also protect local residential amenity and provide suitable living conditions for future occupiers of the proposed development. The scheme would not give rise to unacceptable highway problems within the vicinity of the site and as such complies with the requirements of the development plan as summarised below:

**North Hertfordshire District Local Plan No. 2 - with Alterations:**

Policy 8 'Development in Towns'

Policy 26 'Housing Proposals'

Policy 51 'Development effects and Planning Gain'

Policy 57 'Residential Guidelines and Standards'

**Planning Informatives:**

1. The Environment Agency advise that on uncontaminated land soakaways would be permissible for the disposal of clean surface water. Percolation tests should be undertaken and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

2. The Highway Authority advise that works to be undertaken on the adjoining highways shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire A Guide for New Developments. Before proceeding with the proposed development, the applicant shall contact the Development Control Team at the Northern Herts Area Office (telephone 01438 757800) to obtain their requirements on how to enter into a section 278/section 38 agreement for the associated road works, and the procedure to promote a Traffic Regulation Order (TRO) to realign the existing highway as part of the development and to extinguish the existing section of highway that require stopping up. This should be carried out prior to any development work is carried out.

3. The Highway Authority further advises with regard to off-site works that the requirement as part of the offsite s278 works is to include pedestrian crossing points complete with tactiles and dropped kerbs at the junctions with the existing highway. The details should be included on the s278 drawing as part of the required highway work in conjunction with the development.

<b>ITEM NO: 6.2</b>	<u>Location:</u>	<b>Baldock Railway Station, Station Road, Baldock, SG7 5BU</b>
	<u>Applicant:</u>	Mr Martin Network Rail
	<u>Proposal:</u>	<b>Outline Application: Erection of a 3 and 2 ½ storey detached building to provide 11 x 2 bedroom flats with 11 allocated car parking spaces. Extension of existing station car park to provide an additional 28 car parking spaces - total 74 spaces (all matters reserved) (as amended by plan received on 2 July 2009).</b>
	<u>Ref. No:</u>	<b>08/02903/ 1</b>
	<u>Officer:</u>	<b>Kirstie Hough</b>

**Date of expiry of statutory period** : 06 March 2009

**Date of expiry of statutory period** : 06 March 2009

**Reason for Delay** (if applicable)

Negotiation with agent and awaiting further information.

**Reason for Referral to Committee** (if applicable)

The application has been called in by Cllr Kirkland due to the number of comments received, so the issues can be debated in public.

## **1.0 Relevant History**

1.1 None relevant

## **2.0 Policies**

### **2.1 Central Government Guidance:**

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'  
 Planning Policy Statement (PPS) 3 'Housing'  
 Planning Policy Guidance (PPG) 13 'Transport'  
 Planning Policy Guidance (PPG) 16 'Archaeology and Planning'  
 Planning Policy Guidance (PPG) 24 'Planning and Noise'  
 Planning Policy Guidance (PPS) 25 'Development and Flood Risk'

### **2.2 East of England Plan (May 2008):**

Policy H1: Regional Housing Provision 2001- 2021  
 Policy ENV7: Quality in the Built Environment

### **2.3 North Hertfordshire District Local Plan No. 2 - with Alterations:**

Policy 8 'Development in Towns'  
 Policy 26 'Housing Proposals'  
 Policy 51 'Development Effects and Planning Gain'  
 Policy 55 'Car Parking Standards'  
 Policy 57 'Residential Guidelines and Standards'

### **3.0 Representations**

#### **3.1 Environment Agency:**

Have no objection in principle to the proposal, providing a recommended condition is imposed on any permission.

#### **3.2 Anglian Water:**

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

- Consider that the foul flows from the development could be accommodated within the foul sewerage network system that at present has adequate capacity. If the developer wishes to connect to their sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991.
- Consider that the development could be accommodated within the public surface water network system that at present has sufficient capacity. If the developer wishes to connect to the public surface water sewer, they should serve notice under Section 106 of the Water Industry Act 1991.
- The foul drainage from this development would be treated at Letchworth Sewage Treatment Works. At present there is no available capacity for these flows. Letchworth will require upgrading to accommodate future growth, which will be subject to Ofwat funding via Anglian Water's periodic review. The determination of Ofwat will not be confirmed until November 2009 therefore they are unable to confirm the exact date when capacity will be available. However they anticipate this to be in the period 2012-2015.

#### **Three Valleys Water:**

No comments received at time of writing report.

#### **3.3 NHDC Planning Policy:**

Comment that this application is for development within the existing built up area. The site has been previously identified as a possible residential development site in our Land Allocations Issues & Options Paper in 2008 (as site B/r15). Whilst inclusion in that document does not direct that development should be granted, it does show a certain inclination on the part of the Council towards favourable consideration of such schemes.

The proposed density is high however, this is a highly accessible location, being opposite the railway station and in close walking proximity of the town centre. They do not consider the density to automatically weigh against this scheme.

#### **3.4 Hertfordshire County Council (Highways):**

Comment that the development is located along an offset from Station Road that is classified as the A507 main distributor road with a speed limit along this stretch of road being subject to 30mph. A site survey undertaken shows that vehicle to vehicle inter-visibility along Station Road is achievable for the speed and hierarchy of the road.

The applicant proposes no alteration to the existing access. The private access road and proposed turning areas have sufficient room for vehicles using the proposal to enter and exit the development in forward gear.

The trip rates according to TRICS data base indicates that the trip generation of this small scale residential development located adjacent to a railway station is low, consequently the existing access road to serve the new development is not considered to attract a significant higher level of traffic than that previously generated.

Hertfordshire County Council as Highway Authority therefore consider that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways providing a planning condition is attached to ensure that the parking and turning areas are marked out and retained thereafter.

**3.5 Waste and Recycling:**

Comment that they consider the lay out acceptable. However consider that the outer edge of the swept path radius from start to finish including outside of the designated taxi rank area would have to be controlled and patrolled parking. Any encroachment into this area would render access impassable.

