

15 September 2006

Our ref: B&D Ctte/Sept06
Contact: Donna Levett
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To: Members of the Baldock and District Committee of North Hertfordshire District Council

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

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

to be held at

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

on

MONDAY 25 SEPTEMBER 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
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 14 August 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. DISPOSAL OF LAND AT POCKET PARK, DARK LANE, SANDON REPORT OF THE HEAD OF FINANCIAL SERVICES <i>A report seeking the Committee's support for the proposed disposal of surplus land at 27 Dark Lane, Sandon.</i>	1
7. BALDOCK TOWN HALL FEASIBILITY STUDY REPORT OF THE HEAD OF FINANCIAL SERVICES <i>This report is "To Follow"</i>	7

- 8. CHAMPION NEWS** **9**
 REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES
- A summary of the activities undertaken by the Community Development Officer for Baldock since the meeting of the Committee held on 14 August 2006 and events taking place in forthcoming months.*
- 9. COMMITTEE DEVELOPMENT & AREA VISIONING BUDGETS 2006/2007** **13**
 REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES
- The current budget balances for the Committee and grant applications from the following organisations:*
- 1. The Rotary Club of Baldock*
 - 2. Clothall Village Hall Project*
- 10. PLANNING APPLICATIONS** **19**
 REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL
- Planning application for determination by the Committee – Ashwell Tennis Club, Land at Small Gains Lane, Off Station Road, Ashwell.*
- 11. PLANNING ENFORCEMENT – UNAUTHORISED ADVERTISEMENT AT NEWNHAM ROAD/CALDECOTE ROAD, NEWNHAM** **29**
 REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL
- A report seeking the Committee's authorisation for the Planning Control and Conservation Manager to take enforcement action to secure the removal of the unauthorised advertisement displayed on land adjoining Newnham Road and Caldicote Road, Newnham.*
- 12. PLANNING APPEALS** **33**
 ORAL REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL
- An update for the Committee on any Planning Appeals that have been lodged or determined since the meeting of the Committee held on 14 August 2006.*

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

23 October 2006
 4 December 2006
 15 January 2007
 19 February 2007
 2 April 2007

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BALDOCK & DISTRICT AREA COMMITTEE

25 September 2006

AGENDA ITEM No.

6

TITLE OF REPORT: DISPOSAL OF LAND AT POCKET PARK, DARK LANE, SANDON REPORT OF THE HEAD OF FINANCIAL SERVICES

1. SUMMARY

- 1.1 To seek the Committee's views on the proposal to dispose at discount an area of land adjacent to 27 Dark Lane, Sandon to North Hertfordshire Homes Ltd (NHH).

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public in the forward plan on 1 September 2006.

3. BACKGROUND

- 3.1 The land was previously used as sewage works prior to the new sewage treatment plant being installed alongside. Since then the site is being used as a pocket park; an enclosed grassed area with trees and bushes and two bench seats. The area of the site is 2,140 sq. metres.
- 3.2 The area has been investigated for existing need by the Authority's officer-led Housing Development Group (rural housing needs survey October 2004) and it has explored options with NHH for their development of part of the site for the provision of affordable housing.
- 3.3 The site is located within the village boundary therefore it is not an exception site. Consideration is to be given to the nature of the previous use of the site i.e. former sewerage works site, therefore issues relating to contamination will need to be resolved. Located on the far corner of the site is a small pond area, this has no known use i.e. is not used by the new sewerage works adjacent to the site.
- 3.4 Issues to be addressed are site history, redevelopment proposal and estimated discount value.

