

12 May 2006

Our ref: B&D Ctte/May06
Contact: Donna Levett
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To: Members of the Baldock and District Committee of North Hertfordshire District Council

(Councillors S.K. Jarvis, Marilyn Kirkland, I.J. Knighton, M.R.M. Muir, M.E. Weeks and A.D. Young)

You are invited to attend a meeting of the
BALDOCK & DISTRICT COMMITTEE

to be held at

**THE COMMUNITY CENTRE, SIMPSON
DRIVE, BALDOCK**

on

MONDAY 22 MAY 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

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1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the minutes of the meetings of this Committee held on the 10 April 2006.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Committee any Declarations of Interest in respect of business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should not seek to influence the decision and leave the room during that particular item of business.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public. No requests to speak have been received to date. Any public participation requests received within the agreed time will be notified to Members as soon as practicable.	-
6. CHAMPION NEWS REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES <i>A summary of the activities undertaken by the Community Development Officer for Baldock since the meeting of the Committee held on 10 April 2006 and events taking place in forthcoming months.</i>	1
7. BALDOCK & DISTRICT AREA COMMITTEE DEVELOPMENT & AREA VISIONING BUDGETS 2006/2007 REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES <i>The current budget balances for the Committee and grant applications from the following organisations:</i> <i>1. Royal British Legion</i> <i>2. Herts & Beds Educational Trust</i> <i>3. Bygrave Parish Council</i>	5

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	<i>An update for the Committee on any Planning Appeals that have been lodged or determined since the meeting of the Committee held on 10 April 2006.</i>	

Future meetings of the Baldock & District Committee will be held on:

3 July 2006
14 August 2006
25 September 2006
23 October 2006
4 December 2006
15 January 2007
19 February 2007
2 April 2007

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BALDOCK & DISTRICT AREA COMMITTEE

MONDAY 22 MAY 2006

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

6

TITLE: CHAMPION NEWS

REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES

1. SUMMARY

- 1.1 To advise the Committee of the activities and schemes with which the Community Development Officer has been involved during the past month.
- 1.2 To bring to the Committee's attention some important community based activities that will be taking place during the next few months.

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

3. BACKGROUND

- 3.1 Not Applicable

4. ISSUES – PROJECT / ACTIVITY / SCHEME DETAILS

4.1 Area Visioning

4.1.1 Baldock Town Hall Feasibility Study

Following the submission of tenders, a local firm of architects from Hitchin, Widdup/Amer has been appointed to carry out the feasibility study for the Baldock Town Hall. Officers are in the process of finalising the requirements of the brief and with the consultants will be meeting and consulting with key stakeholders on various options for the Town Hall in mid June through a number evening meetings.

4.1.2 Baldock Town Centre Enhancement Scheme

Members will recall that the project's Officers Working Group comprising key officers from Herts County Council, Hertfordshire Highways and NHDC prepared a brief for consultants to undertake the preliminary works, which would provide the necessary factual information for the preparation of designs for the town centre enhancement scheme.

The Brief was sent out to six firms requesting tender submissions for the survey work. Unfortunately no completed tenders were returned. Three consultants wrote declining to tender, but stated that they wished to be considered for any further work, if it also involved a design element. The three other consultants did not respond.

Officers are developing a revised way forward which may separate the technical elements of the Survey Brief (Topographical survey & Cellar survey) from the opinion surveys (pedestrian flows & counts, parking and access) and then re tender the works to a wider list of consultants.

4.1.3 Development of Town Partnership for Baldock

The fifth development meeting of the Partnership was held on Tuesday 25 April 2006 at 7.00pm at the Tesco conference room.

The meeting discussed the development and contents of a Baldock Plan based on ideas and topic areas to date. A first draft of the proposed plan will be circulated at the next meeting, which is planned for Tuesday 30 May 2006 at 7.00pm at the Tesco conference room.

4.2 **Festivals/Fairs/Events**

4.2.1 Baldock Street Fair 2006

Dates for 2006:

Fair pulls onto the High Street - Approx. 9.00am Sunday 1 October 2006

Fair leaves High Street overnight on Tuesday 3 and the early morning of Wednesday 4 October 2006.

The Traffic Road Order process for the 2006 fair has been initiated and managed by Herts Highways, who have taken on the role as the client, following legal investigations and findings into the validity of the Fair's Chartered Status.

Herts Highways with support from North Hertfordshire District Council are currently researching the possibility of procuring a Permanent Road Closure Order to cover the future Fair dates in perpetuity.

The organiser of the Fair, Charles Abbott JR will be visiting the Council on 26 May 2006 to finalise the Event Management Documents & Plans in readiness for submission to the North Herts Safety Advisory Team on 22 June 2006

4.2.2 Baldock Festival 2006

Full approval from all agencies that make up the North Herts Safety Advisory Team was received to run this year's events. This included the formal raising of the Town, Police and Closures Act - Road Traffic Order to officially close the High Street Car Park on Saturday 20 May 2006, to enable the Medieval Street Fair to go ahead.

The Community Development Officer will give a verbal update and feedback on the Festival's fortnight of activities, when presenting this report to the Area Committee.

4.3 **General**

4.3.1 Baldock Bypass Works

Roadworks

The work to construct the southbound on slip lane at Junction 9 of the A1(M) is continuing, this work is due to be completed by the 26th May 2006 weather permitting.

British Telecom are currently laying new fibre optic cables through new ducts which cross the southern side of the roundabout. This advanced work is necessary to allow the construction of the Northbound off slip lane.

Traffic Management / Programme

Traffic management is to be looked at in the near future with a view to removing the steel barriers on the A505 (A6141).

A1(M) Junction 9 - Northbound off slip lane Tenders were returned on the 28th April 2006, they are now being arithmetically checked, it is anticipated that works will commence on the 19th June 2006 and will last for a minimum of 18 weeks.

Works to install traffic signals on the northbound off-slip are due to start in early June 2006.

4.3.2 Local Organisations and Community Groups Support

Clothall & Weston Village Halls

The Community Development Officer and the Community Facilities Manager are to support and advise the respective project groups / representatives at both Village Halls.

Site visits have are being arranged for early June, where it is envisaged that practical support and help in the procuring external funding will be given.

Baldock Town Youth Football Club

The Community Development Officer is assisting representatives from the Club in seeking funding for training equipment for next season's programme.

Bygrave Village Green Project

The Community Development Officer has advised the Parish Council in the seeking of external funds via the Wren Landfill Tax Scheme and will continue to give support to the project.

Baldock Bowls & Cricket Social Club

Following a visit to the Club with a local Ward Member, the Community Development Officer is investigating a number of avenues with regards to the renewing and simplifying matters connected with the Club's Pavilion lease, NNDR

Fees and the site's Grounds Maintenance Costs.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 Consultation with the respective agencies, organisations and Ward Members has taken place with regards to the projects, activities and events mentioned in section 4 of this report.

6. RECOMMENDATIONS

- 6.1 That the Committee endorses the actions taken by the Community Development Officer to promote greater community capacity and well being.

7. REASONS FOR RECOMMENDATIONS

- 7.1 That the Committee enforces the actions and policies involved in the tasks and projects undertaken by the Community Development Officer.

