

27 June 2006

Our ref: Letchworth/July06
Contact: Pat Wilkings
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To: Members of the Letchworth Committee of North Hertfordshire District Council (Councillors M. Paterson (Chairman), Simon Bloxham (Vice-Chairman), Monica Bloxham, J.M. Cunningham, Melissa Davey, Gary Grindal, T.W Hone, David Kearns, Lorna Kercher, David Levett, Lawrence McNamara, Elliot Needham, Mrs. L.A. Needham, and Diane Proudlove)

You are invited to attend a

MEETING OF THE LETCHWORTH COMMITTEE

to be held in

**COMMITTEE ROOM 1, COUNCIL OFFICES, GERONON
ROAD, LETCHWORTH GARDEN CITY**

on

WEDNESDAY 5 JULY 2006

at

7.30 p.m.

Yours sincerely,

A handwritten signature in blue ink that reads "David Miley". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

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 24 May 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 either Part I or Part II 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 the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
6. STREET TREE PLANTING IN LETCHWORTH GARDEN CITY REPORT OF THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES <i>To provide an update on street tree planting in the Garden City completed in previous phases and to make recommendations for a fourth phase of tree planting to be undertaken next winter.</i>	1
7. NORTH HERTFORDSHIRE DISTRICT COUNCIL'S PUBLIC CONVENIENCES REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES <i>To appraise the Committee of the Cabinet's strategic decision for the Council's public conveniences and to inform Members of the type of internal equipment that will be used in these.</i>	7

8.	REFERRAL FROM NORTH HERTFORDSHIRE HIGHWAYS PARTNERSHIP JOINT MEMBER PANEL – 24 APRIL 2006 - NHHP DISCRETIONARY BUDGET PROJECTS 2007/2008	11
	<i>An invitation from the North Hertfordshire Highways Partnership Joint Member Panel to submit projects for consideration of funding from the Panel's Discretionary Budget for the financial year 2007/2008.</i>	
9.	ICKNIELD WAY, LETCHWORTH DEPOT REPORT OF THE HEAD OF FINANCIAL SERVICES	13
	<i>To seek the Committee's views on the possible disposal and residential redevelopment of the former Icknield Way housing depot prior to its consideration by the Cabinet on 25th July 2006.</i>	
10.	CHAMPION NEWS REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT & CULTURAL SERVICES	17
	<i>A summary of the activities undertaken by the Community Development Officer for Letchworth Garden City since the meeting of the Committee held on 24 May 2006 and events taking place in forthcoming months.</i>	
11.	ANNUAL GRANTS AND DEVELOPMENT DISCRETIONARY BUDGET 2006/2007 REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT & CULTURAL SERVICES	21
	<i>The current expenditure and balance of the Area Committee's delegated funds.</i>	
12.	PLANNING APPLICATIONS REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	25
	<i>To determine the following Planning applications:</i>	
	<i>1. 39 Pasture Road, Letchworth Garden City, SG6 3LR;</i>	<i>27</i>
	<i>2. Land adjoining 21 Leys Avenue (W H Smith) Letchworth Garden City;</i>	<i>35</i>
	<i>3. Barn and Coach House at Punchardon Hall, Willian;</i>	<i>47</i>
	<i>4. Barn and Coach House at Punchardon Hall, Willian;</i>	<i>55</i>
	<i>5. 251 Icknield Way, Letchworth Garden City.</i>	<i>59</i>
13.	TITLE OF REPORT: STARWOOD HOUSE, AVENUE ONE LETCHWORTH GARDEN CITY - UPDATE REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	65
	<i>To update the Committee about the provision of additional landscaping at Starwood House.</i>	
14.	PLANNING APPEALS ORAL REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	67
	<i>An update for the Committee on any Planning Appeals that have been lodged or determined since the meeting of the Committee held on 24 May 2006.</i>	

Future meetings of the Committee will be held on:

16 August 2006

6 September 2006 - Special Meeting

Monday 2 October 2006

8 November 2006

13 December 2006

24 January 2007

7 March 2007

18 April 2007

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Letchworth Committee
5th July 2006

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

6

TITLE OF REPORT: STREET TREE PLANTING IN LETCHWORTH GARDEN CITY

REPORT OF THE STRATEGIC DIRECTOR OF CUSTOMER SERVICES

1. SUMMARY

- 1.1 To update the Committee on street tree planting in the Garden City completed in previous phases.
- 1.2 To make recommendations for a fourth phase of tree planting to be undertaken next winter.

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 A report was placed before the Committee on 3rd November 2004 which outlined the position on street tree planting in Letchworth Garden City. The report informed Members of the importance of trees in the townscape and detailed many of the factors to be considered when planting highway trees in a modern environment.
- 3.2 At its meeting on 9th November 2005, the Committee agreed a sum of £15,000 to be allocated from its Visioning Budget for new street planting and including sums for young tree maintenance and extra irrigation if required. Additional sponsorship funding was obtained from North Hertfordshire Homes (£5,000) and Howard Cottage Housing Association (£600)
- 3.3 Details of the roads and tree numbers planted in previous phases to date are given in Appendix A.

4. CONSIDERATIONS

- 4.1 Your Chairman has requested this report to allow Members to consider funding further street planting for next winter. A provisional planting programme has been prepared and is outlined under Appendix B. The lists of roads have evolved from last year's report.
- 4.2 The ongoing planting of street trees will gradually increase the Council's maintenance liabilities for many years into the future if the present agency agreement with the County Council for environmental maintenance of the public highway continues. It is important that the Committee recognises this commitment if the trees are to reach maturity and fulfil longer term expectations.

- 4.3 There are numerous roads within the town with trees planted as part of past schemes. The trees in these roads vary in age from young to early maturity. As a result of continuing mature tree losses over the years and some young tree failures, many of these roads have gaps which need extra planting to maintain the avenue effect. This is an important aspect of tree maintenance and one of the recommendations in this report is to allocate funding to gap-up these roads.
- 4.4 The consultation procedures adopted last year contributed significantly to a generally trouble-free planting operation in each road. Therefore, similar procedures would be undertaken prior to planting this year.