**3.6 Hertfordshire County Council (Archaeology Service):**

Given the archaeological importance of the site the applicant was requested to provide further archaeological information regarding the impact of the proposal on the historic environment, before the application was determined.

This has been done and County recommend that an archaeological condition be attached to any permission.

**3.7 Environmental Health (Contaminated Land):**

Recommend a condition to be attached to any permission, having taken into account the advice contained within Annex 2 of PPS23.

**3.8 Environmental Health (Pollution- Light & Noise):**

Consider that the impact of lighting on the residential properties has not been considered sufficiently, so suggest a condition to safeguard amenity. Also recommend a condition to deal with noise, in order to safeguard residential amenity.

**3.9 Landscape and Urban Designer:**

Raises no objection to the principle of the erection of a block of flats in this location. However, consider protection of the trees during construction is most important and the scale of the building in relation to the adjacent two storey dwellings. Comment that any reserved application would need to be accompanied by a landscaping scheme and full details of materials so these could be more thoroughly assessed.

**3.10 Legal Services:**

At time of writing this report, a Unilateral Undertaking has not be submitted. An update will be provided at the meeting as to the responses of Service Managers to the requirement for contributions.

**3.11 Response to Statutory Site Notice and Neighbour Notifications:**

Representations were received from the following addresses: 1, 2, 3, 4, 5, 7, 9, 10, 12, 14, 16 Bramley Close; 1, 2, 3, 7 Laurel Mews; 7, 9, 15, 19 Icknield Way East;  
The points raised are as follows:

- The type of building is not in keeping with the surrounding area or properties.
- Not only is the building an eyesore but numerous windows would overlook their property, into windows and into their gardens.
- The balconies would enable views into surrounding properties as well as creating noise pollution due to recreation.
- One car parking space per flat is unrealistic in today's society and parking in the area is difficult at present.
- The entrance is shared with the station entrance. The station approach road is already insufficient for the amount of traffic that uses it. Extra traffic throughout construction, residential use and visiting will cause major congestion on an already busy and dangerous junction.
- The removal of trees would be detrimental to the environment as well as removing the sound buffer between the existing properties and the railway.

- The removal of the vegetation would impact upon wildlife currently in the area.
- Noise pollution would be created during construction. In addition, refuse/recycling lorries which will be used would further add to the noise pollution.
- Consider that the extension of the station car park is unnecessary. The car park is not full at present as people park on nearby streets. The car park attracts anti-social behaviour and youths who jump on the garage roofs nearby.
- Consider the flats would not be in keeping with the surrounding residential area and are not desired for residents living in Baldock.
- A concrete block should not replace the skyline of trees and this area is the first impression people get when arriving by train in Baldock.
- Covering the last remaining area of open ground may effect surface water soak away giving a potential increase to subsidence to the properties. Removal of large trees can give course to ground heave and structural damages.
- Do not believe that extending the car park would stop rail users from parking on local streets as people would not want to pay the prices.
- The extension of the car park could raise a threat to safety of local residents and their property especially at night and weekends when the car park would be empty.

Representation received from The Baldock Society who comment:

- What are Network Rail doing to attract parkers to use the station car park as opposed to local streets?
- Can TPOs be placed on existing trees being retained in the scheme?

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site lies within a residential area with housing (two storey dwellings) to the south and south-east (Laurel Mews, Bramley Close and Icknield Way East). A heavily treed area lies to the west and the station building and embankment/ railway line to the north.
- 4.1.2 The site comprises a car park area to serve the station at the north-east of the site and a vegetated area set to the west of this. The access road into the site runs around the east and north of the vegetated area. Trees protected by a Preservation Order are positioned within this vegetated area.
- 4.1.3 The station building is a two and single storey pitched roof construction. The closest residential dwellings to the position of the proposed dwellings are located to the south and comprise a terrace row of which 7 Laurel Mews terminates, adjacent to the southern boundary of the site.

### **4.2 Proposal**

- 4.2.1 Outline planning permission is sought for the erection of a 3 storey detached building to provide 11 x 2 bedroom flats with 11 allocated car parking spaces, along with the extension of the existing station car park to provide an additional 28 car parking spaces to provide a total of 74 spaces (all matters reserved).
- 4.2.2 The proposed car parking area would extend to the west, in place of the existing vegetated area. The proposed new dwellings, cycle storage, bin storage and amenity area would be located on the remaining part of the vegetated area, in a site of approximately 34m by 34m.

- 4.2.3 Although the application is for outline planning permission with all matters reserved for future consideration, the applicants have a duty to submit an indicative layout to broadly illustrate how the quantum of development proposed may be established on the site. The submitted indicative layout and elevations, show a 3 storey hipped and part flat roof building, which would be sited fairly centrally within the plot. There would be provision for 11 residents parking spaces positioned around the western edge of the site and to the north of the proposed residential building.
- 4.2.4 The plan shows the building sited approximately 8m away from the boundary with 7 Laurel Mews, approximately 8.5m away from the residential spaces to the west, approximately 10m away from the extended parking area to the east and 3.4m away from the newly constructed parking spaces to the north.
- 4.2.5 The elevations show balconies accommodated on the northern elevation and Juliette balconies on the eastern elevation, a flat roof element to the front and rear with a central hipped roof section. The building would be some 20m wide by 19m deep. Waste and recycling would be stored in a secure area to the east of the building and cycle storage would be accommodated adjacent to this.
- 4.2.6 Three Sycamore trees, 1 Horse Chestnut tree and 1 Lime tree would be retained and a replacement tree would be planted in the south-east of the site.
- 4.2.7 A comprehensive Design and Access Statement (DAS), has been submitted as part of this application.
- 4.2.8 With regard to the extension of the car parking area, this can be carried out under Part 17a of The Town and Country Planning (General Permitted Development) Order 1995 by Network Rail as a Statutory Undertaker and therefore the trees which are not protected by a preservation order, could be removed and the area laid with hard standing, without requiring a specific permission from the Local Planning Authority.