8. CONTACT OFFICER

- 8.1 Stuart Izzard (Community Development Officer – Baldock & District Area & Youth
Telephone: 01462 474854
E-Mail: stuart.izzard@north-herts.gov.uk

**TITLE: BALDOCK & DISTRICT AREA COMMITTEE DEVELOPMENT & AREA
VISIONING BUDGETS 2006/2007**
REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL
SERVICES

1. SUMMARY

- 1.1 To advise the Committee on the delegated budgets for financial year 2006/07 and the carry forward preallocated balances of delegated budgets from financial year 2005/06.
- 1.2 To seek the Committee's approval and views on the release of the Annual Small Grants for the financial year 2006/07.
- 1.3 To bring to the Committee's attention details of recent allocation and commitment of delegated funds for Community initiatives and projects.

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

3. BACKGROUND

- 3.1 Not Applicable

4. ISSUES AND FUNDING DECISIONS TO BE MADE

- 4.1 The Committee to consider the Annual Small Grants for 2006.

Baldock Senior Citizens Group - £1,354
Baldock Town Twinning Association - £154.50
- 4.2 Royal British Legion – Funding request for a contribution of Development Discretionary funds to assist in the development of a Branch for the Baldock & District Area.
- 4.3 Herts & Beds Educational Trust – Funding request for a contribution of Development Discretionary funds to assist in the development of a Sports Project for Young People from the Baldock & District Area.
- 4.4 Bygrave Parish Council – Funding request for a contribution of Development Discretionary funds from the Arbury Ward Budget to assist the Parish Council in the purchasing of a Lawn Mower.

4.5 STATEMENT OF COMMITTEE DELEGATED BUDGETS 2006/07

4.5.1 See Appendix 1 – Spreadsheet of Committee Delegated Budgets 2006/07.

5. **LEGAL IMPLICATIONS**

5.1 The Committee has delegated powers to administer funds from the budgets described.

5.2 There are no other legal implications pertinent to this report.

6. **FINANCIAL AND RISK IMPLICATIONS**

6.1 Members are asked to note the information detailed in Appendix 1 of the report, which relates to the Area Committee budget balances for the current financial year 2006/07.

6.2 The spreadsheet also details the pre allocations carried forward from the previous financial year 2005/06 to the current financial year 2006/07.

6.3 In addition, the spreadsheet includes the balances relating to allocated Visioning Budgets available to the respective wards within the Baldock & District area.

7. **HUMAN RESOURCE AND EQUALITIES IMPLICATIONS**

7.1 Not Applicable

8. **CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

8.1 Consultation with the respective Ward Members has occurred in connection with the pre allocation of funds for Community Initiative & Projects from the previous financial year 2005/06 Ward Development Discretionary Budgets to the current financial year 2006/07.

8.2 Consultation with the respective groups has taken place with regards to their funding requests for Area Committee Discretionary Development Grants.

9. **RECOMMENDATIONS**

9.1 The Committee is asked to note the budgetary expenditure, balances and carry forwards from the Ward Development Budgets 05/06, the Small Area Grants Budget and the allocated Visioning Budgets.

9.2 That the Committee approves the release of the Annual Small Grants for 2006:-

Baldock Senior Citizens Group - £1,354
Baldock Town Twinning Association - £154.50

9.3 That the Committee allocates £500 from Ward Development Budgets for the development of a Baldock & District Area Branch of the Royal British Legion.

9.4 That the Committee allocates £1,000 from Ward Development Budgets to assist in the development of a Sports Project for Young People from the Baldock & District Area.

9.5 That the Committee allocates £360 from the Arbury Ward Development Budget to assist the Parish Council in the purchasing of a Lawn Mower.

10. REASONS FOR RECOMMENDATIONS

10.1 The allocation of funds will improve the services provided by the local organisations and groups that are available and accessed by various members of the community.

11. ALTERNATIVE OPTIONS CONSIDERED

11.1 Not Applicable

12. APPENDICES

12.1 Appendix 1 – Spreadsheet of Committee Delegated Budgets 2006/07.

13. CONTACT OFFICERS

13.1 Stuart Izzard (Community Development Officer - Baldock & District Area & Youth)
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E-Mail: stuart.izzard@north-herts.gov.uk

13.2 Jodie Penfold (Assistant Accountant Customer Services)
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14. BACKGROUND PAPERS

14.1 None

Spreadsheet of Committee Delegated Budgets 2006/2007

<u>SUMMARY/ TOTALS</u>	<u>Funding</u>	<u>Allocated</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>				
VISIONING	£3,220	£3,220	£470	£2,751	£0				
SMALL AREA GRANTS	£2,010	£1,820	£0	£1,820	£190				
BALDOCK TOWN	£16,100	£3,980	£212	£3,768	£12,120				
BALDOCK EAST	£8,430	£1,020	£0	£1,020	£7,410				
ARBURY	£9,940	£5,700	£0	£5,700	£4,240				
WESTON & SANDON	£10,800	£4,330	£0	£4,330	£6,470				
Total	£50,500	£20,070	£682	£19,388	£30,430				

<u>VISIONING</u>	<u>Funding</u>	<u>Year Allocated</u>		<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Comments</u>
Preallocated Funds C/F from 2005/06	£3,220	2004/2005		Ivel Springs	£730	23.02.04	£470	£261	
		2005/2006		Town Centre Strategy	£2,490	11.04.05		£2,490	
Total	£3,220				£3,220		£470	£2,751	£0

<u>DEVELOPMENT BUDGETS</u>									
<u>SMALL AREA GRANTS</u>	<u>Funding</u>			<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Comments</u>
Base Budget 06/07	£2,010		Proposed	Retirement Sewing Club	£420	10.04.06		£420	
			Proposed	Baldock Festival	£1,060	10.04.06		£1,060	
			Proposed	Ashwell Museum	£340	10.04.06		£340	
Total	£2,010				£1,820		£0	£1,820	£190

Spreadsheet of Committee Delegated Budgets 2006/2007

BALDOCK TOWN	Funding		Project	Allocated	Date	Spent	Outstanding	Comments
Preallocated Funds Brought Forward from 05/06	£2,460		Additional funds for Street Furniture	£150	15.08.05	£212	-£62	Funded from Community Projects C/F
Baldock Town Community Projects (c/f 05/06)	£450		Baldock Allotment Association - Plot for disabled holders North Rd	£390	26.09.05	£0	£390	
Baldock Town Community Projects (c/f 05/06)	£3,760		Alcohol Free Zone - Consultation	£460	07.11.05	£0	£460	
			Tree Works in Nightingale Way & Willan Way	£1,210	12.12.05	£0	£1,210	
			Tree Works Brewery Lane & Park Drive	£250	06.03.06	£0	£250	
			High Street Hanging Baskets	£1,520	10.04.06	£0	£1,520	
Base Budget 06/07	£9,430							
Total	£16,100			£3,980		£212	£3,768	£12,120

BALDOCK EAST	Funding		Project	Allocated	Date	Spent	Outstanding	Comments
Preallocated Funds Brought Forward from 05/06:	£540		Bench for the Clothall Estate	£400	15.08.05	£0	£400	
Baldock East Community Projects (C/F 04/05)	£2,090		Alcohol Free Zone - Consultation	£140	07.11.05	£0	£140	
Baldock East Community Projects (c/f 05/06)	£2,900		High Street Hanging Baskets	£480	10.04.06	£0	£480	
Base Budget 06/07	£2,900							
Total	£8,430			£1,020		£0	£1,020	£7,410