5. LEGAL IMPLICATIONS

- 5.1 The Council's current agency agreement with the County Council for environmental maintenance of the public highway in the four towns is renewed annually. Under this agreement, the Council is authorised to plant trees within the curtilage of the public highway provided appropriate consultations are undertaken with the County Council's Hertfordshire Highways (the Highway Authority).

6.0 FINANCIAL AND RISK IMPLICATIONS

- 6.1 Details of estimated costs for tree planting during the 2006/2007 winter season are given under Appendix B. It has been assumed that the Committee may wish to consider allocating up to £15,000 in line with last year's funding.
- 6.2 Both the County and District Councils currently contribute budgets for street tree maintenance. The budgets for the 2006/2007 year are £10,440 and £26,180 respectively. The County's budget is strictly for urgent and essential maintenance only. Over recent years the District's budget has also been needed primarily for essential and higher priority general maintenance. If significant numbers of new trees are planted over coming years, it is likely that costs will increase for their maintenance. These will have to be absorbed from within existing budgets or alternative sources of revenue found.
- 6.3 Additional funding from sponsors will be sought again this year. It is hoped that last year's sponsors and the Letchworth Garden City Heritage Foundation will be prepared to consider providing funding for more tree planting in the Garden City. A provisional sum of £5,400 has been included in the planting costs outlined in Appendix B.
- 6.4 The Letchworth Garden City Council has offered a provisional sum of £900 to plant additional trees in Rowan Crescent.
- 6.5 Safe procedures need to be adopted prior to and during the planting operation to minimise the risk of injury and damage. These procedures are covered by contract conditions, consultation with other parties and site inspections. Highway trees can be a cause of danger, damage and nuisance and these risks cannot be entirely eliminated. The risks can be reduced by the judicious choice of tree type, location, planned inspections and regular maintenance. There is no perfect street tree, however, and the need for variety and interest is an important consideration when selecting suitable species. The risks from trees in the District has been identified as risk number 99 on the Risk Register.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 Existing staffing and work load levels will limit the amount of new planting which can be accommodated each winter. It should be possible to undertake a similar quantity of planting works to last year within existing staff resources.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS.

- 8.1 Hertfordshire County Council – Consultation with Hertfordshire Highways over various aspects of the proposed planting.
- 8.2 Potential sponsors – The Letchworth Garden City Heritage Foundation, North Hertfordshire Homes and The Howard Cottage Society have been approached.
- 8.3 Letchworth Garden City Council - A copy of the draft report was sent for information and comment, and an invitation to sponsor additional planting (see 6.4).
- 8.4 Residents in roads under List 1 in Appendix B will be consulted for their views and statutory undertakers asked for plans of their services prior to planting.

9. RECOMMENDATIONS

- 9.1 That the Committee considers allocating funds from its Visioning Money for new street planting in the roads recommended under list 1 in Appendix B.
- 9.2 That a proportion of any allocated funds be used to plant trees in previously planted roads in list 2 of Appendix B.
- 9.3 The above allocation to include £1,500 for ongoing young tree maintenance and £1,500 for additional watering during the summer of 2007.
- 9.4 To utilise any additional funding which may be forthcoming from other sources to supplement the funding at the agreed sites.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To identify and utilise the resources currently available for new street tree planting and aftercare.
- 10.2 To maintain the street planting initiative of the past three years.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 None on this occasion.

12. APPENDICES

- 12.1 Appendix A – Details of Street Planting to date.
- 12.2 Appendix B – Recommendations for Street Planting Works during the 2006/2007 winter.

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14. BACKGROUND PAPERS

- 14.1 Report to The Cabinet on 20th May 2003
- 14.2 Reports to The Letchworth Committee on 3rd November 2004 and 9th November 2005
- 14.3 Formal agency agreement with the Hertfordshire County Council for the environmental maintenance of highways.

APPENDIX A

Details of Previous Phase Planting

Streets and Tree Numbers Planted in Previous Phases.

Tree numbers are shown in brackets

2003/04

Whitethorn Lane (22)
Budget allocation - £2,390.

2004/05

Grange Road (18), Highfield (23), and Wheathill(26).
Budget allocation - £8,000.

2005/06

Main planting:

Abbotts Road (18), Cowslip Hill (7- uncompleted), Gaunts Way (41), Redhoods Way West (17), Southfields – east section (18).

Gapping-up:

Norton Way South- south section (7), Pixmore Way – east section (7).
Budget allocation - £15,000 plus £5,600 sponsorship.

APPENDIX B

Details of Streets and Cost for Tree Planting Next Winter

Roads under list 1 are known to have numerous gaps in their existing tree avenues. The roads in list 2 will benefit from gapping-up. The approximate number of new trees needed to complete each avenue is shown in brackets and the estimated costs are based on £150 per tree. These costs may vary depending on tree species, size and the need for tree guards. It should be possible to plant around 7 trees per £1,000 of funding. These lists are not exhaustive.

List 1 – Roads recommended for re-planting:

Cowslip Hill (15) – partially planted in year 2005/06.	Estimated cost	£2,250
Kimberley (12)	Estimated cost	£1,800
Meadow Way (8) – west section	Estimated cost	£1,200
Meadow Way (11) – east section	Estimated cost	<u>£1,650</u>
		£6,900

List 2 – Roads recommended for gapping-up:

Hawthorn Hill (11)	Estimated cost	£1,650
Lawrence Avenue (6)	Estimated cost	£ 900
Longmead (3)	Estimated cost	£ 450
Redhoods Way East (4)	Estimated cost	£ 600
Rowan Crescent (6)	Estimated cost	£ 900
- sponsorship offer from L.G.C.Council		
Whitethorn Lane (2)	Estimated cost	<u>£ 300</u>
		£4,800
Additional allocation for young tree maintenance and extra watering	Estimated cost	£3,000

SUMMARY OF ESTIMATES:

Replanting three roads	Estimated cost	£6,800
Gapping-up six roads	Estimated cost	£4,800
Maintenance/watering	Estimated cost	<u>£3,000</u>
	Total	£14,700

Additional roads if funding available:

Northfields (23)	Estimated cost	£3,450
Saffron Hill (13)	Estimated cost	<u>£1,950</u>
		£5,400

TITLE OF REPORT: NORTH HERTFORDSHIRE DISTRICT COUNCIL'S PUBLIC CONVENIENCES

REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES

1. SUMMARY

- 1.1 For Members to note the strategic decision from Cabinet for the North Hertfordshire District Council's Public Conveniences.
- 1.2 To inform Members of the type of internal equipment that will be used in the Public Conveniences.