4. ISSUES

- 4.1 The site comprises a pocket park adjoining 27 Dark Lane, Sandon; a small area of grassed land maintained by the Parish Council. Trees and shrubs surround the site with a tracked access between the site and 27 Dark Lane, servicing the properties in 17 to 27 Dark Lane (6 properties). Actual site boundaries, measuring 2,140 sq. m., are shown on plan titled 'Land Disposal (Pocket park area)', attached at Appendix A to this report.
- 4.2 The October 2004 Housing Needs Survey for Sandon Parish demonstrated a total need within 5 years of 12 one or two-bedroom houses or flats. The proposal by

NHH is to build 6 new general needs properties on part of the site, 1,070 sq. m., as follows:

- 2 x two-bedroom 4 person houses
- 4 x one-bedroom 2 person houses

(together with associated public areas, car parking spaces and garden area, and an improved smaller pocket park facility on the remainder of the site, 1,070 sq. m)

- 4.3 The one-bedroom houses will be capable of conversion to two-bedroom 4 person houses in the future. North Herts Homes will build the houses to eco-standard 'Very Good', which will include consideration for;
- building orientation;
 - solar heat gain design;
 - individual wind turbines; and, if practicable
 - grey water recycling systems.
- 4.4 In accordance with the Housing Association Partnership Agreement the nomination agreement between NHDC and NHH for general needs accommodation will be 100% on first lettings and 75% thereafter.
- 4.5 Freehold transfer is proposed at £178,500 (averaging £29,750 per building for 6-plot site, final values to be confirmed). This is £178,500 below the estimated disposal value of £357,000, a 50% discount.

5. LEGAL IMPLICATIONS

- 5.1 Section 25 of the 1988 Local Government Act consents the disposal of land to registered social landlords at less than market value for the development of housing, other than housing for outright sale.
- 5.2 The expansion of the 1 bedroom units to two-bedroom units will occur within the same building footprint (i.e. extending into the roof space), therefore no additional land take will be required. The Council will protect itself from loss of capital value should the remaining pocket park be developed at a later date.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 Current practice with land transfers to RSL's is disposal in a range of £10,000 to £30,000 per residential plot while average values of support towards RSL development in the region is currently £30,000 per plot and rising. Based on current plot values the level of discount/support for the site is £29,750 per dwelling.
- 6.2 Provision has been made in the capital programme for a grant contribution of £180,000 in addition to any land discount. This grant is to pay for the discounted land, so the total subsidy required for this project will be £357,000.
- 6.3 If the site were sold at full market value the total sale value would be available for capital purposes.
- 6.4 If the site was sold at open market value it is difficult to predict whether RSL's could compete with private developers or be able to fund developments on the site without similar local authority support to that shown in paragraph 6.2.
- 6.5 Risks identified with the project are that planning consent may be withheld and failure to obtain total funding for the project. Officers at both NHDC and NHH have been working closely on the proposed development to reduce the risk of scheme failure.

7. HUMAN RESOURCE AND EQUALITY IMPLICATIONS

- 7.1 There are no human resource or equality implications arising from this report.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 The Council's Asset Disposal Strategy, approved July 2004, sets out that consultation should follow the following process; *"the relevant Ward Members will be consulted on any proposals and consideration be given to wider community consultation. Following consultation a report on the officers recommendations will be presented to the appropriate Area Committee for their views before seeking approval from the relevant delegated Member or Committee"*.
- 8.2 Project consultation has been undertaken between North Hertfordshire District Council, North Herts Homes, the Rural Housing Enabler (working for the Community Development Agency) and representatives of the Parish Council. The scheme has been produced to meet the needs of both Parish and District, the principles of the proposed scheme have yet to be agreed by all parties.
- 8.3 The Ward Member for Sandon, Councillor Steve Jarvis has been notified of the redevelopment proposals. The views of the Ward Member and this Committee are sought and will be reported to Cabinet on 14 November 2006.

9. RECOMMENDATIONS

- 9.1 That as part of the consultation process the Committee gives its views to Cabinet on the proposal to declare the site surplus to the Council's requirements and dispose of the land to North Hertfordshire Homes Ltd at a discounted value for the provision of affordable housing and a smaller improved pocket park.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The site is capable of development for the provision of 6 affordable houses by the RSL with the Authority benefiting from nomination rights to meet local need.
- 10.2 It is difficult to predict whether RSL's could compete with private developers or be able to fund development on the site that is capable of being sold at open market value without similar local authority support to that planned.
- 10.3 The project provides sustainable development by the improvement and retention of a pocket park and the provision of 6 eco-standard residential units.
- 10.4 Section 25 of the 1988 Local Government Act consents the disposal of land to registered social landlords at less than market value for the development of housing. The discount proposed for the site is within current authority practice.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 Not develop the site for affordable housing but sell for private development by tender.
- 11.2 Not develop the site at all.