Spreadsheet of Committee Delegated Budgets 2006/2007

ARBURY	Funding			Project	Allocated	Date	Spent	Outstanding		Comments
Preallocated Funds Brought Forward from 05/06	£5,700			Arbury Community Projects (c/f from 04/05 Small Area Grants)	£180	07.03.05	£0	£180		
Arbury Community Projects (c/f 05/06)	£980			Community Visioning Projects	£5,520	07.11.05	£0	£5,520		
Base Budget 06/07	£3,260									
Total	£9,940				£5,700		£0	£5,700		£4,240

WESTON & SANDON	Funding			Project	Allocated	Date	Spent	Outstanding		Comments
Preallocated Funds Brought Forward from 05/06:	£4,330			Community Visioning Projects	£4,330	07.11.05	£0	£4,330		
Weston & Sandon Community Projects (c/f 04/05)	£1,390		Provisional	Footpath Lighting -Hitchin Road to Friars Road		10.04.06				
Weston & Sandon Community Projects (c/f 05/06)	£2,540		Provisional	The Snipe - Weston Childrens Play Equipment		10.04.06				
Base Budget 0607	£2,540									
Total	£10,800				£4,330		£0	£4,330		£6,470

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 8
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TITLE OF REPORT: PLANNING APPLICATIONS
REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

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

ITEM:	REF NO:	LOCATION:DESCRIPTION	CONTACT OFFICER:	PAGE:
1.	06/00335/1	191 & 193, Weston Way, Baldock, SG7 Erection of linked 2 and 3 storey block comprising 17 two bedroom and 1 one bedroom flats, 26 surface parking spaces, new 'T' junction access onto Weston Way, amenity area and ancillary works following demolition of existing dwelling as a variation of planning permission ref 05/00013/1 granted 21 July 2005.	Richard Tiffin 01462 474522	13
2.	06/00689/1CM	Childrens Home adjacent land south of New Farm, Weston Way, Baldock, SG7 Outline application for a residential Children's Home and associated works	Richard Tiffin 01462 474522	31
3.	06/00492/1	Land Adjacent to Brookside, Sandon Lane, Buntingford, SG9 0RT Formation of menage enclosed by 1.7m fence	Richard Tiffin 01462 474522	39
4.	05/01399/1LB	Church Farm House, Ashanger Lane, Clothall, SG7 6RQ Single storey rear extension, dormer window, retention of replacement windows and removal of one window, exposure of existing Oak ceiling beams.	Kate Poyser 01462 474244	43

5.	05/01400/1	Church Farm House, Ashanger Lane, Clothall, SG7 6RQ Single storey rear extension with dormer window. Detached garage building and fencing to tennis court. Change of use of land for grazing of domestic horses and erection of stables.	Kate Poyser 01462 474244	49
6.	06/00371/1HH	42 Station Road, Ashwell, SG7 5LS Detached single storey garage (as amended by drawings 2B and 3B received 26.4.06)	Richard Tiffin 01462 474522	57

ITEM NO:1	<u>Location:</u>	191 & 193, Weston Way, Baldock, SG7
	<u>Applicant:</u>	Daniels Bros (Shefford) Ltd
	<u>Proposal:</u>	Erection of linked 2 and 3 storey block comprising 17 two bedroom and 1 one bedroom flats, 26 surface parking spaces, new 'T' junction access onto Weston Way, amenity area and ancillary works following demolition of existing dwelling as a variation of planning permission ref 05/00013/1 granted 21 July 2005.
	<u>Ref.No:</u>	06/00335/ 1
	<u>Officer:</u>	Richard Tiffin 01462 474522

Date of expiry of statutory period: 26 April 2006

26 April 2006 - 8 weeks
31 May 2006 - 13 weeks

Reason for Referral to Committee: Scale of development can not be determined under delegated powers.

1. Relevant History

- 1.1 This is the fourth application by the applicant for housing development in the locality. The first application for the erection of nine 3 bedroom dwellings on land to the rear of Clare Crescent and accessed from Weston Way, was determined favourably by the Baldock and District Committee of its meeting on the 15th September 2003 subject to legal agreements being completed. These agreements were never completed and the application was finally withdrawn on the 29th October 2004.
- 1.2 A second application for 19 flats was submitted on adjacent land to the first application, currently occupied by the two dwellings Nos. 191 and 193 Weston Way. Following discussions this scheme was also withdrawn in December 2004.
- 1.3 A revised scheme on the same site was submitted in January last year. This was presented to the Area Committee on the 7th March and approved on 21st July 2005. (Appendix A).
- 1.4 The revised scheme before Members is essentially the same as that approved in July last save the underground parking has been omitted in favour of surface car parking.

2. Policies

- 2.1 North Hertfordshire District Local Plan No 2 with Alterations, Policy 8 - (Development in Towns).
- 2.2 North Hertfordshire District Local Plan No 2 with Alterations, Policy 57 - (Residential Guidelines and Standards).
- 2.3 North Hertfordshire District Local Plan No 2 with Alterations, Policy 26 - (Housing Proposals).
- 2.4 North Hertfordshire District Local Plan No 2 with Alterations, Policy 1 (Pattern and Character of North Hertfordshire).

3. Representations

- 3.1 **Hertfordshire Highways** - no objection subject to conditions and a contribution (secured by legal agreement) of £9,500 toward sustainable transport measures.
- 3.2 **Hertfordshire Property (Herts CC Corporate Services)** - seeks a contribution in the sum of £8,688 toward fire, library and childcare and youth provision. Given the type of dwellings proposed, no contribution is sought toward education services.
- 3.3 **Local Residents** – The occupier of **195 Weston Way** has expressed concerns relating to the size of trees to be planted on the boundary; the type of boundary to be erected; details of cycle store; amenity land maintenance and hours of working. Concerns have also been raised in respect of drainage and the surface of the car park.

The occupier of **201 Weston Way** has asked that her objections relating to the principle of development are reiterated. I attach her detailed representation at **Appendix B** in this regard. The previous report is attached at Appendix A

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is situated off Weston Way and to the rear of the garden of 68 London Road, Baldock. The site comprises the curtilages of Nos. 191 and 193 Weston Way.

4.2 Proposal

- 4.2.1 The revised proposal is identical to that approved in July 2005 in that it seeks permission to provide 17 two bedroom units and 1 one bedroom unit in a single linked block configured such that the larger element would run parallel to Weston Way, with a smaller wing running back at right angles into the site. The new roadway access would leave Weston Way via a 'T' junction adjacent to the existing property at 189. The variations sought to the approved scheme can be

summarised as follows:

- 1. Incorporation of an excavated area for car parking adjacent to the boundary with No. 195 Weston Way. (In place of a paved amenity area).**
- 2. Provision of an additional area of amenity space to the east of the site to compensate for increased surface parking**
- 3. Relocation of bin and cycle storage.**
- 4. Specification of improved landscaping along eastern boundary.**