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 the 1st March 2005.

3. BACKGROUND

- 3.1 The consultants presented their options appraisal to Cabinet in May 06, this is attached as appendix 1, the following was resolved: -

RESOLVED:

- (1) That, in respect of the proposed Capital improvements to the Public Conveniences, Option 2, as detailed in section 5 of the report, be agreed, subject to the following amendments:-
 - (i) addition of the proposal for improvements to the Hitchin Arcade Public Conveniences, in lieu of the proposed new units for Market Place Square, Hitchin and Mosses Corner, Hitchin, but at the same overall cost of 226,000;
 - (ii) substitution of refurbishment works of £15,000 contained in Option 3 for the The Cross, Royston for the £44,000 scheme contained in Option 2;
- (2) That Contract Standing Orders be waived to allow Danfo to be the supplier of the new facilities, with the waiver being justified in terms of the nature of the works and overall quality required, as stipulated in Contract Standing Orders 10.2 (a) and (d), and as referred to in appendix 1b of the consultant's report;
- (3) That Contract Standing Orders be waived to permit a single tender for the cleaning and maintenance of the public conveniences up until the completion of the capital works programme, with the waiver being justified

as being in the Council's overall interest to provide a better quality of service at a reduced cost, as stipulated in Contract Standing Order 10.2 (d);

- (4) That those public conveniences identified for closure, as identified in Option 2 in section 5 of the report, and with the exception of the Hitchin Arcade, be closed by no later than March 2007, and that Hitchin Bancroft be closed once the Hitchin Arcade works are completed and the facility open;
- (5) That consultation take place with area committees regarding the location and the external design of the new facilities, where appropriate, and where this is not the case the reports being for information only, with Members being reminded of the need to take account of the requirements of the Council's Planning Code of Practice, as outlined in paragraph 6.3 of the report to Cabinet.
- (6) That the comments of the Scrutiny Committee be noted.

4. LETCHWORTH FACILITIES

- 4.1 The following table shows the work that will be undertaken in Letchworth. The consultants' report provides the detail of each proposal on pages 25-29 of appendix 1.

Location	Description of work	Capital work
The Arena	Close	
Howard Park	Refurbish existing units and install locking doors.	time £ 93,500
Total		£ 93,500

- 4.2 Page 42 of the consultants' report provides examples of the type of internal equipment that will be used; this is to demonstrate the quality of the product that the Council is aiming to achieve.
- 4.3 The project will have to be carefully managed to ensure that other facilities are available within the town when the work is being undertaken. Therefore, it is important that the programming of work is included as part of the tender evaluation process.
- 4.4 Currently, the Council has a contractor that undertakes the maintenance and another contractor that undertakes the cleaning arrangements. To improve the quality of both roles, Cabinet has agreed that Contract Standing Orders be waived to enable the Council to appoint a single contract to undertake the work whilst the capital programme is being carried out, as stated in paragraph 3.1 (3) of this report.

5. PLANNING REQUIREMENTS

- 5.1 Part 12 Development by Local Authorities, of the Town and Country Planning (General Permitted Development) Order 1995 explains that the District does not require planning permission for the facilities outlined in this report.
- 5.2 Although the facility in Letchworth will not require planning application, officers and the consultants will work closely with the planning department to ensure that the final design is in keeping with the area, as the facility is located in a Grade II English Heritage Register Parks and Gardens of Special Historic Interest.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 At June 06 Cabinet was presented with the capital options; they approved the money that is required to undertake the necessary improvements which is shown in the table in section 4 of this report.

7. LEGAL IMPLICATIONS

- 7.1 The Council has the power to provide public conveniences in proper and convenient situations by section 87 of the Public Health Act 1936.

8. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

- 8.1 None.

9. RECOMMENDATIONS

- 9.1 For Members of Letchworth Area Committee to note the strategic decision from Cabinet for the North Hertfordshire District Council's Public Conveniences, as stated in paragraph 3.1.

10. REASON FOR RECOMMENDATIONS

- 10.1 To ensure the delivery of project objectives.

11. APPENDICES

- 11.1 Appendix 1 - A report on a possible strategy for improvements to the provision of public conveniences in North Hertfordshire (Inkpen Downie) .
This document is attached as a separate volume to the agenda. Further copies are available from Committee & Member Services on request.

12. CONTACT OFFICERS

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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 8
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REFERRAL FROM NORTH HERTFORDSHIRE HIGHWAYS PARTNERSHIP JOINT MEMBER PANEL – 24 APRIL 2006 - NHHP DISCRETIONARY BUDGET PROJECTS 2007/2008

In accordance with Minute 57 of the meeting of the North Hertfordshire Highways Partnership Joint Member Panel (attached), the Committee are invited to put forward suggestions for schemes to be funded from the Panel's 2007/2008 Discretionary Budget.

Schemes could be minuted at this evening's meeting, or put forward in writing to Steve Greenhill, the North Hertfordshire District Manager (Hertfordshire Highways) or the Committee & Member Services team.