### 4.3 **Key Issues**

- 4.3.1 Taking account of relevant central government guidance and development plan policies referred to above I consider that the key issues to be addressed in relation to this planning application are as follows:
- Whether residential development on this site is acceptable in principle.
  - Whether the quantum of development as stated in the planning application is appropriate for the location when considering the character and amenities of the locality, both in terms of relationship with surrounding development and land uses and living conditions for adjacent residential occupiers and any future occupiers.
  - Vehicular access and Car Parking
  - Pedestrian and Cycle Storage
  - Section 106 Obligations

### 4.3.2 **The Principle of Residential Development**

The North Hertfordshire District Local Plan No. 2 - with Alterations proposals map does not show the car park or vegetated area as designated for any specific use.

- 4.3.3 It is the case however, that the site has been previously identified as a possible residential development site in the NHDC Land Allocations Issues & Options Paper in 2008 (as site B/r15). Whilst inclusion in that document does not direct that development should be granted, it does show a certain inclination on the part of the Council towards favourable consideration of such schemes.

- 4.3.4 The current area is a green area which accommodates numerous trees, some of which are protected by a preservation order. It is considered to be appropriate to ensure that the important trees within the site continue to be protected and that any development pays regard to the survival of the trees. This is also noted by the applicant, as the DAS states that '*The new building is sited to ensure survival of the retained trees.*'
- 4.3.5 Although it is of course regrettable to remove trees and vegetation in order to enable development, it is the case that given only a few trees are protected by way of a Tree Preservation Order, the rail company could remove the trees which are not protected in any event, and pave the area for additional car parking.
- 4.3.6 The location of the site within the town is of importance when assessing this proposal. The site is located directly adjacent to the railway station and within close walking distance to the town centre. Given its position and also being sited adjacent to other residential dwellings, this is considered to be a highly sustainable location for residential development and as such, no objection is raised to a residential use in this location.
- 4.3.7 It is also the case that the station car park is in need of upgrading and additional parking provision will be required when Traffic Regulation Orders are imposed in Baldock area to restrict the parking of vehicles on the surrounding residential roads. This development ties in with the extension of the station car park and the provision of additional vehicle and cycle parking for the users of Baldock Station.
- 4.3.8 Therefore in conclusion, in terms of the principle of the development of the site and use of the site for residential development, this site is not designated for any other use within the District Local Plan and is in a sustainable location being in proximity to the railway station and town centre. Given that many of the trees could be removed in any event (refer to para 4.2.8), and the station facilities would be improved as a result of the development, residential development is considered to be acceptable in principle in this location.

4.3.9 **Matters relevant to the determination of an outline application**

The outline scheme as proposed will be discussed in the following section of the report. This section will set the scene in terms of the level of detail required when submitting outline applications.

- 4.3.10 Amendments to articles 1 and 3 of the GDPO which came into force on the 10th August 2006 introduced profound changes to the process for both making and considering applications for outline planning permission. Paragraphs 48 and 49 of the introductory circular (DCLG Circular 1/2006) clearly express the new and much expanded scope of outline applications:
- 4.3.11 **48. Outline applications allow for a decision on the general principles of how a site can be developed. They are typically used where applicants are looking for formal agreement about the amount and nature of development that can take place on a site prior to preparing detailed proposals.**

**49. The amendments made to the GDPO, when taken alongside the requirement to submit a design and access statement, mean that outline applications will have to demonstrate more clearly that the proposals have been properly considered in the light of relevant policies and the site's constraints and opportunities. Information provided as part of the application will need to be such as to allow for proper consideration by both decision makers and local communities. They will also provide the basis for greater and better informed community involvement in the planning process.**

4.3.12 It should be noted that the circular advises that an outline application must provide the decision maker and local community with information on the *amount* and *nature* of development proposed *in the light of relevant policies and site's constraints and opportunities* such as to allow *proper consideration*. The Secretary of State has validated this new attitude in respect of outline applications when endorsing the need for accompanying design statements to *explain and justify* design principles and choices.

4.3.13 In order to satisfactorily express the amount and nature of the proposed development and demonstrate an understanding of the sites constraints and opportunities, the circular sets out the scope of the minimum information now required, which includes:

- Use
- Amount of development
- Indicative layout
- Scale parameters
- Indicative access points

4.3.14 Accordingly, all applications for outline planning permission must now clearly express the amount and nature of the proposed development and how it is to be laid out on the site (indicative layout). The inclusion of 'scale parameters' dictates that applications must also express the nature of the scheme in terms of the maximum (and minimum) physical dimensions needed to accommodate the amount of development proposed. Where an application only contains one set of scale parameters, an authority must clearly determine on the basis of the information provided.

4.3.15 It follows from the above, that in the same way that an applicant must provide information expressing the nature and amount of development proposed at an outline stage (including its scale), a planning authority is required to properly consider the impacts of these declared parameters in terms of such things as the local highway network, the street scene, the character of the area and the reasonable amenity of neighbours.

#### 4.3.16 **Amount of Development in relation to Context**

Given that only one set of scale parameters has been submitted for this application, it will be this scheme that will be assessed, to conclude whether the amount of development proposed can be adequately accommodated on site. Setting aside design issues of a more detailed nature at this point, it is considered useful to examine the more general issue of building density (or amount). In discussing new housing schemes PPS 3 advises as follows:

***"Is well integrated with, and compliments, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access..."***

(PPS 3, para 16)

4.3.17 The site is located within a residential area, which is predominantly characterised by terrace houses, as well as semi-detached and detached dwellings. It is therefore the case, that a block of flats would be of a different style of unit to the predominant dwelling types in the area immediately surrounding the site.

4.3.18 It is however the case, that the most efficient use of land should be made in areas where a higher density would be appropriate in terms of context, amenity and the character of the area.

4.3.19 In this case, the site of the residential development is a stand-alone area, which is unique in its location being surrounded by the access road into the station and the station car parking area on the other side.