12. APPENDICES

- 12.1 Appendix A – Existing site plan of the land adjoining 27 Dark Lane, Sandon.

13. CONTACT OFFICERS

- 13.1 Barrie Jones (Head of Financial Services)
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- 13.3 Mabel Adjei-Barwuah (Senior Estates Surveyor)
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- 13.4 Alan Davey (Housing Strategy & Renewal Officer)
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14. BACKGROUND PAPERS

- 14.1 Estates and Housing Development Group files and minutes.

TITLE OF REPORT: 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

A full report is to be presented to the Baldock & District Area Committee at the meeting on 25 September 2006 by the Head of Financial Services and the appointed consultants Widdup & Amer Architects.

4.1.2 Baldock Town Centre Enhancement Scheme

As part of the first phase of the project, the appointed consultants, Colin Buchanan, have completed the first two surveys:

- Car parking arrangements within and around the town centre.
- Pedestrian flows to and within the town centre.

The other surveys currently being undertaken are:

- Vehicular access and servicing requirements for all retail, commercial and residential properties within the town centre.
- 6,000 postal questionnaires to a broader range of people based on local

postcodes in the area.

Work has started on preparing a brief and associated tender procurement documents for phase 2 of the project, which needs to be carried out under OJEU (Official Journal of the European Union) procedures.

It is anticipated that a design consultant will be appointed in the New Year following the OJEU procedure to prepare draft enhancement proposals for consultation in 2007.

4.1.3 Development of Town Partnership for Baldock

The group last met on Monday 4 September 2006 where the following topics projects were discussed.

- Town Centre Enhancement Strategy – including a presentation from North Hertfordshire District Council Planning Strategy Officers
- Draft Constitution – which was agreed and adopted with some conditions.
- Letterhead designs – reviewed, with designs forwarded to the Chair including one of the Town Hall.
- Potential initiatives for the future - Town guide, Website and specialist Markets & Events.

4.2 **Festivals/Fairs/Events**

4.2.1 Baldock Chartered Street Fair 2006

The organiser of the Fair, Charles Abbott JR is seeking permission from Herts Highways to pull the fair onto the High Street at approx. 9.00am on Sunday 1st and depart the town overnight on Wednesday 4th and the early hours of Thursday 5th October 2006.

The Traffic Road Order process for the 2006 fair has already been formalised 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, following the legal soundings given by counsel, believe the fair can only enter the town on the 2nd October each year and then stay for the four following days, in accordance to the interpretation of the Charter.

4.3 **General**

4.3.1 Baldock Bypass and Associated Works

A1(M) Junction 9 - Northbound off slip lane

Jackson Civil Engineering are currently in the 12th week of an 18 week contract.

The earthworks to the new slip lane are 95% complete with drainage works 75% complete.

Daytime and night time closures are planned to all four motorway slip lanes, together with the closure of the A505. These are due to take place on various

nights from Friday 15th to Sunday 24th September to allow surfacing works to be carried out to the gyratory and to the top of the slip lanes.

Bridge works

Waterproofing the two bridge decks is 50% complete, with surfacing and bridge joint replacement due to start this week.

Traffic Management

Two lanes remain open on the northbound off slip lane with one lane closed on the roundabout to provide a safety zone for the bridge works.

Bypass Tunnel

The tunnel is due to be closed overnight on the 26th – 27th of September for routine maintenance works.

4.3.2 Local Organisations and Community Groups Support

Sandon, Clothall & Ashwell Village Halls – Applications for PACIF 2006

Full applications have been received from all three Village Halls and are now to be assessed by the Community Facilities Manager.

The Community Development Officer is continuing to support and advise the respective project groups / representatives in securing other external funding.

Ashwell Parish Council – Application for PE&CF 2006

An application has been received from the Parish Council seeking funding support in the cleansing and environmental enhancement at various locations in the village.