NORTH HERTFORDSHIRE HIGHWAYS PARTNERSHIP – JOINT MEMBER PANEL

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City
at 7.30 p.m. on Monday, 24 April 2006**

57. THE JOINT MEMBER PANEL DISCRETIONARY BUDGET

The NHDM reminded the JMP of the themes for 2006-2007 as agreed at the meeting held on 30 January 2006 (Minute 43 refers) and next provided an update on the projects for 2006-2007 as follows; Royston Town Centre lighting – Phase 2; Vehicle activated signs; The Causeway and Police Row, Therfield; Norton Way, Letchworth; Town Centre enhancements; Additional street lighting in Kimpton; Improved lighting in Codicote; Street signing review in Letchworth; Traffic calming adjacent to Oughtonhead Primary School in Hitchin; Vehicle activated signs in Pixmore Way, Letchworth and High Street, Codicote; and Street Scene enhancement in Howard Drive, Letchworth

The JMP noted the projects for 2006 – 2007as follows: Street signing in Letchworth; Enhanced maintenance of Letchworth Town Centre; Additional street lighting at bury Plantation Footpath in Royston; Vehicle activated signs in Wymondley Road, Hitchin and in Willian Village.

The NHDM advised the JMP on the Design and Construction aspects of all Hertfordshire Highways Schemes and with particular reference to North Hertfordshire and invited the JMP to submit schemes in order to work up cost estimates well in advance of submittal to the next Discretionary Budget. The JMP noted the caveat expressed by the NHDM in that schemes had to be simple and as design fees can be very expensive and take up large tracts of the budget.

RESOLVED:

- (1) That the update on the schemes in 2005-2006 be noted;
- (2) That the additional schemes proposed for 2006-2007 as identified in Paragraph 5.4 to the report be agreed;
- (3) That members of the JMP be requested to put forward schemes via the Chief Engineer at NHDC;
- (4) That each of the five Area Committees be requested at the meetings scheduled for July 2006 to put forward schemes for the 2007-2008 JMP Discretionary Budget;
- (5) That the North Herts District Manager be requested to take note of the following schemes and make preliminary costings:
 - (a) Convert the pedestrian crossing at Broadway (adjacent to Morrisons supermarket) in Letchworth Garden City to a Pelican crossing;
 - (b) Change the phasing at the Pelican crossing at Paynes Park (adjacent to Lairage Car Park) to give more time to pedestrians;
 - (c) Provide a pedestrian phase to the traffic light control at Cadwell Lane, Hitchin;
 - (d) Provide a pedestrian phase to the traffic light control at junction of A505 and A507 in Baldock.

REASON FOR DECISION:

To ensure that the JMP are updated regularly on scheme progress and allocate funding from the 2006/2007 Discretionary Budget for agreed themes.

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TITLE OF REPORT: ICKNIELD WAY, LETCHWORTH DEPOT

REPORT OF THE HEAD OF FINANCIAL SERVICES

1. SUMMARY

- 1.1 To seek the Committee's views on the possible disposal and residential redevelopment of the former Icknield Way housing depot prior to its consideration by the Cabinet on 25th July 2006

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 the 1st October 2004.

3. BACKGROUND

- 3.1 As part of the housing stock transfer arrangements, the Council provided North Hertfordshire Homes (NHH) with a site in Blackhorse Road, Letchworth for the construction of a new housing repair and maintenance depot. At the time when stock transfer took place the proposed new depot was still at the final design stage so NHH continued using the Icknield Way depot under a short term lease until it transferred the whole of its housing maintenance operations to its new depot in 2005.

- 3.2 Transfer of the housing maintenance operation from the Icknield Way depot to a new depot formed an integral part of the stock transfer discussions during the two year period leading up to stock transfer on the 31st March 2003. Progress regarding this arrangement and the prospect of a subsequent housing redevelopment on the Icknield Way depot was reported to Cabinet but, at the time, no formal recommendation was made to declare the land surplus to requirement. Consequently, although it was generally understood that the land would eventually become available for residential redevelopment, no formal decision has been taken by Cabinet regarding this course of action. Accordingly, a report recommending that the site be declared surplus to requirement, so that it can be disposed of for residential development on the open market, will be submitted for consideration to Cabinet on 25th July 2006. The purpose of this report is therefore to seek the Committee's views on this proposal prior to its consideration by Cabinet.

4. PLANNING ISSUES

- 4.1 Policy comments on the possible re-development of the former Council depot in Icknield Way, Letchworth indicate that there is no objection to the principle of redeveloping this site for residential use. Whilst the site's former use was that of a housing and waste depot, it is allocated as being within a residential area under the current Local Plan. In this location a density in the range 35 to 75 dwellings per hectare could be appropriate, in accordance with the draft Planning Policy Statement 3: Housing, subject to satisfactory design. However, the proximity of the

site to the railway means that Policy 53 on noise from railways may have the effect of reducing the capacity of the site.

- 4.2 Consideration will also need to be given to the relationship between the site and the adjoining industrial buildings to the west. There is also a footpath along the western boundary of the site which is a pedestrian continuation of Dunhams Lane, which should also be respected.
- 4.3 If more than 20 dwellings are proposed, an element of affordable housing should be provided, in accordance with Policy 29a.

5. LEGAL IMPLICATIONS

- 5.1 NHDC owns 0.19 acres approx freehold at the narrow eastern end of the site (no covenants on this area). The remaining 2.35 acres are leased by NHDC from the Letchworth Garden City Heritage Foundation (LGCHF) on a 999 year term from 24.6.1920 at a fixed ground rental of £92.10 per annum exclusive. The permitted use under the leases (733 square yards were added in 1963) is restricted to “a house refuse pulveriser and depot only and for no other purpose except by the prior consent in writing of the Company“ (now LGCHF). Accordingly, in order to release and realise the potential capital value of the land for residential re-development, the two parties are reliant upon each other in order to obtain the change of use, market the land and share the net proceeds.
- 5.2 Although there is ODPM consent for disposal at an undervalue not exceeding £2,000,000 it is understood that this site would be marketed by NHDC and LGCHF with a view to securing the highest possible return for residential development.
- 5.3 It would be desirable for NHDC and LGCHF to have agreed in writing the basis of marketing and split of the proceeds before securing planning consent (outline or detailed) and marketing the site.

6. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 6.1 Capital required to finance the Council's programme of capital works is dependent upon a number of land sales, a particularly significant one being the disposal of the Icknield Way depot.

7. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 7.1 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”.*
- 7.2 The Ward members for Letchworth East (Councillors Mrs Lorna Kercher, Michael Patterson and Mrs Diane Proudlove) have been consulted on the proposals outlined in this report. To date no adverse comments have been received.

8. APPENDICES

- 8.1 Appendix A -. Plan of the Icknield Way depot.

9. RECOMMENDATIONS

- 9.1 It is recommended that, as part of the consultation process, the Committee gives its views to Cabinet on the proposed disposal of the Icknield Way depot for residential development.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To enable Cabinet to be made aware of the Committee's views regarding disposal of this site.

11. CONTACT OFFICERS

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12. BACKGROUND PAPERS

- 12.1 Estates files and Local Plans

TITLE OF REPORT: CHAMPION NEWS

REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES

1. PURPOSE OF REPORT

- 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 THE FORWARD PLAN

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

3. PROJECT/ACTIVITY/SCHEME DETAILS

3.1 SK8 school

The Skateboard Instructors Course started on 7th June 2006 and is being attended by over 10 pupils. Articles and photographs of the practical sessions at Norton Skate park have appeared in the local press.

3.2 Grange Youth Wing

Refurbishment is nearing completion and the Youth Service is recruiting two sets of youth workers to assist the volunteers. Administration work is currently being undertaken to form a management committee.

3.3 Jackmans Youth Club

The CDO and Headteacher from Lannock school are looking for provision of a after-school club / drop-in centre for the Jackmans estate. A suitable building has been identified within the school boundary and a proposal with costings is being put together. Other agencies such as the Extended Schools Consortium, CSF, North Herts College and the Youth Service are interested in this scheme. A detailed proposal will be brought to committee when completed.

3.4 Jackmans Library

There was a well-attended public meeting at the library on May 31st 2006 with representatives from the District Council library service who gave a short talk and took questions from the floor. There were a number of concerns from the public especially over the level of service that could be expected from a mobile library which is could replace the facility.

There were requests to delay any decision for a few months until there were more details available about the Ivel Court redevelopment. The County officers assured the public that all comments and suggestions would be taken into consideration in their reports to Panel and Cabinet in July 2006.

3.5 Grange Regeneration

Groundwork UK have conducted a questionnaire of all households on the Grange Estate over preferences for the community park and gardens. There was a 14% response which is considered to be very good for these types of surveys. Results are now being processed and will be fed into the plan which will now be drawn up. The target for completion is the end of this year with an official opening in March 2007.

3.6 Broadway Gardens Event

Plans are well underway for the summer event in Broadway Gardens on the 22 - 23rd July 2006. There will be a main stage in the gardens on Saturday with a variety of national and local music acts including rock, acoustic, rap and hip-hop. A fairground will also be sited in the garden and there will be community and retail stalls around the Garden and Broadway Walk.

A European market is planned for Eastcheap on the Saturday and Sunday with stalls representing many countries including France, Poland and Italy.

3.7 Skateboard Event Days

The first Skate day at the Grange junior school was a great success with skateboarders and in-line skaters enjoying a very hot day of competitions and events.

3.8 Summer Play Provision

The following information has been provided by the Children's Services Team; The Letchworth summer -play provision is as follows:

- 2 weeks of playzones running in Letchworth at St Nicholas and Lannock school.
- Children aged 5-11 will have the opportunity to participate in a number of activities each week including Football, Dance and Drama, Fruit madness and Art workshops.

- As well as the playzones we are running Out 2 Play sessions over the 4 week holiday period, these will run at Jackmans recreation ground, the Grange recreation ground and Norton common.
- Out 2 play sessions are free open access play opportunities and include a variety of activities including cricket, football, skipping, and art and craft activities. Sessions last for 1 hour 30 min will visit each site once a week and are open for children aged 5-13.

4. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 4.1 Members will be kept informed of future developments through Champion News reports.

5. RECOMMENDATIONS

- 5.1 That the Committee endorses the actions taken by the Community Development Officer to promote greater community capacity and well - being for the Letchworth Garden City community.

CONTACT OFFICER

Andy Graham
Community Development Officer (Letchworth Area)
(01462) 474225
7789 033211 (Mob)

Rachel Ansbro (playscheme information)
Play Project Worker
(01462) 474838.

TITLE OF REPORT: ANNUAL GRANTS AND DEVELOPMENT DISCRETIONARY BUDGET 2006/7

REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To advise members on the current expenditure and balance of the Area Committee's delegated funds.

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. STATEMENT OF COMMITTEE DELEGATED BUDGETS 2006/7

- 3.1 A current statement of area committee expenditure is attached as appendix 1 to this report.
- 3.1 There are no small grants in this report.

4. LEGAL IMPLICATIONS

- 4.1 The Committee has delegated powers to administer funds from the budgets described.
- 4.2 There are no other legal implications pertinent to this report.

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 5.1 There are no human resource implications associated with this report

6. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS (If appropriate)

- 6.1 Ward members have been consulted on appropriate awards on an ongoing basis.

7. RECOMMENDATIONS

- 7.1 That this Committee note the current expenditure and balance of the Development Budget.

8. REASONS FOR RECOMMENDATIONS

- 8.1 This report is intended to inform Members of the financial resources available to this Committee. It draws attention to the current budgetary situation, assists in the effective financial management of the area Committee's budget and ensures actions are performed within the Authority's Financial Regulations and the guidance contained in the Grants procedure.
- 8.2 The awarding of financial assistance to voluntary organisations and the use of discretionary spending allows the Committee to further the aims and strategic priorities of the Council.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 Not applicable

10. APPENDIX

- 10.1 Appendix 1 - Statement of Committee Budgets.