- 4.3.20 The development would be positioned adjacent to an area of existing residential dwellings, but due to its unique positioning, would appear as a separate residential development, rather than wholly tying in with the existing units. This is referred to in the submitted DAS, which states that ‘ *The proposed flats are designed as a detached block on its own plot, sitting between the cottages to the south and the station building to the north on a site dominated by the scale of the mature trees around its perimeter*’.
- 4.3.21 The location of the site also gives grounds for accommodating a higher number of units. Being located in such proximity to the railway station and also within a short walking distance to the town centre, this is a highly sustainable location. In such locations, the highest density suitable for the site is appropriate and it therefore lends itself to a flatted scheme, as opposed to dwelling houses.
- 4.3.22 The form of development proposed comprises a three storey block is fronting onto the station building with a rear three storey wing stepping down to two and a half stories at the southern end of the site, towards the adjacent two storey terrace dwellings. The block would also be set away from the boundaries of the site, to enable a landscaping area around the block and provide separation and some form of buffer from the access, car park and dwellings.
- 4.3.23 The presence of the trees around the perimeter of the site would assist in softening the impact of the development, as the existing vegetation does make an important contribution to the character of the area and as an amenity for the residential dwellings.
- 4.3.24 It is considered that the scheme submitted does demonstrate that the proposed number of units could be accommodated on the site in terms of location and context. However, this amount of development is the maximum extent of what could acceptably be accommodated on the site, due to the constraints involved. The following sections will discuss the other relevant matters to be considered.

4.3.25 **Impact on neighbours and residential amenity**

The indicative plans show a 3 storey block fronting onto the station building with a rear three storey wing stepping down to two and half stories at the southern end of the site to relate to the scale of the adjacent 2 storey dwellings. The second floor is accommodated within the roof space.

- 4.3.26 The lower element located closest to the adjacent properties in Laurel Mews, shows as being 1m higher than the adjacent dwellings.
- 4.3.27 The block is set away from the southern (8m) and eastern (10m) boundaries separating the new development from the existing housing to the south and the new extension to the parking area to the east.
- 4.3.28 Although the block would be higher than the adjacent existing properties, given the distance the block would be set away from the adjacent properties, the orientation (meaning the proposal is set to the north of the closest existing dwellings) and the reduced height of the block towards the southern boundary, it is considered that on balance there would not be a materially detrimental impact upon the adjacent properties in terms of sunlight and daylight.
- 4.3.29 In terms of privacy, the location and position of the windows on the southern and eastern elevations of the two and a half storey element could have the greatest impact on the privacy of the neighbouring properties. Windows are proposed on the southern elevation of the block and would be in such a position that they would face the flank elevation of no. 7 Laurel Mews. It would therefore appear that these windows would not cause a material loss of privacy to the existing neighbouring dwellings.

- 4.3.30 With regard to the balconies proposed on the eastern flank elevation of the southern element, these would be Juliette balconies, so would not enable occupiers to stand outside of the room to view around. This part of the structure would be set towards the rear garden boundary of no. 7 Laurel Mews and the adjoining terrace row and as such, given that there would not be a balcony to stand on, direct views to the rear elevation of the terrace row would not be possible.
- 4.3.31 There would be an oblique relationship with the rear elevations of the properties along Icknield Way East, but due to the distance involved and relationship between the proposed and existing dwellings, it is not considered that these windows would cause a material loss of privacy for the occupiers of these properties.
- 4.3.32 However, it is in fact the case that this is an outline application for permission for residential units, so the precise details of the window positions would be further assessed through the reserved matters application.
- 4.3.33 In terms of the residential amenities of the proposed occupiers, there is sufficient space to accommodate landscaping and small amenity areas into the scheme and a buffer area between the units and the car parking area. Landscaping would need to be included in the area between the parking spaces and the front elevation of the residential block, to reduce light and noise pollution from the vehicles using the spaces. This would be included as part of the landscaping scheme, which is recommended as a condition on any permission.
- 4.3.34 Therefore, in terms of neighbour amenity, given the position of the block and the windows as indicated on the plans submitted, it is considered that the level of development could be accommodated without having a materially detrimental impact upon the residential amenities of the adjacent residential occupiers.

4.3.35 **Vehicular Access and Car Parking Provision**

Vehicular access is not a matter to be considered at this outline stage, however the access has been shown on the indicative layout as this does not change from the present situation. However, as explained earlier on in this report, the Planning Authority is required to properly consider the impacts of the declared parameters in terms of such things as the local highway network.

- 4.3.36 The station car park access road would be widened to allow two-way traffic, on site turning and aisle widths would be widened to enable easier access to the parking bays. Three wheelchair accessible parking bays would be provided close to the station building.
- 4.3.37 Hertfordshire County Council as Highway Authority have commented that the development is located along an offset from Station Road that is classified as the A507 main distributor road with a speed limit along this stretch of road being subject to 30mph. A site survey undertaken shows that vehicle to vehicle inter-visibility along Station Road is achievable for the speed and hierarchy of the road.
- 4.3.38 The applicant proposes no alteration to the existing access. The private access road and proposed turning areas have sufficient room for vehicles using the proposal to enter and exit the development in forward gear. The trip rates according to TRICS data base indicates that the trip generation of this small scale residential development located adjacent to a railway station is low, consequently the existing access road to serve the new development is not considered to attract a significant higher level of traffic than that previously generated.
- 4.3.39 Hertfordshire County Council as Highway Authority therefore consider that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of a suggested planning condition.

- 4.3.40 In terms of parking provision for the proposed units, this would be at a level of 1 space per unit. The latest position on car parking standards is contained within the Council's adopted design guidance, 'Car Parking Provision at New Development'. This sets out maximum car parking standards for residential development based on bedroom numbers, and states a provision of 1.5 spaces per 2 bedroom dwelling and 1 space if located within the town centre.
- 4.3.41 Given the location of the units adjacent to the railway station and also in close proximity to the town centre, it is considered that this level of provision is acceptable for these units.
- 4.3.42 Although car parking numbers would be part of any reserved matters submission, the plan as submitted demonstrates that the required number of spaces in line with the SPD, could be adequately accommodated on site.
- 4.3.43 Given that Hertfordshire County Council as Highway Authority have no objection to raise to the proposal in term of impact upon the highway network, and sufficient parking provision can be accommodated on site for the units, it is considered that there are no material reasons to refuse permission for the proposal in terms of impact upon highway safety or parking provision.