4.3 Key Issues

- 4.3.1 The principle of development on this site has been established by the permission granted in July 2005 last year under reference 05/00013/1. What the applicant is now seeking is a variation which avoids the need to specify underground parking. This variation has been achieved by increasing surface car parking. In summary, this involves the following:
- Increasing surface parking to the front of the scheme from 5 to 7 spaces
 - The provision of 5 spaces along the service road of Weston Way
 - The formation of a car park accommodating 14 spaces to the rear of the proposed development, adjacent the boundary with No. 195 Weston Way.
- 4.3.2 As a consequence of the above, the bin/cycle store has been enlarged (bin storage previously underground) and an 8m area of amenity land added to the rear of the development curtilage.
- 4.3.3 The question for the Planning Authority centres on the degree to which this variation would compromise the quality of the approved scheme. In detail, this consideration centres on the impact surface car parking would have on the amenity of residents, principally 195 Weston Way, and the general appearance of the scheme. The levels of car parking remains at 1.5 spaces per unit and this accords with both PPG3 and the approved scheme.
- 4.3.4 In relation to the property at 195 Weston Way, I consider that the applicant has made a conscious and material effort to mitigate the impact of surface car parking on the amenities of that property. The car park is shown 'cut-in' to the ground such that vehicles would be lower than ground level nearer to the property boundary. The applicant has also specified that car parking spaces be arranged such that there would only be two spaces adjacent to the boundary with No. 195. The position of an enlarged bin/cycle store on the boundary would also help to attenuate sound from vehicles and people. In his representation, the owner of No. 195 has requested that a 2m brick wall be constructed on the boundary such that it would further protect the garden of No. 195 to a point level with the back of the proposed bin/cycle store. I consider this reasonable and suggest that condition 16 of the recommendation would allow effect to be given to this request. I would also

concur with the occupier's view that such boundary treatments should be in place prior to the development being implemented.

- 4.3.5 In terms of the impact of the additional parking spaces to the front of the development, I do not consider that these would be materially detrimental given the existence of established landscaping and the proximity of the front drive of No. 195.
- 4.3.6 The owner of No. 195 has also requested that the Authority consider an hours of working condition. The suggestion is that 8.30 to 17.30 Monday to Friday would be reasonable. I have considered this request in the light of the proposed changes and the proximity of surrounding residential properties. In the circumstances, I would suggest that such a condition is reasonable and have added a further condition to the recommendation.
- 4.3.7 The occupier of 201 Weston Way has reiterated an objection to the principle of a development of this nature on the site. However, as planning permission has already been granted under reference 05/00013/1, this objection can not, in my view, be material to a determination in respect of this amended scheme.
- 4.3.8 The previously determined scheme was subject to a recommendation that required the completion of a legal agreement prior to a decision being issued. Members will be aware that this agreement included a commuted sum toward the provision of community safety measures in the locality. I would recommend that this undertaking, together with those set out at 3.1 and 3.2 be repeated.

4.4 **Conclusion**

- 4.4.1 It would appear that the cost of providing underground parking is now deemed excessive in relation to the overall financial viability of the scheme. This is not a planning consideration. Accordingly, the Planning Authority must be satisfied that the proposed variation, such that all parking is provided above ground, is not materially prejudicial to the proposal, particularly in relation to its impact on adjoining residential properties.
- 4.4.2 I have considered the proposed variation carefully and discussed the changes in some depth with the nearest neighbour at No. 195. In light of these discussions and consultations I am minded to conclude that there would be no material harm associated with the change, subject to some additional changes to condition 16 of the recommendation and the addition of condition 17 controlling hours of working.
- 4.4.3 The applicant has submitted a draft legal agreement (Section 106 Agreement) giving an undertaking to honour previously agreed contributions. I would suggest to Members that any positive recommendation be subject to such an agreement being completed and signed before the expiry of the statutory period (31st May). Otherwise I would recommend that permission be refused on the basis that permission should not be granted without obligations necessary to the successful implementation of the proposal.

5. 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. Recommendation

- 6.1 That permission be **GRANTED** subject to the following conditions and the applicant first entering into an appropriate legal agreement securing a contribution of £9,500 toward sustainable transport measures; £8,688 towards fire, library, childcare and youth provision; £2,000 toward community safety measures. If an agreement is not completed within the statutory period it is further recommended that provision be refused for the reasons set out in 4.4.3 of the report.

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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.

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 on the site full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These 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

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. In the interest of the safety and operation of the highway, the proposed access road shall be constructed to the standards of a shared surface road in accordance with the provisions of Roads in Hertfordshire - a Guide for New Developments prior to any development works commencing.

Reason: To ensure that the site access is constructed to an appropriate standard, in the interests of safety.

7. All highways works and site accesses must be fully completed to the requirement of the Highway Authority. (Prior to the beneficial occupation of the first dwelling).

Reason: This is required to ensure that access is completed before users of the dwellings occupy the properties and have adequate highway access.

8. Pedestrian visibility splays of 2.0 x 2.0 m, taken from the site boundary, must be maintained from the highway boundary into the subject property from the three proposed access points. Such visibility shall not be obstructed by any fencing or proposed development or landscaping under the control of the applicant, between a height of 0.6 m and 2.0 m above the carriageway.

Reason: The above condition is required in the interests of Pedestrian Highway safety and efficiency and in accordance with places, Streets and Movement: A companion guide to Design Bulletin 32 - Residential Roads and Footpaths (chapter 3, page 59).

9. Vehicle visibility splays of 2.4 metres by 50 metres must be maintained in both a north and south direction from the edge of the carriageway. Such visibility

shall not be obstructed by any fencing or proposed development or landscaping under the control of the applicant, between a height of 0.6 m and 2.0 m above the carriageway.

Reason; The above condition is required in the interests of vehicle and highway safety and efficiency and in accordance with Places, Streets and Movement: A companion guide to Design Bulletin 32 - Residential Roads and Footpaths (chapter 3, page 58).

10. Prior to the commencement of development, detailed information on the provision of refuse collection must be submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure that refuse vehicles have room to adequately manoeuvre and that the design complies with the requirements of Roads in Hertfordshire - A Guide for New Developments, standard 5.47, section 1, part 5, chapter 5.

11. There shall be no beneficial occupation of the development until all off site highways works have been constructed to the specification and satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: The above condition is required to ensure that the work undertaken within the highway is constructed to the current Highway Authority specification, to an appropriate standard by a contractor who is authorised to work in the public highway.

12. Prior to the commencement of development, details of the method of washing of vehicle wheels exiting the site shall be agreed in writing with the Local Planning Authority, and the agreed method shall be operated at all times during the period of site works.

Reason; The above condition is required in the interests of highway safety and efficiency to ensure erroneous material does not obstruct the highway.

13. On-site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing with the Local Planning authority before the commencement of site works.

Reason; The above condition is to ensure that no obstructions to the public highway occur during the construction period.

14. Before the first occupation of the proposed development, the existing redundant crossovers shall be reinstated and the proposed crossover completed to the satisfaction of the Local Planning Authority, in consultation with Highway Authority.

Reason: This condition is required to ensure that multiple accesses do not exist for this site and the intention of the new access is fulfilled. Multiple accesses in this location would be significantly detrimental to highway safety and efficiency.

15. The development shall not be occupied until the accesses, car parking and turning areas have been constructed, surfaced and permanently marked out. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that adequate parking provision is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along adjacent highway, or the amenities and convenience of existing local residents and businesses.

16. Prior to any works to implement this permission commencing on site, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Approved boundaries shall be erected to the Planning Authority's satisfaction prior to works to implement this permission commencing.

Reason: To safeguard the amenities of adjoining properties.

17. Work on the development hereby approved shall only take place between the hours of 8.30 am to 17.30 pm Monday to Friday. There shall be no weekend or Bank Holiday working.

Reason: To safeguard the reasonable amenity of adjoining residential properties.