11. CONTACT OFFICERS

- 11.1 Andy Graham Community Development Officer (Letchworth) (x4225)
Steve Smither Leisure and Community Development Accountant (x4566)

Letchworth Budget 2006/07

<u>SUMMARY/ TOTALS</u>	<u>Funding</u>	<u>Allocated</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>					
Visioning	£190,160	£59,730	£18,886	£40,844	£130,430					
Jackmans Improvement	£2,828	£0	£0	£0	£2,828					
Other Allocated Funds	£5,000	£5,000	£0	£5,000	£0					
Small Area Grants	£13,470	£4,680	£500	£4,180	£8,790					
Discretionary	£39,248	£22,640	£6,056	£16,726	£16,608					
General Town Centre	£24,430	£22,500	£0	£22,500	£1,930					
Total	£275,136	£114,550	£25,442	£89,250	£160,586					

<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>Unallocated</u>	<u>Comments</u>
Preallocated Funds Brought Forward from 05/06 - Main Visioning Budget	£20,730	2004/2005	5 Recycling Litter Bins	£7,030	10.03.04 & 06.07.05 & 28.09.05	£3,030	£4,000		Awaiting LGCHF Street Scene Survey
		2004/2005	Southern Way Landscaping Project	£3,200	3.11.04	£0	£3,200		
		2004/2005	Pedestrian phaseing	£5,000	22.09.04	£0	£5,000		
		2005/2006	Grange Regeneration Group	£500	09.11.05	£0	£500		
		2005/2006	Skate Board Events	£5,000	08.03.06	£5,000	£0		
Preallocated Funds Brought Forward from 05/06 - Area Visioning Budget	£39,000	2004/2005	Youth Council	£2,000	22.12.04	£0	£2,000		
		2005/2006	Course for Skateboard Tutors	£5,000	28.09.05	£0	£5,000		
		2005/2006	Tree Planting - Various Sites	£15,000	09.11.05	£5,973	£9,027		
		2005/2006	Grange Youth Wing	£10,000	14.12.05	£4,883	£5,117		
		2005/2006	Norton Road Speed Calming	£5,000	14.12.05	£0	£5,000		
		2005/2006	Jackmans Youth Shelter	£2,000	14.12.05	£0	£2,000		
Visioning Community Projects (C/F 2005/06)	£10,330								
Capital Visioning	£120,100								
Total	£190,160			£59,730		£18,886	£40,844	£130,430	

JACKMAN'S IMPROVEMENT	Funding		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Brought forward	£2,828								
Total	£2,828			£0		£0	£0	£2,828	

OTHER ALLOCATED FUNDS	Funding		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Pre allocated funds Brought Forward from 2005/06	£5,000		LGC Eagles Football Club	£5,000	10.12.03	£0	£5,000		Work in Progress
Total	£5,000			£5,000		£0	£5,000	£0	

DEVELOPMENT BUDGETS

SMALL AREA GRANTS	Funding		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Base Budget 06/07	£13,470		Royal Naval Association	£750	19.04.06	£0	£750		
			Letchworth Tennis Club	£300	19.04.06	£300	£0		
			Letchworth Lions Club	£200	19.04.06	£200	£0		
			Letchworth Festival	£2,500	19.04.06	0	£2,500		Money transferred to new Letchworth Festival budget code
			Letchworth Outdoor Pool - additional opening hours	£930	24.05.06	0	£930		
Total	£13,470			£4,680		£500	£4,180	£8,790	

Discretionary Budgets	Funding		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Preallocated Funds Brought Forward from 05/06	£16,140		CCTV Temple Rec Ground	£5,500	25.05.05	£4,284	£1,216		
Less Overspend - Bench at Temple Gardens	-£142		Bench at Temple Gardens Recreation Ground	£630	14.12.05	£772	£0		Overspent by £142
			Speed Activated Sign in Willian	£1,000	08.03.06	£1,000	£0		
			Hanging Baskets/Planters	£9,010	08.03.06	£0	£9,010		
Base Budget 06/07	£23,250		Letchworth Festival	£2,500	19.04.06	£0	£2,500		Money transferred to new Letchworth Festival budget code
			Letchworth Outdoor Pool - additional opening hours	£4,000	24.05.06	£0	£4,000		
Total	£39,248			£22,640		£6,056	£16,726	£16,608	

GENERAL (TOWN CENTRE)	Funding		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Preallocated Funds Brought Forward from 05/06	£15,000		LGC Arts Partnership	£15,000	25.05.05	£0	£15,000		Money transferred to LGC Arts Partnership code (1416 013)
Base Budget 06/07	£9,430		Letchworth Festival	£7,500	19.04.06	£0	£7,500		Money transferred to new Letchworth Festival budget code
Total	£24,430			£22,500		£0	£22,500	£1,930	

TITLE OF REPORT: PLANNING APPLICATIONS

REPORT OF THE HEAD OF PLANNING & 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.	06/00845/ 1	39 Pasture Road, Letchworth Garden City, SG6 3LR Outline Planning Permission : 4 detached dwellings following demolition of existing dwelling and formation of new access (design, external appearance and landscaping reserved).	Simon Ellis 01462 474264	27
2.	06/00020/ 1	Land adjoining 21 Leys Avenue (W H Smith), Letchworth Garden City, SG6 Erection of 3 storey building comprising a new retail unit and associated facilities on the ground floor with 6 flats above, 6 car parking spaces in rear service yard and ancillary works, following demolition of existing single storey outbuilding; realignment of part of Leys Avenue and new hard landscaping to Leys Square.	Alan Breckon 01462 474233	35
3.	06/00050/ 1	Barn and Coach House at Punchardon Hall, Willian, Willian, SG6 2 AE Conversion of barn into 4 bedroom independent dwelling with car port and associated landscaping; Conversion of existing Coach House into 4 bedroom dwelling with summer house and associated landscaping.	Alan Breckon 01462 474233	47

4.	06/00051/ 1LB	<p>Barn and Coach House at Punchardon Hall, Willian, Willian, SG6 2 AE</p> <p>Conversion of barn into 4 bedroom dwelling with car port; conversion of existing Coach House into 4 bedroom dwelling with summer house; erection of detached garage, car port and storage building for converted Coach House and existing dwelling</p>	<p>Alan Breckon 01462 474233</p>	55
5.	06/00824/ 1HH	<p>251 Icknield Way, Letchworth Garden City, SG6 4UE</p> <p>Erection of single storey side extension; erection of single storey rear conservatory and erection of first floor rear extension and rear dormer dormer window in conjunction with the conversion of the loft space to form habitable accommodation. Demolition of garage and the erection of a garage/sunroom building. (Revision of Planning Application Ref No 04/00719/1HH granted permission on 28 June 2006).</p>	<p>James Gran 01462 474443</p>	59