4.3.44 **Refuse and Cycle Storage**

With regard to refuse and recycling, the plans show a storage building of 4.8m by 4.8m (which could accommodate euro bins and recycling facilities to serve the units) to be located to the east of the units on the access footpath to the flat entrance and adjacent to the car park area from which the refuse lorries would make the collection. On site turning area would be provided to enable the refuse lorry to turn within the station car park. This is considered to be an adequate storage area and it can be conditioned that precise details are submitted in any reserved matters application.

- 4.3.45 In terms of cycle storage for the residents of the proposed dwellings, the plans show a racking and shelter located adjacent to the waste and refuse storage building, to provide for the storage of 11 cycles. This is adequate provision for the 11 flats and would be located in a convenient location.
- 4.3.46 In terms of cycle storage for the railway users, there is an existing (although somewhat dilapidated) cycle storage area positioned adjacent to the station building. The plans show an enlarged cycle storage building located in the same position adjacent to the station building and which, as stated on the DAS submitted, would hold 40 cycles. A condition can be attached to any permission to ensure that this level of cycle parking is in fact delivered.
- 4.3.47 The DAS also states that mast mounted CCTV cameras and lighting would be installed to cover the car park and ensure a well lit and safe environment without causing nuisance to adjoining areas of housing. It is considered important that an acceptable level of CCTV and adequate lighting does cover the cycle parking areas without impacting upon the residential dwellings, so this can be included as a condition on any permission.

4.3.48 **Section 106 Obligation requirements/Conditions**

The Council's adopted 'Planning Obligations Supplementary Planning Document' sets out the required contributions for developments and in this instance, for the eleven two bedroom dwellings, a contribution of £41,346.58 is required. No affordable units are sought as the number of units proposed is below the trigger threshold for affordable housing.

- 4.3.49 With regard to complying with this Policy, the agent has stated that initially the scheme was considered with a price which could be obtained for the land. Being aware that land prices had fallen, the site was placed in an auction in February 2009, but only one bid was received which did not come near the reserve price, so this was rejected. It has now been stated that *'Network Rail is therefore of the opinion that if the contribution was removed then this would help the viability of the scheme. .... we trust that... we have set out the main points in a clear and transparent way that you will see the viability of the scheme has dropped by nearly 45% and a saving of £40,000 would make a substantial difference.'*
- 4.3.50 Therefore at the time of writing this report no UU has been received and consideration regarding whether the payments would be justified, is ongoing. The outcome of this will be provided as an update at the committee meeting.

#### **4.4 Conclusion**

- 4.4.1 There are two parts to the scheme, the first being the improvements to the station car park with additional spaces along with additional cycle storage for users of the railway station. The other is the residential development for 11 units. The inclusion of the housing element would allow cross subsidy to finance the car park improvements to upgrade the rail services from Baldock.
- 4.4.2 As stated earlier in this report, it is the case that the trees which are not protected could be removed in any event. This proposal would ensure that additional car parking provision, cycle storage would be delivered. The site is not allocated for any particular use, although has been identified on the Land Allocations Issues & Options Paper in 2008 for residential development. The site is located within a highly sustainable location and as such, residential development is considered appropriate.
- 4.4.3 Only one scale parameter was submitted as part of the outline submission, but it is considered that this demonstrates that the number of units proposed can be accommodated on the site. However, given that this is an outline application, there are many additional details required to ensure that the development would be satisfactory.
- 4.4.4 Taking account of the all the above factors I consider that residential development is acceptable on this site in principle. I am also satisfied that a block of 11 residential units can be accommodated on this site without materially harming the character or amenities of the area, subject to the outcome of the assessment of the Section 106 contributions.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

- 6.1 An oral recommendation will be made to the Planning Control Committee at the meeting dependant on the outcome of the discussions in respect of the Section 106 contributions. However, it would be the intention to inform Members in writing prior to the meeting if the matter has been resolved and full details of the recommendation can be provided.



<b>ITEM NO: 6.3</b>	<u>Location:</u>	<b>Danesbury Hill House, Codicote Road, Welwyn, AL6 9NF</b>
	<u>Applicant:</u>	<b>Mr &amp; Mrs Glencross</b>
	<u>Proposal:</u>	<b>Erection of replacement detached dwelling with integral garaging together with associated landscaping following demolition of existing property</b>
	<u>Ref. No:</u>	<b>09/01396/ 1</b>
	<u>Officer:</u>	<b>Kate Poyser</b>

**Date of expiry of statutory period** : 18 September 2009

**Reason for Delay**

Planning Committee cycle.

**Reason for Referral to Committee**

Called in by Cllr Alan Bardett in the local public interest.

**1.0 Relevant History**

- 1.1 In 1988 planning permission was granted for use of land for nine hole golf course (main part being in Welwyn and Hatfield District.)
- 1.2 In 1991 planning permission was granted for two detached single storey buildings to provide a club house and pro-shop.
- 1.3 In 2003 planning permission was granted for a change of use and extension of the golf clubhouse to form a 5 bedroom dwelling.