Reason for Decision

The development hereby approved would have no materially detrimental impact on highway conditions in the vicinity of the site or on the character of the area and the amenity of existing dwellings. Accordingly the proposal complies with the relevant provisions of the development plan as set out below:

North Hertfordshire District Local Plan No 2 with Alterations:

Policy 1 (Pattern and Character of North Hertfordshire).

Policy 8 - (Development in Towns).

Policy 57 - (Residential Guidelines and Standards).

Policy 26 - (Housing Proposals).

ITEM NO: 2	<u>Location:</u>	Childrens Home adjacent land south of New Farm, Weston Way, Baldock, SG7
	<u>Applicant:</u>	Mr M Jones Hertfordshire County Council
	<u>Proposal:</u>	Outline application for a residential Children's Home and associated works
	<u>Ref.No:</u>	06/00689/ 1CM
	<u>Officer:</u>	Richard Tiffin 01462 474522

Date of expiry of statutory period : 22 June 2006

Reason for Referral to Committee: This is a matter previously considered by the Area Committee.

1. Relevant History

- 1.1 Members will be aware that an outline application for a children's home at this site was considered by the Area Committee in September last year. Members will also recall that the application was presented to the Area Committee for comment rather than a decision, as the responsibility for determination lay with the County Council.
- 1.2 The County Council granted outline permission in November 2005.
- 1.3 This latest application is again presented to the Area Committee for comment as a variation of the permission granted by the County Council in November.

2. Policies

- 2.1 **District Local Plan No. 2 with Alterations**
BEd/01
- 2.2 **District Local Plan No. 2 with Alterations**
Policy 21 - Landscape and Open Space Patterns in Towns
- 2.3 **County Structure Plan Review**
Policy 7 - Main Development Strategy

3. Representations

- 3.1 Again, this is a County Council application which will be determined by that Authority. As a consultee, the District Council would not normally expect to receive

representations. At the time of writing this report no third party representations have been lodged with the District Council. Any comments which are submitted subsequent to the writing of this report will be relayed to Members on the night of the committee meeting.

4. Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site occupies an area of about 0.2 hectares and is situated off Weston Way opposite Mansfield Road. The site is bounded to the north by an access road off Weston Way serving the former New Farm farmhouse and an elderly person's day centre. To the west, the site is bounded by an area of disused land beyond which is the Knights Templar School playing fields. To the south, the site is bounded by Brandles School and to the east, over Weston Way, a terrace of houses leading into Mansfield Road.

4.2 Proposal

4.2.1 This proposal differs from that commented on previously by the Area Committee in September last year, and approved by the County Council in November, in that it specifies an enlarged site area. The site area has been expanded to include a small area of disused land associated with the former Farm complex. The County Council has amended the proposal for the following reasons:

1. **The adjacent Brandles School currently uses the former stable block on the southern boundary at the application site for the teaching of vocational skills relating to the building trade. This building takes its main access from a concrete roadway on the proposed children's home side of the building. The previous planning application did not allow for continued access to the building from this roadway.**
2. **The previous planning application showed the proposed children's home in close proximity to the Brandles School boundary. Following discussions with the school's headmaster, it has been agreed to provide for a greater degree of separation between the children's home and school, in order to prevent overlooking.**
3. **The enlarged site area enables an increase in the size of the proposed two-storey children's home building from 500 square metres to 600 square metres in order to meet a revised service requirement.**

4.3 Key Issues

4.3.1 The report presented to Committee in September last year is attached to this report at Appendix A. Given the decision of the County Council, I do not consider it necessary to re-visit the substantive issues here other than to refer Members to the appended report for information.

4.3.2 In my view, the only issues the Council may now usefully concern itself with relate

to the enlarged site area proposed as a variation to the scheme approved by the County Council. In this regard, I would recommend that 'comment 2' of the previously considered report (Appendix A) be deleted and that comments 1 and 3 (relating to a concern that the views of local residents be considered along with the issue of an all-weather playing surface at the Knights Templar School) be forwarded to the County Council in response to this variation.

4.4 Conclusion

- 4.4.1 That Members of the Area Committee endorse the following comments to be forwarded to the County Council in response to its formal consultation:

5. 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. Recommendation

- 6.1 That Members of the Area Committee endorse the following comments to be forwarded to the County Council in response to its formal consultation:
1. The District Council would ask the County Planning Authority to consider very carefully the views and concerns of local residents and consultees in the process of determining the application.
 2. The District Council cautions the County Planning Authority to consider fully the impact of the proposed new floodlit all-weather playing surface at Knights Templar School on the amenities of the proposed children's home.

ITEM NO: 3	<u>Location:</u>	Land Adjacent to Brookside, Sandon Lane, Buntingford, SG9 0RT
	<u>Applicant:</u>	Mr & Mrs H Jones
	<u>Proposal:</u>	Formation of menage enclosed by 1.7m fence
	<u>Ref.No:</u>	06/00492/ 1
	<u>Officer:</u>	Richard Tiffin 01462 474522

Date of expiry of statutory period : 19 May 2006

Reason for Delay: Area Committee cycle.

Reason for Referral to Committee: Parish Council objection

1. Relevant History

1.1 None

2. Policies

2.1 **District Local Plan No. 2 with Alterations**
Policy 12 - Landscape Conservation

2.2 **District Local Plan No. 2 with Alterations**
Policy 6 - Rural Areas beyond the Green Belt

3. Representations

3.1 **Sandon Parish Council** - has objected to the siting of menage stating that it should be as far from the road as possible.

4. Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises a roughly triangular parcel of land which abuts the detached property known as 'Brookside'. The area of land in question appears to be part of the garden of Brookside but is actually a paddock which directly adjoins that property. The application is well screened by a mature hedge which runs along Sandon Lane.

4.1.2 The entire holding, including the property 'Brookside', is situated in an isolated rural position south of Green End, Sandon.

4.2 **Proposal**

4.2.1 The proposal seeks permission to lay a drained menage measuring 40m by 25m contained within a timber 1.7m post all rail fence.

4.2.2 The proposed menage would be situated close to the dwelling 'Brookside' with its longer side running along the boundary hedge with Sandon Lane.

4.3 **Key Issues**

4.3.1 The area subject of this application is already used for the grazing and exercise of domestic horses and is intimately associated with the curtilage of the property 'Brookside'. This being the case, I consider that the only substantive planning issue centres on the degree to which a more formal menage would impact on the character of the rural area.

4.3.2 The Parish Council has objected to the siting of the menage indicating that it should be located as far as possible away from the road. The Parish Council do not give a specific reason for their concern and I am unclear therefore whether this relates to visual impact or some other reason associated with the nearby highway. This said, I have walked the site with the applicant and consider that the presence of a mature hedge along the boundary of the property, together with the existing use of the land for horse training and grazing, militates against any sustainable planning objection. I also consider that the site's intimate association with 'Brookside' and the domestic curtilage of that property render the scheme acceptable in terms of impact in the rural area.

5. **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. **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.

Reason for Decision

The development hereby permitted is not considered to have any adverse impact on the character or visual amenities of the area and as such complies with the relevant provisions of the development plan as set out below:

North Hertfordshire District Local Plan No. 2 with Alterations
Policy 12 - Landscape Conservation

ITEM NO: 4	<u>Location:</u>	Church Farm House, Ashanger Lane, Clothall, SG7 6RQ
	<u>Applicant:</u>	Mr and Mrs Thornton
	<u>Proposal:</u>	Single storey rear extension, dormer window, retention of replacement windows and removal of one window, exposure of existing Oak ceiling beams.
	<u>Ref.No:</u>	05/01399/ 1LB
	<u>Officer:</u>	Kate Poyser 01462 474244

Date of expiry of statutory period : 26 December 2005

Reason for Delay: Negotiations with applicant's agent.