ITEM NO: 1	<u>Location:</u>	39 Pasture Road, Letchworth Garden City, SG6 3LR
	<u>Applicant:</u>	Mr & Mrs B Palmer
	<u>Proposal:</u>	Outline Planning Permission : 4 detached dwellings following demolition of existing dwelling and formation of new access (design, external appearance and landscaping reserved).
	<u>Ref.No:</u>	06/00845/ 1
	<u>Officer:</u>	Simon Ellis 01462 474264

Date of expiry of statutory period : 17 July 2006

Reason for Referral to Committee

The application site area at over 0.5ha requires that an application for residential development must be reported to the Committee under the Council's rules of delegation.

1.0 Relevant History

1.1 None relevant.

2.0 Policies

2.1 Central Government Policy Guidance:

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'
 Planning Policy Guidance note (PPG) 2 'Green Belts'
 Planning Policy Guidance note (PPG) 3 'Housing'
Draft Planning Policy Statement (PPS) 3 'Housing'

2.2 Hertfordshire Structure Plan Review 1991-2011:

Policy 1 'Sustainable Development'
 Policy 25 'Car Parking' (and adopted supplementary planning guidance)

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

Policy 1 'Pattern and Character of North Hertfordshire'
 Policy 8 'Development in Towns'
 Policy 21 'Landscape and Open Space Patterns in Towns'
 Policy 57 'Residential Guidelines and Standards'
 Policy 58 'Letchworth Garden City Design Principles'

3.0 Representations

3.1 Hertfordshire County Council (Highways):

Nothing received at the time of writing, any comments received to be reported orally.

3.2 Council's Arboricultural Officer:

Nothing received at the time of writing, any comments received to be reported orally.

3.3 **Letchworth Town Council:**

Objects and has supported that objection with the following comments:

"It was suggested that the boundaries of the Conservation Area in this locality had been changed without any local knowledge (a matter which the Council will investigate). Five local residents presented their strong objections on the grounds that these proposals:

- were not in keeping with the designs existing in the street
- represented an overdevelopment of the site
- could establish an undesirable precedent
- were detrimental to the overall design concept of Letchworth Garden City
- would be detrimental to existing trees
- would be detrimental to the amenities of neighbouring properties
- would increase traffic flows in an area already suffering from traffic problems
- would incur problems of overlooking
- would encourage the intrusion of golf balls from the adjacent golf course
- were not mathematically correct, in that the metric/imperial conversion factors were wrong
- suggested no good reason for the demolition of a satisfactory established property and
- conflicted with the original design concept of 'one plot - one house' for this area"

3.4 At the time of preparing this report a total of 29 representations have been received from residents of properties in **Pasture Road** (Nos. **15, 16, 19, 25, 26, 27, 28, 29, 32, 34, 35, 36, 37, 43, 45, 47, 49, 53, 57, 63, 69, 73, 79, 81, The Coppice and Cosa Mia**), **Garth Road (The Beeches and Dolphin House)** and **21 Manor Way**. One letter has also been received from the occupiers of **No. 65 Pasture Road** confirming that they have no objection to the proposal as set out in the application. Many of the representations are in the form of a standardised letter of objection, and insofar as the concerns raised within it cover those expressed by all of those who oppose this application, I have reproduced the bullet points from it as follows:

"We are writing to strongly oppose the above proposal. We oppose the above development for a number of reasons:

- The development will increase the volume of traffic and noise on Pasture Road. This will be particularly acute when demolition and building work starts taking place.
- The development will set a precedent for other such developments to take place on Pasture Road.
- The building of an access road to the four new houses will create issues for refuse collection due to the confined area.
- The concentration of four new houses in such a small area will change and spoil the character and nature of the Road.

- A number of trees will have to be removed if the development takes place.
- The development will devalue other properties in Pasture Road.
- The development will encourage building on land adjacent to Pasture Road, such as the golf course.
- This development will spoil the unique character of the Road.

We moved into Pasture Road because it is a quiet green area. We believe you will agree that this development will spoil our road and hope you will join us in opposing this development".

Copies of all representations received will, in any event, be available at the meeting should they be needed.

3.5 The Secretary of **Letchworth Golf Club Trust Limited** has written, objecting to the development on behalf of the Trust. He has cited the history and development of the Golf Course and that the club has enjoyed an "incident free relationship" with its neighbours for many years. The Trust's objection to the proposal can be summarised as:

- Layout not compatible with design aspects of houses adjoining the golf course, affecting the view from the course
- Buildings too close to golf course boundary, leading to problems with trees and hedgerows.
- Problems of nuisance would arise, resulting in loss of relationship that has been built up over many years.
- Proximity to course would lead to erection of expensive and unsightly barriers because of "occasional errant golf shot"

The Secretary concludes by suggesting that the proposal would, if permitted, be at the Club's expense and have a negative impact upon the Club, in terms of the continued development and maintenance of the course.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site consists of a detached dwelling and residential curtilage associated with a property known as no. 39 Pasture Road. The site area as stated on the application forms is 0.67ha. The property enjoys a substantial private garden area even when compared to surrounding plots. It is accessed off the end of Pasture Road and the plot envelopes the rear garden of the neighbouring property, no. 37 Pasture Road. The garden is laid to lawn and contains a number of mature trees and substantial hedge screening on all boundaries.

4.1.2 The location of the application site is on the edge of Letchworth Garden City and borders Letchworth Golf Club. The approach to the site along Pasture Road can be characterised as a low density residential environment containing a number of large, detached properties on substantial plots in a well wooded, attractive setting.