**2.0 Policies**

- 2.1 Green Belt  
**North Hertfordshire District Local Plan No.2 with Alterations**

***Policy 2 - Green Belt***

***In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.***

(Structure Plan Policy 1)

- 2.2 Replacement or Extension of Dwellings in Countryside  
**North Hertfordshire District Local Plan No.2 with Alterations**

***Policy 30 - Replacement or Extension of Dwellings in the Countryside***

***For existing dwellings anywhere in the countryside outside excluded or selected villages, the Council will normally refuse proposals for their replacement or extension if a materially greater impact would result. A landscaping scheme related to the surrounding countryside will be expected. Also, extensions will normally be refused if they result in a size, scale and design out of keeping with the original building and give the effect of a new dwelling.***

2.3 Residential Guidelines and Standards  
**North Hertfordshire District Local Plan No.2 with Alterations**

***Policy 57 - Residential Guidelines and Standards***

***The Council expects that all proposals for residential development including extensions and changes of use will meet the objectives of the guidelines.***

2.4 Nature Conservation  
**North Hertfordshire District Local Plan No.2 with Alterations**

***Policy 14 - Nature Conservation***

***For Local Nature Reserves, Sites of Special Scientific Interest, Nature Reserves of the Hertfordshire and Middlesex Wildlife Trust, and sites of local Wildlife Significance, the Council will preserve their wildlife importance by not normally granting planning permission for development proposals in these sites, or which may harm their value, and will seek their continued management for nature conservation.***

***For sites of Wildlife Value, the Council will not normally grant planning permission for development proposals which do not take account of and encourage the potential nature conservation value of the site.***

***Elsewhere, or when a development proposal is acceptable, the Council will expect development proposals to take account of, and where possible, to show improvements to the nature conservation value of the site and its surroundings. In addition, the Council may require the preparation and implementation of a management scheme to maintain or enhance the site's nature conservation value.***

2.5 PPG 2 - Green Belts, PPS 3 - Housing and PPS7 - Sustainable development in rural areas.

**3.0 Representations**

- 3.1 Highway Authority - does not wish to restrict the grant of permission. But would like to see the access onto Codicote Road hard surfaced for the first 5 metres.
- 3.2 Go East -"We are unable to comment as the application may come before the Secretary of State and do not wish to prejudice his consideration of the planning issues involved."
- 3.3 Waste Management - no comments
- 3.4 Environmental Health - no comment
- 3.5 Hertfordshire Biological Records Centre - The work will not damage the ecological interest of the parkland. The site has now been removed from the Wildlife Site. "We do not have any ecological concerns regarding the proposed development."
- 3.6 Natural England - no objections providing screened for presence of bats.
- 3.7 Welwyn and Hatfield District Council - no comments received at time of writing report.
- 3.8 Codicote Parish Council - no objections
- 3.9 Herts and Middlesex Wildlife Trust - Bat survey must be carried out prior to demolition as high level of bat activity along the access track has been recorded.
- 3.10 Welwyn Parish Council - no observations

- 3.11 Local Residents - The application has been advertised on site, and nearby residents in Reynards Road and Danesbury Park Lane notified by letter. 12 letters of objection have been received from the occupiers of 16 Willow Walk, 'Danesbury Lodge', 'Kilby House', 9, 16, 17, 19 and 22 Danesbury Park Road, 7,14 and 18 Danesbury Park, 'North Ride' and 3 Reynards Road for the following reasons.
- Concern that the existing access road which serves properties in Danesbury Park Road will be closed off.
  - Design grounds
  - Concern about local wildlife
  - To the recent change in address of the property
  - Set precedent for further infilling
  - Contrary to policy (as stated on the site notice)
  - Local residents not being notified

1 letter in support has been received from the occupier of 36 Reynards road, as it would be a significant improvement on the present structure, and 1 letter has been received raising no objections from the occupiers of 'Stirrups House', but these are both subject to the access road not being blocked off.

A letter has also been received from Welwyn Planning and Amenity Group raising no objections, but recommends a condition to restrict obstruction of the access road by construction traffic.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 Danesbury Hill House is a detached single storey 5 bedroom dwelling in the Green Belt. It has fairly recently been converted into a bungalow from a golf club house, gaining planning permission for such in 2003. The golf course no longer exists. Although the land which was once the golf course is within the applicant's ownership only a small part of it (0.3 hectares) gained planning permission for the residential curtilage and the application site relates to the existing residential curtilage. The dwelling sits on elevated land overlooking the valley, which was once the golf course. There are no adjoining residential properties. The nearest residential properties are 'The Stirrups', 'Danesbury Lodge' and 'Danesbury Park' all gaining access from Danesbury Park Road and are at a distance of approximately 170 to 260 metres. Reynards Road lies to the north west of the land formerly used as a golf course at a distance of at least 260 metres from the application site. There is a Tree Preservation Order covering the area and the site abuts a Wildlife Site.

### **4.2 Proposal**

- 4.2.1 The proposal is for the demolition of the existing 5 bedroom dwelling and its replacement of a new contemporary style dwelling on a similar (but not identical) footprint. The existing bungalow is of a primarily timber structure with a low ridge height of a mundane design one would expect from a former a golf club house. The proposed dwelling would also have 5 bedrooms, but would provide a larger floorspace. The gross internal area of the existing dwelling is 291 sq.m. and the proposed house would be 671 sq.m. The existing dwelling is 4.4 metres to the ridge above ground level and the proposed would be 4.8 metres to the usable volume of the property and 6.7 to the final 'flourish' of the concaved roof. The proposal would take advantage of the slope of the site, setting one and a half floor levels into the ground, so that the amount of building projecting above ground level would not be so different to the existing bungalow. The existing above ground volume is 1061 cu metres and the proposed volume would be 1396 cu metres.

4.2.2 The proposed dwelling would be of a modern architectural design, using large amounts of glass in the rear elevation and mostly brick and render to the front elevation. The intension is that the building would gradually rise from the ground, with some of the low roofs of about 1 metre high being covered with sedum and the main roof over the central area being gently concaved and covered in copper which would become green. It is also proposed to be of the highest BREEAM rating for energy efficiency. I particularly recommend viewing the drawings to appreciate the design, which is complicated to describe. The residential site is proposed to be landscaped to complement the gradual rising of the building out of the ground. There are currently no walls or fences marking the boundary of the site and this is deliberately proposed to remain the case, to help the building sit comfortably in the attractive parkland landscape, although some additional planting would provide some screening of the building and privacy for the occupiers.

4.2.3 The garaging facilities would be incorporated within the building and an open air swimming pool is proposed projecting from the house. There would be some alteration of existing land levels to facilitate the new building and to gain access to the basement garages. No work is proposed to the existing trees and, for clarification, the existing access road does not form part of the application site and no work to restrict access along it is proposed.