Reason for Referral to Committee: Parish Council objection.

1. Relevant History

- 1.1 Planning permissions and Listed Building Consents were granted in the 1970s for single storey rear extensions, internal alterations and a detached garage and log store.

2. Policies

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations**
Policy 18 - Listed Buildings

3. Representations

- 3.1 Please see next report.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 Church Farm House is a large detached house located prominently within the village of Clothall. It is a grade II Listed Building, formerly a farmhouse. It is late 17th century, possibly with an earlier core, and some late 18th century details. 1 Ashanger Lane is located to the south east corner of the residential property and a field laid to grass is to the south.

4.2 **Proposal**

- 4.2.1 The proposal is for a single storey rear extension for a new kitchen, a dormer window in an existing single storey rear extension to give more light to a lobby, the retention of 2 replacement windows to the dining room, the removal of one small window at first floor level in the northwest elevation and the exposure of existing oak ceiling beams in the dining room.

4.3 **Key Issues**

- 4.3.1 The key issues relate to whether the work that has already been carried out and the proposed work are in keeping with the character and appearance of the Listed Building.
- 4.3.2 Negotiations have taken place with regard to the single storey extension, which also included changes to the side entrance. A conservatory, a dormer window and changes to the roof design and fenestration have been removed from the plans. I now consider that there are no objections to raise to this part of the proposal, and that it would be in keeping with the character and appearance of the Listed Building.
- 4.3.2 Much concern of local residents through out the application has focused, in addition to that mentioned above, on the fact that work was carried out without first submitting the necessary applications. However, as Members are aware, it is not the purpose of the Local Planning Authority to punish people who have not followed correct proceedings. Enforcement action or prosecution proceedings are there to act should the work be objectionable and it be considered expedient to do so.
- 4.3.3 In the dining room two leaded light windows have been removed and replaced with timber windows. The Council's Conservation Officer has inspected the work. I can see no objections to the replacement of the small window near the side entrance. The larger window is not acceptable in its currently form. The applicant has, however, agreed to alter it to provide a flush casement. Provided this is carried out I can see no objection to it. However, I do consider that should Consent be granted it should be subject to a condition giving not less than 3 months and not more than 6 months in which to carry out the work.
- 4.3.4 A small window has been removed in the northwest elevation at first floor level. This was a minor window and its removal does not disrupt the pattern of fenestration in this elevation. I can, therefore, see no objection to its removal. However, the replacement brickwork has been carried out to a poor standard. I can see no objections to the bricks themselves, but the mortar is the wrong type and poorly executed. The applicant has agreed to re pointing with an appropriate lime mortar mix. I consider that any Consent should be conditioned to ensure this takes place within an appropriate time period, say 3 months.
- 4.3.5 In the dining room the lathe and plaster ceiling has been taken down to expose the original oak beams. In the history of the house the oak beams would originally have been exposed before the lathe and plaster ceiling was put up. I can, therefore, see no objection to this work.

4.4 Conclusion

- 4.4.1 That subject to the larger dining room window having opening casements fitted and the re plastering where the small first floor window was removed, I can see no objections to the work. However, should the remedial work not be carried out in accordance with the relevant conditions, I would consider that there would be a case to consider for prosecution proceeding, but as the applicants have advised of their intension to carry out this work, this current report does not make any recommendations for such action.

5. 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. Recommendation

- 6.1 That Listed Building Consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Within 6 months of the date of this decision notice the dining room window in the south east elevation shall be altered to have side hung opening casement windows, the detailed drawings of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the character and appearance of the Listed Building.

3. Before any of the work, hereby proposed is commenced detailed drawings including cross sections at scale 1:20 of all the proposed new windows shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the character and appearance of the Listed Building.

4. Re-pointing around the replacement window to the dining room in the south east elevation and re pointing where the small first floor window in the north west elevation has been removed shall be carried out within 6 months of the date of the decision notice using an approved lime mix mortar.

Reason: In the interest of the character and appearance of the listed building.

Reason for decision

The completed work, hereby approved, would be in keeping with the character and appearance of the listed building and, as such, would comply with Policy 18 - Listed Building of North Hertfordshire District Local Plan No 2 with Alterations.

ITEM NO: 5	<u>Location:</u>	Church Farm House, Ashanger Lane, Clothall, SG7 6RQ
	<u>Applicant:</u>	Mr and Mrs Thornton
	<u>Proposal:</u>	Single storey rear extension with dormer window. Detached garage building and fencing to tennis court. Change of use of land for grazing of domestic horses and erection of stables.
	<u>Ref.No:</u>	05/01400/ 1
	<u>Officer:</u>	Kate Poyser 01462 474244

Date of expiry of statutory period : 26 December 2005

Reason for Delay: Negotiations with applicant's agent.

Reason for Referral to Committee: Parish Council objection.

1. Relevant History

- 1.1 Planning permissions and Listed Building Consents were granted in the 1970s for single storey rear extensions, internal alterations and a detached garage and log store.

2. Policies

2.1 North Hertfordshire District Local Plan No 2 with Alterations

Policy 2 - Green Belt
 Policy 12 - Landscape Conservation Area
 Policy 14 - Wildlife Site (WS30)
 Policy 18 - Listed Buildings
 Policy 28 - House Extension
 Policy 30 - Replacement or Extensions of Dwellings in the Countryside
 Policy 55 - Car Parking Standards

2.2 Hertfordshire Structure Plan Review 1991 - 2011

Policy 5 - Green Belt
 Policy 25 - Car Parking and supplementary planning document; Vehicle Parking Provision at New Development.
 Policy 38 - Critical Capital and Other Important environmental Assets.

3. Representations

- 3.1. **Hertfordshire Biological Records Centre** - Following the receipt of a Bat Survey report "do not have any ecological objections to the application."
- 3.2 Herts and Middlesex Wildlife Trust - no comments received.
- 3.3 **County Archaeologist** - The proposal may have an impact on significant archaeological remains and recommends a condition requiring a programme of archaeological work.
- 3.4 **Clothall Parish Meeting** - Following receipt of amended drawings, the results of the vote was 3 in favour, 14 against and 2 abstentions. A copy of the lengthy discussions on this proposal and minutes of the meeting were sent. Objections seem to focus on the stables, querying their size and materials and intended use. Whether they would be used for storage or horses, that they would be publicly visible and concern over the use of horse boxes at the access. A concern was expressed that the site would attract travellers and burglaries.
- 3.5 **Local Residents** - The occupiers of **1 Ashanger Lane** query whether the stables would be for horses or whether this would be an increase in the residential curtilage of the site. In earlier correspondence they raised concerns over work to the listed building that had been carried out before the receipt of an application for planning permission and Listed Building Consent.

The occupiers of **16 Ashanger Lane** object to the re-use of the field access on highway safety grounds and to the position of the stables, which would be visible through the gap of the access.

The occupier of **12 Ashanger Lane** supports the objection raised by the occupiers of No 16 Ashanger Lane.

The occupiers of **14 Ashanger Lane** understands the stables are not intended for horses, but for storage of garden machinery. They raised concerns about the use of the access in the narrow part of the lane.