Hinxworth Village Hall – PACIF 2005

The confirmed opening date for the refurbished Hall is set for Saturday 23rd September 2006 at 3.00pm.

4.3.3 Out to Play Sessions 2006

Despite poor the weather during August the following numbers of children enjoyed the Out to Play Sessions held in the Villages, Avenue Park and Clothall Common.

Ashwell – 24
Avenue Park – 77
Clothall Common – 95
Sandon - 9
Weston – 58

4.3.4 Clothall Common - Community Projects & Initiatives Evening

On Tuesday 26th September at Hartsfield School at 7.00pm the Councillor for Baldock East, is holding an 'ideas drop in evening' to look at any small Community Projects that may be possibly developed in and around the area.

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 (Senior Community Development Officer – Baldock & District Area)
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**TITLE OF REPORT: 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 2006/2007 and the carry forward pre-allocated balances of delegated budgets from financial year 2005/2006.
- 1.2 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 Rotary Club of Baldock - Christmas Lights
Funding request sought from Baldock Development Discretionary funds for the support in the purchasing new Christmas Street Lighting Panels.
- 4.2 Clothall Village Hall Project
Funding request sought from Weston & Sandon Development Discretionary funds for the support in the early pre-project costs associated with the design and construction of a new Village Hall for Clothall.
- 4.3 STATEMENT OF COMMITTEE DELEGATED BUDGETS 2006/2007
 - 4.3.1 See Appendix 1 – Spreadsheet of Committee Delegated Budgets 2006/2007.

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 2006/2007.

6.2 The spreadsheet also details the pre allocations carried forward from the previous financial year 2005/2006 to the current financial year 2006/2007.

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 2005/2006 Ward Development Discretionary Budgets to the current financial year 2006/2007.

8.2 Consultation with the respective officers and external agencies/groups has taken place with regards to the funding proposal for Area Committee Discretionary Development Funds.

9. RECOMMENDATIONS

9.1 The Committee is asked to note the budgetary expenditure, current balances and carry forwards from the Ward Development Budgets 2005/2006, the Small Area Grants Budget and the allocated Visioning Budgets.

9.2 That the Committee allocates £1,000 from Baldock Wards Development Discretionary Budget to the Rotary Club of Baldock.

9.3 That the Committee allocates £1,000 from Weston & Sandon Ward Development Discretionary Budget to the new Clothall Village Hall.

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 2006/2007.
- 12.2 Appendix 2 – The Rotary Club of Baldock Grant Form – to follow
- 12.3 Appendix 3 – The New Clothall Village Hall Grant Form – to follow

13. CONTACT OFFICERS

- 13.1 Stuart Izzard (Community Development Officer - Baldock & District Area & Youth)
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- 13.2 Jodie Penfold (Assistant Accountant Customer Services)
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14. BACKGROUND PAPERS

- 14.1 None

Statement 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	£3,200	£3,200	£651	£2,549	£0				
SMALL AREA GRANTS	£1,820	£1,820	£1,060	£760	£0				
BALDOCK TOWN	£15,990	£5,535	£1,667	£3,223	£10,455				
BALDOCK EAST	£8,260	£1,245	£175	£1,120	£7,015				
ARBURY	£9,940	£6,115	£0	£6,115	£3,825				
WESTON & SANDON	£10,800	£5,830	£0	£5,830	£4,970				
Total	£50,010	£23,745	£3,553	£20,192	£26,265				

<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	£3,200	2004/2005	Ivel Springs	£730	23.02.04	£645	£85	
		2005/2006	Town Centre Strategy	£2,470	11.04.05	£6	£2,464	
Total	£3,200			£3,200		£651	£2,549	£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		Retirement Sewing Club	£420	10.04.06		£420		
Less Budget Reallocated to Baldock East Ward	-£190		Baldock Festival	£1,060	10.04.06	£1,060	£0		
			Ashwell Museum	£340	10.04.06		£340		
Total	£1,820			£1,820		£1,060	£760	£0	