### 4.3 **Key Issues**

4.3.1 The key issue relates to the location of the site in the Green Belt and whether the proposal would comply with Policy 30 - Replacement dwellings in the countryside. Design and matters of wildlife interest are also relevant.

4.3.2 Policy 30 requires any replacement dwelling to not have a materially greater impact on the countryside than the existing. I consider size to be relevant. The proposal would provide much larger living accommodation than the existing as shown in the floorspace figure given above. However, much of that would be accommodated below ground level. Submitted elevations of the proposed dwelling have an outline of the existing bungalow to allow comparison. Whilst the properties are quite different in design and shape, the overall bulk of building above ground level is not so very different. The proposal does also involve some alteration in ground level, but the highest part of the land, on which the main part of the house would sit, is not shown to be increased. In terms of size of building above ground level I consider the proposal would not have a materially greater impact than the existing.

4.3.3 The existing building has a rendered exterior and shallow pitched roof. It sits quietly in the landscape and I think it would be fair to say it is of very little architectural merit. The proposed dwelling would make a much stronger architectural statement, with its very modern design of sweeping concaved copper roofs. It would incorporate modern building technology to be of the highest BREEAM rating and an energy statement report has been submitted.

4.3.4 There are no adjoining residential properties. There are none along the track to the west and the next property to the east is 'The Stirrups' 260 metres away. The property is therefore viewed in isolation, rather than as part of a street scene. There is no particular architectural style characteristic of the area. Properties in Danesbury Park Road and Reynards Road are mostly detached, either two storey or single storey and of various ages, styles and materials. I am aware that 'Danesbury Park' is a listed building within the District of Welwyn and Hatfield, but I consider the proposal would have no effect upon it's setting. Most properties have traditional pitched roofs, although there is at least one with a flat roof. The sweeping copper roofs would be an unusual feature. However considering the relative isolation of the property I can see no objection to the design of this property in its context.

- 4.3.5 Although it could be argued that the modern design with concaved copper roofs would have a greater visual impact than the basic design the existing building, I consider that the quality of architectural design of the proposed should be taken into account. The applicant's agent does draw our attention to PPS 7 which does make reference under paragraph 11 to allowing a new dwelling in the countryside where there is none, if it is of the highest contemporary architecture which significantly enhances its immediate setting. This is not a new dwelling, but a replacement and it is of a much enhance design in comparison to the existing, and it could fairly be described as complementing its existing setting. But I do think that the sentiment of having regard to good quality design (as also referred to in PPS3 - Housing) is a relevant consideration.
- 4.3.6 The application site did fall within a Wildlife Site, but as it is now a residential property it has been removed from this designation, however it is surrounded by the Wildlife Site (which falls within the Welwyn and Hatfield District). There is some bat activity in the area. Although the existing bungalow has been refurbish recently as part of the change of use to residential, I consider that should permission be granted it should be subject to a bat survey being carried out before demolition and mitigation measures in the event that bats be found.
- 4.3.7 The site is covered by a Tree Preservation Order. No trees are proposed to be felled or any work carried out to them. An Impact Assessment has been carried out by an Arboricultural Consultant. The trees of significance on the site are 2 Oaks, a Holm Oak and Colutea. It is the conclusion of the consultant and the Council's Landscape and Urban Designer that the proposed dwelling would be a satisfactory distance from these trees and provided the trees are adequately protected before and throughout the development, they would be placed at no risk. Drawings showing the proposed root protection zones have been submitted.
- 4.3.8 The main concern of local residents is that the existing access track, which is a private road in the applicant's ownership, would be closed off. The access road does not form part of the application site and its closure does not form part of the application. The part of the road from Codicote Road to the application site is not a public right of way and should the applicant decide to close it at a later date, it could be done without the need for planning permission. This is really a civil matter between the applicant and those who feel they have a right of access, rather than a planning matter. Although I do understand the concern over obstruction of the access road by construction vehicles, I consider that as it is not a public right of way it would be 'ultra vires' for the Council to place a condition on any permission to prevent obstruction.
- 4.3.9 Any recent change in address is not a planning matter. Should permission be granted it would not set a precedent for further infilling, as any applications made for such would be considered on its own merits bearing in mind Green Belt policy. The proposal is not contrary to Green Belt policy if it complies with Council's Policy 30 and the converse would be true in this case. Although there was initially concern that local residents had not been notified, the relevant site notice and press notice have been issued and although there is no statutory requirement to do so, residents in Reynards Road and nearby residents in Danesbury Park Road have been notified individually.

#### 4.4 **Conclusion**

- 4.4.1 That despite the increased size in dwelling, as much of it would be below ground the overall effect would be of a structure which does not have a significantly greater impact on the Green Belt than the existing in terms of size. The proposed dwelling would represent very good contemporary architectural design, in contrast to the existing. Any effect on wildlife could be acceptably minimised by the use of appropriate conditions. I, therefore, consider the proposal would comply with current Council policy and Government advice.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Before any work commences on site details of the proposed landscaping shall be submitted and shall include the following :

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

8. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Table 1 in 'Trees in relation to Construction' (BS5837:2005), and in accordance with the approved root protection plan, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A, B and E of Part 1 of Schedule 2 to the Order 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.

10. **No demolition work may commence on site until the existing building has been assessed by a professional, licensed bat consultant to determine whether bats are present or not. If bats are found roosting in the building, work must not start on that building until comprehensive bat emergence surveys have been completed and a Mitigation Strategy, Method Statement and Works Schedule drawn up and submitted to the LPA for approval. All works affecting bats and their roost sites must only be carried out in the presence of a licensed bat consultant.**

**Reason: To prevent and minimise all adverse effects on birds.**

11. The access from Codicote Road shall be constructed in a hard surfacing material for the first 5 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

**INFORMATIVE.**

European Protected Species (EPS) licensed activities must not take place until full planning consent is secured and work must not start on any building or structure identified as a bat roost until a EPS licence has been obtained from Natural England.