The occupiers of **The Glebe House** object and point out that work has already been carried out to the house. The conservatory and other extensions and garage are not in keeping or in proportion to the house and property. The entrance to the field is dangerous in the narrow lane.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 Church Farm House is a large detached house located prominently within the village of Clothall. It is a grade II Listed Building, formerly a farmhouse. It is late 17th century, possibly an earlier core, with some late 18th century details. 1 Ashanger Lane is located to the south east corner of the residential property and a field laid to grass is to the south.

4.2 **Proposal**

- 4.2.1 The applications for planning permission and Listed Building Consent were received following this planning authority investigating work being carried out without the necessary consent to the house. The accompanying application for Listed Building Consent seeks to regularize the situation and both applications seek approval for further work. The unauthorized work to the house requires Listed Building Consent and not planning permission and is therefore detailed in the following item for Listed Building Consent. A concrete base has been laid for the stables in the field, but further work has stopped subject to the outcome of this application for planning permission.
- 4.2.2 The work proposed in this application for planning permission is for a single storey rear extension for a kitchen 9.8 metres by 6.3 metres following demolition of an existing garage and a dormer window in an existing single storey rear extension to increase light to a lobby. The application also specifies a timber garage to house four cars measuring 11 metres by 5 metres and 4 metres to the ridge. This would be located to the east of the driveway. Fencing to a tennis court is proposed 3 metres high, with green plastic coated mesh. The tennis court itself does not require permission and work has started on it. The application is also to use the field to the rear (south) for the grazing of horses belonging to the applicant and stables containing four units and measuring 12.7 metres by 3.9 metres. It would be located close to the southern boundary of the field, where an existing concrete base has recently been laid. Access would be gained from an existing vehicular access onto Ashanger Lane.

4.3 **Key Issues**

- 4.3.1 The key issues relate to the effect of the extension on the character and appearance of the Listed house; any effect upon neighbouring residential amenity; the appearance of the garage and tennis court fencing in the street scene; impact in this Green Belt location and similarly the principle of the use and appearance of the stables.
- 4.3.2 The proposed kitchen would be a large single storey addition to a substantial house. It would be located to the rear of the house, so although it would not be prominent in the street scene, it would be publicly visible. Negotiations have taken place and several amended drawings submitted. I now feel that the extension would be in keeping with the character and appearance of the Listed house. I feel its size is not such as to be in conflict with the Council's Policy 30. The extension would be approximately 7 metres from the boundary fence with the rear garden of 1 Ashanger Lane. I consider that due to the single storey height and distance from this neighbour it would have no significant effect upon the occupiers' residential amenity. No objections have been raised to the extension.
- 4.3.3 There is a line of mature trees on the front boundary of the residential property with Ashanger Road. This would to some extent screen the tennis court fence from the road. It would also give some screening to the garages, although these would be easily visible from the gated driveway entrance. I consider that the timber construction of the garages would correctly give the impression of a subordinate

building to the house. I also consider the garages would be far enough from the house not to adversely effect its setting. They would, however, be close to a large Blue Atlas Cedar tree and should permission be granted I feel that there should be a condition to protect it during construction work. Furthermore, I would suggest that neither the tennis court fencing or garages would cause significant harm to the appearance of the area. I consider that given their setting and relationship with the house and size that they would not be in conflict with Green Belt objectives.

- 4.3.4 It is proposed to use a field laid to grass for the grazing of horses. Permission is required as a change of use from agricultural to the grazing of horses. The application is not to increase the residential curtilage of Church Farm House. Stables which could accommodate up to 4 horses are proposed. I can see no objection in principle to this use in the Green Belt. Some concern by local residents focuses on the access and whether the stables are genuinely intended for horses or whether it is for storage. I have been advised by the applicant's agent that the applicant wishes to "use the stables for temporary storage of horse blankets and other equine artifacts, as well as other articles they would need to move while the kitchen is being reorganized. The horses will be brought back to site after this period. " I feel that this is not unreasonable, provided the temporary storage use is just that, temporary. I consider that should permission be granted for the stable, to which I can see no objection in principle, that any "temporary " use should be monitored to just cover the period of relocating the kitchen.
- 4.3.5 Objections by local residents relate to the location of the stables, which would be publicly visible through the vehicular entrance. The stables would be typical timber stables. I would expect to see such stables in a countryside location. The field is surrounded by informal hedging. The stables would not be unduly prominent and I can see no objection to their appearance. The vehicular access is not new, but a long standing existing one, which happens not to have been used a great deal in recent years. Permission is not required to re-use it. I would not expect these stables to generate an amount of traffic which is significantly greater than the current lawful agricultural use. It was last known to be used for grazing sheep. Although I note the lane is narrow, approximately a maximum of 6 metres wide, and the vehicular entrance to No 16 Ashanger Lane is opposite, I can see no sustainable objections to this part of the proposal.

4.4 **Conclusion**

- 4.4.1 That there are no sustainable objections to raise to the proposed work, subject to appropriate conditions and the monitoring of the proposed temporary use of the stables.

5. **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. 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. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site lies within an area of known archaeological interest and any archaeological remains therein should be retrieved or recorded before they are damaged or destroyed due to the development hereby permitted.

4. Before the commencement of any work within the curtilage of the dwelling, the Blue Atlas Cedar tree to the east of the house 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' (BS5837:1991), 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.

5. Details and/or samples of the finished materials, including colour, to be used on all external elevations and the roof of the garage and stable hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

6. Before the single storey rear extension, hereby approved is commenced, cross section details of scale 1:20 of all new windows shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the appearance of the Listed Building.

Reason for decision

The development and works, hereby approved, is not considered to have any adverse impact on the amenities of the neighbouring residential properties, the visual amenity of the locality, the Listed Building or Green Belt in which it is located and, as such, complies with the relevant provisions of the development plans, as summarised below.

North Hertfordshire District Local Plan No 2 with Alterations

Policy 2 - Green Belt

Policy 12 - Landscape Conservation Area

Policy 14 - Wildlife Site (WS30)

Policy 18 - Listed Buildings

Policy 28 - House Extension

Policy 30 - Replacement or Extensions of Dwellings in the Countryside

Policy 55 - Car Parking Standards

Hertfordshire Structure Plan Review 1991 - 2011

Policy 5 - Green Belt

Policy 25 - Car Parking and supplementary planning document; Vehicle Parking Provision at New Development

Policy 38 - Critical Capital and Other Important environmental Assets

ITEM NO: 6	<u>Location:</u>	42 Station Road, Ashwell, SG7 5LS
	<u>Applicant:</u>	Mr P Castle
	<u>Proposal:</u>	Detached single storey garage (as amended by drawings 2B and 3B received 26.4.06)
	<u>Ref.No:</u>	06/00371/ 1HH
	<u>Officer:</u>	Richard Tiffin 01462 474522

Date of expiry of statutory period : 26 April 2006

Reason for Delay: Area Committee cycle.

Reason for Referral to Committee: Objection from Ashwell Parish Council

1. Relevant History

- 1.1 Planning permission was refused in October 2004 for a two storey side and rear extension on the grounds that they would be unsympathetic to the existing modest cottage.
- 1.2 A revised application was submitted in February 2005 and a split decision granting permission for the extensions issued in April of that year. Permission for a garage was refused. This decision was appealed and the Inspector upheld the Council's decision to refuse the garage element on the grounds that, taken together with the approved extensions to the cottage, the inappropriately specified garage close to the property would give the cottage an 'overdeveloped' appearance harmful to both the cottage and the Ashwell Conservation Area.