Statement of Committee Delegated Budgets 2006/2007

BALDOCK TOWN	Funding		Project	Allocated	Date	Spent	Outstanding	Comments
Preallocated Funds Brought Forward from 05/06	£2,350		Additional funds for Street Furniture	£40	15.08.05	£102	-£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	£1,205	£5	
			Tree Works Brewery Lane & Park Drive	£250	06.03.06	£250	£0	
			High Street Hanging Baskets	£1,520	10.04.06	£380	£1,140	
			Royal British legion - Baldock Branch	£375	22.05.06	£375	£0	
			Baldock Town Youth Football Club	£1,140	14.08.06	£0	£1,140	
			Childrens Summer Holiday Activities	£150	14.08.06	£0	£150	
Base Budget 06/07	£9,430							
Total	£15,990			£5,535		£1,667	£3,223	£10,455

BALDOCK EAST	Funding		Project	Allocated	Date	Spent	Outstanding	Comments
Preallocated Funds Brought Forward from 05/06:	£180		Bench for the Clothall Estate	£40	15.08.05	£0	£40	
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	
			Royal British legion - Baldock Branch	£125	22.05.06	£125	£0	
			Baldock Town Youth Football Club	£360	14.08.06	£0	£360	
			Childrens Summer Holiday Activities	£50	14.08.06	£0	£50	
			Spring Bulbs	£50	14.08.06	£50	£50	
Base Budget 06/07	£2,900							
Plus Budget Reallocated from Small Area Grants	£190							
Total	£8,260			£1,245		£175	£1,120	£7,015

Statement of Committee Delegated Budgets 2006/2007

ARBURY	Funding			Project	Allocated	Date	Spent	Outstanding	Comments
Preallocated Funds Brought Forward from 05/06	£5,520			Community Visioning Projects	£5,520	07.11.05	£0	£5,520	
Arbury Community Projects (c/f from 04/05 Small Area Grants)	£180			Bygrave PC - Lawn Mower	£360	22.05.06	£0	£360	
Arbury Community Projects (c/f 05/06)	£980			Ashwell Kids Club	£150	14.08.06	£0	£150	
				Ashwell Fuchsia Festival	£85	14.08.06	£0	£85	
Base Budget 06/07	£3,260								
Total	£9,940				£6,115		£0	£6,115	£3,825

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			The Snipe - Weston Childrens Play Equipment	£1,500	10.04.06	£0	£1,500	
Base Budget 0607	£2,540								
Total	£10,800				£5,830		£0	£5,830	£4,970

TITLE: 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.	06/01241/1	Ashwell Tennis Club, Land At Small Gains Lane, Off Station Road, Ashwell, SG7 Erection of 4 lighting columns and floodlights for Ashwell Tennis Club on land off Small Gains Lane (variation of planning permission 05/01138/1).	Richard Tiffin 01462 474522	21

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ITEM NO: 1	<u>Location:</u>	Ashwell Tennis Club, Land At Small Gains Lane Off, Station Road, Ashwell, SG7
	<u>Applicant:</u>	Mr E. Humbert
	<u>Proposal:</u>	Erection of 4 lighting columns and floodlights for Ashwell Tennis Club on land off Small Gains Lane. (variation of planning permission 05/01138/ 1).
	<u>Ref.No:</u>	06/01241/ 1
	<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 08 September 2006

Reason for Referral to Committee: Parish Council supports application contrary to recommendation

1. Relevant History

- 1.1 Planning permission was granted in 2003 for the use of land as a sports field (adjacent this application site). This permission was temporary for 1 year in order to assess impact on highway network, the appearance and character of the area and residential amenity. Following this trial period a permanent permission was granted in 2004.
- 1.2 In 2005 an application was lodged for four tennis courts and associated parking on an adjacent area of land to the sports pitch granted above. The application did not specify any lighting and was presented to accommodate tennis. This scheme was approved subject to a number of conditions requiring prior discharge. None of these conditions have been discharged by the Authority including one requiring the submission of a Community Use Agreement.