**Reason for Decision**

The replacement dwelling hereby permitted would have no adverse effect on the amenities of nearby residential properties, the visual amenity of the Green Belt or on highway conditions in the vicinity of the site and, as such complies with the relevant provisions of the development plan and other guidance as summarised below.

North Hertfordshire District Local Plan No 2 with Alterations

Policy 2 - Green Belt

Policy 30 - Replacement or extension of dwellings in the countryside

Policy 57 - Residential guidelines and standards

<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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<b>7</b>
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**TITLE OF REPORT: PLANNING APPEALS**

REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER

Please refer to attached report on planning appeals lodged and planning decisions made.

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**PLANNING CONTROL COMMITTEE**

**DATE: 08 October 2009**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Geoghegan Brothers Ltd	Demolition of existing retail units and office building and erection of two storey building with retail use at ground floor and offices above.	135 London Road, Knebworth, SG3 6EX	08/02107/1	Appeal Allowed on 22 September 2009	Committee	The Inspector concluded that the proposal constitutes good design and maintains the village character and that although the proposal would be contrary to Policy 55 (Car Parking Standards) of the North Hertfordshire District Local Plan and the Council's Supplementary Planning Document Vehicle Parking Provision at New Development it would not unacceptably harm highway safety or hinder the free flow of traffic.
Mr L Laird	<b>Development A:</b> Two storey side extension following demolition of existing garages, shed and utility room. Pitched roof to existing side extension incorporating 2 front and rear dormers. Hipped roofs to existing two storey rear extension. Replacement front porch.  <b>Development B:</b> Detached garage and workshop to rear garden, with first floor accommodation.	Harvest Farm, Pirton Road, Holwell, SG5 3SS	09/00244	Appeal Part Allowed On 22 September 2009	Delegated	Development A: Allowed Development B- Dismissed. The Inspector stated that the proposed garage would be contrary to Policies 7 (Selected Villages beyond the Green Belt) and 28 (House Extensions) of the North Hertfordshire District Local Plan which require the protection of the character and appearance of the area through good design.

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**PLANNING CONTROL COMMITTEE**

**DATE: 08 October 2009**

**PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Luton Borough Council	8 September 2009	Change of use of agricultural land to playing fields and associated landscape areas.	Land to north and west of Putteridge Bury estate road, Putteridge Park, Offley, LU2 8HJ	08/02926/1	Written Representations

**Note: No hearings scheduled up until 23 October 2009**

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**TITLE OF REPORT: PLANNING ENFORCEMENT CASELOAD AND MONITORING**

**REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER**

The Planning Control and Conservation Manager will give a verbal update on the attached reports.

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## ENFORCEMENT CASELOAD

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
Old Forge, Church Lane, GRAVELEY	Enforcement Notice served in 2001	2.10.08	19.12.08	19.12.08	28 Days 16.01.09	Notice served on 19 December 2008, No appeal received. Compliance visit undertaken, compliance not achieved. Having tracked current owners of site, planning/legal entering into dialogue to seek remedy before further legal action.
Lower Titmore Farm LOWER TITMORE GREEN	Unauthorised works to Listed Building	25.01.07				Planning / listed building consent application refused. Enforcement report to be written. Legal awaiting instructions.
r/o Hillcrest House Bedford Rd HOLWELL	EN caravan, containers, shed	18.01.07	20.03.07	20.03.07	5 months 20.09.07	Enforcement Notice served 20/3/07, check compliance 20/9/07. Prosecution for non-compliance with court order of 19.12.07. Successfully prosecuted in court 02.07.08 defendant pleaded guilty, fined £2,000, with legal costs of £838.10 and a victim fee of £15. Court hearing 17.08.09. Fine £2200 with £752.09 legal costs. Planning instructed legal on injunction following this.
Slip End Service Station, SLIP END	S215 Notice	11.06.07				Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Site untidy again. Change of ownership, 2 letters sent to new owners no reply. Further legal instructions to be sent for next action.
41 Bygrave Rd BALDOCK	Breach of Condition Notice annexe to self contained unit	19.03.07	01.05.09	01.05.07	01.08.07	07/357/1EUD refused, Breach of Condition Notice served 30/4/07. On going monitoring for compliance. Separate residential use identified. PCN to be served in order to verify status of annex use and occupiers.

## ENFORCEMENT CASELOAD

Land Adj 20 Maydencroft lane, Gosmore, Hitchin	Unauthorised construction of residential dwellings.	2.10.08				Enforcement report authorised. Planning Contravention Notice returned. Legal advice to be sought regarding further action.
Land at junction of Danesbury Park Road, and Pottersheath Road, Welwyn	Enforcement Notice for removal of mobile home, and imported soil materials, and cessation of use of land for residential and business use.		09.01.2009	09.01.2009	09.05.2009	Site survey of previous and new land levels of site undertaken on 22 September 2008. Results received from surveyors. Enforcement Notice served. Hearing 8 <sup>th</sup> September 2009
Unit 22, Baldock Industrial Estate, Baldock	Prosecution unauthorised advertisement – display of balloon.					Allowance for display of the balloon now exceeded. Proceeding to prosecution. Company fully aware of the situation both at head office and at the site. Legal instructed.
The Stores 7 The Mead Hitchin	Construction of unauthorised extension.					Planning application for the retention of the extension refused. Negotiations have failed. Requisition for information to be served prior to preparation of Enforcement Notice.
The Banyers Melbourn Street Royston	Removal of unauthorised marquee					Legal awaiting instructions for enforcement action following service of requisition of information.

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
99-100 Ickleford Road, Hitchin	Temporary stop notice	06.12.2007		10.12.2007	28 days	Notice not served as unauthorised works had been removed. Continuing monitoring of site, approved works still not completed.
Green Lane, HITCHIN	S215 Notice	11.06.07			16.11.07	Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07 Monitoring to continue as site has been cleared. Site still clear as of 2 January 2009.

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