2. Policies

- 2.1 **District Local Plan No. 2 with Alterations**
Policy 20 - Conservation Areas
- 2.2 **District Local Plan No. 2 with Alterations**
Policy 18 - House Extensions

3. Representations

- 3.1 **Ashwell Parish Council** - Has objected on the grounds that the garage would erode an important space between buildings and that building density should decrease moving away from the village centre.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application property is one of a pair of small semi detached cottages in this highly prominent position at the junction of Lucas Lane and Station Road.

4.2 Proposal

- 4.2.1 The application seeks permission for a modest detached garage, traditionally designed and specified. Initially, the garage was shown 6.5m from the property (as extended). Following comments from the Council's Conservation Officer and the Parish Council's objection, this was increased to 12m.
- 4.2.2 The garage itself would accommodate a single vehicle and measure 5.5 by 3m and 3.7m to the ridge. The garage would be accessed from an existing vehicle crossover onto Lucas Lane.

4.3 Key Issues

- 4.3.1 The key issues in this case centre on the degree to which the proposed garage would adversely impact on the appearance and character of the Conservation Area and the form and proportions of the parent property.
- 4.3.2 In seeking to determine this application I must be guided by the Inspector's decision issued in October 2005. In his decision the Inspector concluded as follows:

"In my view, because of its timber construction and utilitarian design the garage would detract from the traditional design and materials used in the cottage and nearby dwellings. The garage would also be sited close to the approved extensions and when taken together, I consider the size of the proposed development would give the cottage an overdeveloped appearance."

- 4.3.3 The applicant has sought to address these concerns by both specifying traditional materials on a simple vernacular building and moving the structure away from the cottage. The question for the Authority must now be whether these responses overcome concerns expressed previously by the Council and the Parish Council.
- 4.3.4 The proposed garage building is modest by garden building standards and would not, in my view, be excessively prominent when viewed from Lucas Lane, save only in circumstances whereby the established hedge along the front were to be removed. Moreover, the applicant has now specified a more traditional, bespoke form of building, set further away from the cottage than that considered by the Inspector. I note what the Parish Council say about reducing density as you move away from the village centre. However, this is not, in my view, an edge of village site and there are many examples of higher density developments beyond the application cottage.

4.3.5 The size of the proposed garage, coupled with its distance from the neighbouring dwelling of no. 44 precludes, in my view, any material injury to the amenities currently enjoyed by that property.

4.4 **Conclusion**

4.4.1 In conclusion, therefore, I am satisfied that the applicant has now addressed and remedied the concern expressed by the Planning Inspector in his decision of October 2005. Accordingly, and subject to controlling materials, I would recommend that permission now be granted

5. **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. **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.

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

Reason for Decision

The proposed garage hereby permitted is not considered to have any adverse impact on the amenities of neighbouring properties, the character and appearance of the Conservation Area or on highway conditions in the vicinity of the site. As such the proposal is considered to comply with the relevant provisions of the development plan as set out below:

North Hertfordshire District Local Plan No. 2 with Alterations

Policy 20 - Conservation Area

Policy 28 - House Extensions

TITLE OF REPORT: PLANNING ENFORCEMENT
REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Location: Cedar House (formerly known as Fir Tree Cottage), Green End, Sandon, SG9 0RL

Subject: Unauthorised change of use of first floor of garage/stable from use incidental to main house to self contained dwelling

Ref.No: 05/00376/1ENF

Officer: Sue Cawthra - Planning Compliance Officer

1. Purpose of Report

- 1.1 To seek authorisation from the Committee for the Planning Control and Conservation Manager to take enforcement action in respect of an unauthorised change of use of the first floor of the stable/garage at Cedar House, Beckfield Lane, Sandon. The change of use is from a use incidental to the use of the main house as a dwelling to a self-contained residential unit.

2. Background

- 2.1 On 21st March 2000 planning permission 00/00018/1HH was granted for extensions to the main house and a detached garage/stables/store building. This was revised by planning permission 00/01923/1HH granted on 19th July 2001. A building inspection record dated 4th October 2002 for the Building Regulation submission FP/01/0627 noted that the garage and stables were complete with storage on the first floor.
- 2.2 In December 2005 a complaint was received that the first floor of the stables/garage was being used as a separate dwelling. A site visit by my Compliance Officer confirmed that the first floor had been converted to a self-contained flat separate to the main dwelling and is known as The Stables.
- 2.3 A Planning Contravention Notice was served on the owners on 28th December to obtain information on ownership, tenancy and dates of occupation of the self-contained flat. A reply was received on 9th January confirming that the first floor was converted to a self-contained flat when the owners purchased the property in July 2004 and that the current tenancy started in January 2005. The change of use to a self-contained flat therefore occurred between October 2002 and July 2004.
- 2.4 A check was carried out that revealed that the self-contained flat known as The Stables has not been registered for Council Tax.

- 2.5 In January 2006 a letter was sent to the owner of Cedar House confirming that a breach of planning control had taken place. The owner was asked to cease the use of the stables as a separate dwelling, to end the current tenancy, provide an acceptable date for this and refrain from future tenancies. It was explained to the owner that she could apply for retrospective planning permission for change of use, but that an application was likely to be recommended for refusal as such development was contrary to guidance given in the District Local Plan.
- 2.6 In February an e-mail was received from the owner's agent indicating that he had been asked to submit a retrospective planning application for change of use and this would be submitted shortly. Further e-mails were received requesting information. To date no planning application has been submitted.

3. Considerations

- 3.1 In deciding whether it is expedient to take enforcement action, the main consideration, in my view, is the departure from the policies contained within the North Hertfordshire District Local Plan No. 2 with Alterations, in particular Policy 6 - Rural Areas beyond the Green Belt. This policy does not allow for the creation of new dwellings in the rural area save those that would address an identified rural housing need in accordance with Policy 29 of the District Local Plan, or would be contained within the built area of a settlement.
- 3.2 Further to the above, Policy 1 of The County Structure Plan (Sustainable Development) and The Government's PPS7 (Delivering Sustainable Development in Rural Areas) advises Planning Authorities to strictly control new housing in the countryside away from established areas.
- 3.3 The unauthorised change of use has occurred within the last 4 years.

4. Conclusions

- 4.1 An unauthorised change of use from a use incidental to the main house to use as a self-contained dwelling has occurred on the first floor of the stables/garage. No planning application has been received for this change of use. Should an application be received, it is likely to be recommended for refusal, as the use is contrary to guidance given in the District Local Plan, County Structure Plan and national planning guidance.

5. Legal Implications

- 5.1 The Town and Country Planning Act 1990 provides the Local Planning Authority with the power to issue and serve an Enforcement Notice to bring about the cessation in the use of the first floor of the stables/garage as a self contained dwelling, to return the first floor to a use incidental to the main house and refrain from future tenancies.

6. Recommendations

- 6.1 That the Committee authorises the Planning Control and Conservation Manager, subject to the Head of Legal and Democratic Services being satisfied with the evidence, to issue and serve an Enforcement Notice to bring about the cessation of the unauthorised use as self contained dwelling and convert the first floor back to use incidental to the main house, with a time for compliance of 3 months.

Background Papers

Planning Enforcement File: 05/00376/1ENF

Contact Officer

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***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

10

TITLE OF REPORT: PLANNING APPEALS
REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

This Item will take the format of an oral report.

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