2. Policies

- 2.1 DLP No 2 Policy 6 - Rural Area Beyond the Green Belt
- 2.2 DLP No 2 Policy 13 - Countryside Areas
- 2.3 DLP No 2 Policy 39 – Leisure Uses
- 2.4 DLP No 2 Policy 16 – Archaeological Areas
- 2.5 **National Policy.**
- 2.6 PPG 17 : Planning for Open Space, Sport and Recreation

3. Representations

- 3.1 **Housing and Environmental Health Service** – Has suggested a condition requiring the issue of noise control measures to be agreed with the Planning Authority prior to use. At the time of writing this report concern was also expressed in relation to Lux contours shown on the application drawings. Such contours should be furnished to enable a better understanding of light conditions post development and the impact thereof on nearby residential amenity.

Ashwell Parish Council – Supports the proposal (see attached appendix 1).

Local residents – Representations have been received both objecting to and supporting the proposal. The occupiers / owners of **105 Ashwell Street** and **81,92, 101** and **105 Station Road** have all expressed **objections** / concerns in relation to the following issues:

- Light pollution / intrusion
- Intensification of use to including 5-a-side football.
- Increased traffic resulting from the intensification.
- Impact in the rural area.
- Loss of residential amenity.
- No demonstrated need.

The occupier of **103 Ashwell Street** did suggest restricting the facility to just tennis and that lights be extinguished at or before 22:30. They also note the width of the access road and suggest that the car park be limited to 4-6 cars and that passing places be provided.

A total of 22 representation (17 emails) were received **supporting** the proposal principally on the basis of need. One representation, from the occupier of 103 Station Road, was broadly supportive but raised the following concerns:

- Hours of operation should be limited to before 10pm and after 8 am.
- Mains electricity should be used rather than a generator.
- Use of the facility after dark raises concerns in relation to vehicle/ pedestrian conflict along the lane.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site sits off Small Gains Lane some 70m beyond the rear boundary of 105 Station Road
- 4.1.2 The site is currently open ground adjacent to the established sports area used by Ashwell's junior football club.

4.2 Proposal

- 4.2.1 The proposal, subject of this application, seeks permission to erect 4 light columns in total, one in each corner of the approved court surface. The application states

that the number of courts would be reduced from the originally approved 4 to 3 in order to minimise lighting impact on surroundings

4.2.2 Information on the lights has been provided by way of manufacturers details together with technical lighting data. These would be 10m in height.

4.3 Key Issues

4.3.1 The key issues in this case centre on the following matters:

- Principle of the development in the rural area.
- Proposal's impact on the character of the countryside / rural area.
- Impact on the amenity of local residents both in terms of noise and light pollution.

Planning Principle

4.3.2 The principle of providing opportunities for participatory sport and recreation in the rural area is not in dispute. Planning permission has been granted for a tennis facility and car parking at this site in line with spirit of national planning policy as set out in PPG 17:

"Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. Developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sport and recreational activities should be given favourable consideration. All development in rural areas should be designed and sited with great care and sensitivity to its rural location." (my underlining)

(PPG 17, para 26)

4.3.3 The approach set out above generally accords with Policy 6 and 13 of the District Local Plan. Policy 6 Rural Areas beyond the Green Belt is, arguably, more exacting:

"In Rural Areas beyond the Green Belt....a development proposal will be allowed only if:

(i) it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:

(a) the need cannot practicably be met within a town, excluded village or selected village, and

(b) the proposal positively improves the rural environment"

In approving the application for tennis courts it was considered that the proposal met clause (a) of the policy. This said it would be difficult to argue that any recreational facility involving hard surfaces, car parking and fencing could be interpreted favourably in terms of clause (b). However, the presence of the football ground, the expressed need and the relatively benign nature of day time tennis allowed, in my view, enough flexibility in terms of Policy 6 to grant permission. I have no hesitation in concluding however that if the original scheme had come in

with lights such latitude would have been unavailable. Indeed, the permission, as granted, included a condition which expressly prohibited lights for reasons which will be explored in more detail later in this report.

4.3.4 Further to the above, Policy 13 Countryside Areas, reinforces the aim to improve access to the "***countryside for informal countryside recreation without loss to the area's landscape and wildlife value.***" Again, it is perhaps generous to conclude that an unlit daytime facility would square with this objective.

4.3.5 Finally, Policy 39 Leisure Uses only sanctions 'medium intensity' leisure uses "***exceptionally within rural settlements in other rural areas to meet only rural community needs***" (my underlining). This again militates strongly in my view against a favourable interpretation of the proposed floodlit facility.

Proposals Impact in Rural Area

4.3.6 In my view the policy framework set out above does not allow floodlit sports facilities in rural areas such as this regardless of any compelling case for need. This is a matter of straightforward interpretation and I can see little scope for deviating from this view in that the site in question and the surrounding area is open and rural in character. While the applicant has submitted evidence which, it is suggested, demonstrates that the proposed flood lighting will be 'low impact' it will, undoubtedly, be seen as alien to the rural area and will also extend and intensify the use of the facility into the night, attracting more cars (with headlights on) and more noise into what is a quiet edge of village setting. Moreover, this proposal for lights is now promoting five-a-side football, something not mentioned in the original submission. While participation in sport of this kind is to be encouraged generally it would, at this site, change the impact potential dramatically giving rise to significant numbers of motor vehicles and levels of noise and lighting associated therewith. Furthermore, the very nature of this sport, as opposed to tennis, could have a dramatic impact on residential properties, particularly those in Station Road the nearest of which would only be 70m.

Impact on Residents

4.3.7 This proposal has attracted more support than opposition from local residents. This is perhaps understandable as there is no doubt that it would be a facility highly valued by the local sporting community. However, those who live nearby have, predictably, expressed concerns in relation to the wider issues associated with such an intensified use (i.e. floodlit) and the impact on their current levels of residential amenity. The nearest property at 105 Station Road would, when built (planning permission granted for a detached dwelling), be something just over 70m from the approved tennis facility. Used during daylight hours for tennis, I would anticipate little in the way of adverse impact even at this modest distance. However, the addition of lights would, as mentioned, dramatically alter the operating characteristics of the facility such as to introduce more vehicles at night and a marked and material increase in audible noise from participants in five-a-side soccer. In this respect alone I can not conclude that such a proposal is supportable on planning grounds.

4.4 Conclusion

4.4.1 The provision of sports facilities in the rural area is cautiously supported at all levels of land use policy. Such support is predicated on the understanding that successful and sustainable rural communities both need and deserve access to a range of

recreational opportunities in the same way as their urban counterparts. However, rural areas are, by definition, different to urban areas and these differences are, by and large, recognised as valuable and worth protecting by those who live in the countryside and, in many cases, by those who don't. Consequently, rural planning policy in this country has long attempted to balance an expanding appetite for amenity and recreational opportunity amongst an increasingly affluent and discerning rural population, with their equally well expressed desire to maintain the character of the rural environment. In some cases the maintenance of this balance is problematic.

- 4.4.2 In this case the weight of the argument to allow a floodlit sports facility has, in my view, clearly and unambiguously shifted beyond the parameters set by those policies designed to facilitate acceptable development compromise in the rural area. Admittedly, this is ostensibly a technical conclusion and Members may want to consider looking at the 'greater good' context articulated by supporters a context which is often poorly represented by consideration of technical planning issues alone. However, I would strongly advise that such a wider consideration must necessarily be tempered by an understanding of the basic policy context, the matter of precedent and, most critically, an appreciation for the reasonable amenity of residents who, to date, have enjoyed living in the relative peace and quiet of the countryside.

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 **REFUSED** for the following reasons:
1. The proposed floodlights would intensify the use of the tennis facility previously approved under LA ref 05/01138/1 by the introduction of light, noise and general activity during the hours of darkness such as to be detrimental to the character of the rural area and the reasonable amenity of nearby residents contrary to the aims and objectives of PPG 17 (Planning for Open Space, Sport and Recreation) and Policies 6, 13 and 39 of the District Local Plan No 2 with Alterations.

**TITLE: PLANNING ENFORCEMENT – UNAUTHORISED ADVERTISEMENT AT
NEWNHAM ROAD/CALDECOTE ROAD, NEWNHAM**
REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Location: **Newnham Road, Caldecote Road, Newnham, SG7 5LA**

Subject: **Unauthorised advertisement**

Ref.No: **06/00196/1ENF**

Officer: **Sue Cawthra - Senior 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 to secure the removal of the unauthorised advertisement displayed on land adjoining Newnham Road and Caldecote Road, Newnham.

2. Background

- 2.1 A complaint was made in August 2006 concerning the advertisement displayed adjoining Newnham Road. A site visit by my Senior Planning Compliance Officer revealed that a large A board on a trailer was being displayed on land adjoining barns at the sharp bend in Newnham Road/Caldecote Road, advertising buildings to let with potential for commercial use.
- 2.2 The advertisement requires Advertisement Consent for its display. Our records do not show any record of consent having been sought or granted. The advertisement is very prominent from Newnham Road and Caldecote Road and is situated within the Green Belt and Landscape Conservation Area. Therefore an application for Advertisement Consent would be recommended for refusal on visual amenity and highway safety grounds.
- 2.3 The display of the advertisement is contrary to Policy 2 of the North Hertfordshire District Local Plan – Green Belt – since it encroaches into open countryside and erodes its openness. Its display is also contrary to advice given in Government Planning Policy Guidance - Outdoor Advertisement Control (PPG19 – paragraphs 2 and 11) and Circular 05/1992, since the advertisement adversely affects amenity and could constitute a danger to traffic.
- 2.4 On 9th August 2006 the owner of the site was contacted by telephone by my Senior Compliance Officer explaining that the advertisement required consent and that the advertisement was unlikely to receive consent for its display due to visual amenity and highway safety reasons. A letter was sent confirming this and stating

that the advertisement should be removed by 25th August. The letter explained that it was my intention to seek authorisation from the Baldock and District Committee for enforcement action if the advertisement is not removed. No response to this letter has been received, but the landowner stated in the telephone conversation that the advertisement would be moved to the grain store when cleared out. To date the advertisement has not been removed.

- 2.5 In 2005 the same unauthorised advertisement was displayed in a field adjoining the A1M southbound at Stotfold Road Caldicote, on land owned by the same landowner. The matter was to be reported to The Baldock and District Committee on 26th September 2005, but following two letters and a telephone call to the landowner, the unauthorised advertisement was removed. An application for advertisement consent has been received (06/01106/1AD), but not yet determined, to display the same advertisement adjoining the A1M at Stotfold Road, Caldicote.
- 2.6 In 2004 planning permission was granted for a detached grain store at Newnham Road, where the unauthorised advertisement is being displayed. This permission was subject to a condition requiring the removal of the redundant grain store. A Planning Application (06/1505/1) has been received but not yet determined to remove a condition requiring the grain store to be dismantled and removed from site. Also a Planning Application (06/1507/1) has been received but not yet determined for change of use of the redundant grain store to storage/distribution warehouse. The unauthorised advertisement relates in part to this grain store which does not yet have permission for commercial use.

3. Considerations

- 3.1 In deciding whether enforcement action is justified the main considerations, in my opinion, are the adverse impact the unauthorised advertisement has on the visual amenity of the Green Belt and the highway safety implications for road users of Newnham Road/Caldicote Road.

4. Conclusions

- 4.1 The unauthorised advertisement was first reported in August 2006 and site visits have confirmed that the advertisement is still being displayed without consent up to the date of this report. The display of this advertisement has an adverse impact on highway safety, and an adverse impact on the visual amenity of the Green Belt. Authorisation for enforcement action is therefore sought to protect the Green Belt and highway safety.

5. Legal Implications

- 5.1 It is an offence under section 224 of the Town and Country Planning Act 1990 to display an advertisement without advertisement consent. It is open to the Planning Authority to bring a prosecution in the Magistrates Court for this offence. Criminal Courts are subject to their own appeal procedures.

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 authorise enforcement action to secure the removal of the unauthorised advertisement.

Background Papers

Planning Enforcement File 06/00196/1ENF

Contact Officer

Sue Cawthra Ext. 4362

PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 12
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TITLE: 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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