4.2 Proposal

- 4.2.1 Outline planning permission is sought for the development of four detached dwellings and the formation of a private access drive off the end of Pasture Road. The matters to be considered at this stage are the siting of buildings and infrastructure and the means of access. The matters reserved are design, external appearance and the landscaping of the site. The proposal would involve the demolition of the existing dwelling on the site, no. 39 Pasture Road.
- 4.2.2 The plans illustrate the siting of the proposed dwellings. One new dwelling is proposed on the Pasture Road frontage. The plans indicate that this dwelling would have a dual aspect frontage onto Pasture Road and the proposed access drive, which would pass further into the site. The three other proposed dwellings would be laid out in a courtyard form towards the rear boundary of the site. The plans illustrate substantial detached garages, footpaths, vehicular parking and turning areas. Detail on boundary treatment is limited, indicating a separate plot for the proposed dwelling on the frontage. No boundary details are illustrated for the three separate dwellings to the rear of the site.
- 4.2.3 An artistic impression has also been submitted illustrating an idea of the eventual appearance of the proposed dwellings were Members minded to grant outline planning permission. It should however be noted that this illustration is indicative only, since matters of design and external appearance are reserved for future consideration.

4.3 Key Issues

- 4.3.1 The site location is within the urban area as set out on the Proposals Map for Letchworth in the North Hertfordshire District Local Plan. It also borders the Letchworth Conservation Area (as amended 18/12/01). Under the old Conservation Area boundary (as set out in the adopted Local Plan Proposals Map), part of this site was within the Letchworth Conservation Area. The Conservation Area boundary in the revised position now runs along the rear boundary of properties fronting Garth Road, known as 'The Beeches' and 'Dolphin House'. In terms of the Development Plan however, the whole of the application is within an area where Policy 21 'Landscape and Open Space Pattern' of the North Hertfordshire District Local Plan No. 2 - with Alterations applies. The main aim of this policy is to protect the landscape and open space pattern within towns. In particular, criteria i) of this Policy seeks to protect these spaces *'by normally refusing development proposals which would have a significantly detrimental effect on the character, form, extent and structure of the pattern.'* Adopted Local Plan policies 57 and 58 must also apply to this proposal. As the site adjoins land that lies within the Green Belt to the south of Pasture Road, the advice in Planning Policy Guidance note 2 (Green Belts) relating to development that lies in close proximity to a designated Green Belt is also relevant to this proposal.
- 4.3.2 Taking account of this policy background and the comments received from interested parties referred to above I consider that the main issues to be taken into account in the determination of this planning application are as follows. Whether residential development on this site is acceptable in principle. Whether the siting of proposed dwellings is appropriate taking account of the character of the surrounding landscape and townscape. Whether the development would have an acceptable relationship with neighbouring properties in terms of amenity and traffic impact.

4.3.3 **The Principle of Residential Development**

Central Government guidance contained within PPG3 seeks a more efficient use of land for residential development. The location of new housing should be directed towards existing settlements in order to limit development on greenfield sites. The development plan clearly indicates that the whole of this site is located within the urban area of Letchworth and not in the Metropolitan Green Belt, therefore under PPG3 new residential development on such a site cannot, in my view, be ruled out in principle.

4.3.4 More specific District Local Plan policies, namely policies 21, 57 and 58 refer to matters of design and layout and ensuring that new development preserves established residential patterns and layouts. There is no provision within any of these policies which seeks to resist new residential development within the settlement boundary, in principle. In my mind, therefore, there is no justifiable planning policy grounds to object to a proposal for new residential development on this site, as a matter of principle.

4.3.5 **Development Proposal in relation to Surrounding Character**

Central Government guidance in PPG3 and PPS1 also advises that more efficient, sustainable development should not be at the expense of good design. Indeed, paragraph 34 of PPS1 states that *'Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.'* District Local Plan policies 57 and 58 support this approach to ensuring that the design of new residential development is informed by the wider context.

4.3.6 Notwithstanding the fact that the application presented here reserves matters of design and external appearance, a consideration of the siting of buildings must include an assessment of the how this siting would fit in with the wider context. In particular an assessment needs to be made of the proposed spacing of buildings and layout of infrastructure in relation to the pattern and character of the surrounding area. As is mentioned above, District Local Plan Policy 21 is of particularly relevance in this regard. In my mind, the character and layout of surrounding development is of large dwellings sited on substantial plots in an edge of town environment. The layout of buildings proposed here would spread across the existing garden area and create three new, relatively (in comparison to surrounding plots) small curtilages, and a vast reduction in the size of the existing curtilage. I believe that the siting of the proposed development could be improved to create a pattern of development that is more respectful of the existing open space pattern. For example, the number of proposed dwellings could be reduced to ensure larger gardens and the layout of buildings could be more consolidated, to limit the loss of open space.

4.3.7 Turning to the possible impact on the wider public realm, the site adjoins Letchworth Golf Club. The proposed development would therefore be visible from this public space. In policy terms, the site is adjacent to the Metropolitan Green Belt boundary. Under the heading 'Visual amenity', paragraph 3.15 of PPG2 states that *'the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials of design.'* In my view, the siting of buildings close to the Green Belt boundary (closest building 5m) would in this instance be conspicuous from the Golf Course area (although the application contains no information on the height of proposed buildings), more so than any existing residential development close to the site. In my judgement, the layout of

development proposed here would not maximise the opportunities available to enhance the character of the area (as advised in PPS1) and would undermine the open space pattern of large gardens close to the Green Belt boundary. The proposal therefore conflicts with District Local Plan Policy 21 and paragraph 3.15 of PPG2.

4.3.8 **Impact on amenity**

Notwithstanding my concerns about the intensity of development proposed and the inappropriate siting of buildings in relation to the character of the surrounding landscape and townscape, I am satisfied that the spacing between buildings and overall layout would not harm the amenities enjoyed by occupiers of nearby residential properties. For example, reasonable privacy distances would be maintained and there would be no material loss of daylight or sunlight to surrounding properties.

4.3.9 The proposed access drive would run between a proposed new dwelling and no. 37 Pasture Road. The side boundary of no. 37 is defined by reasonably high and robust fencing and the nearest part of this dwelling would be positioned approximately 10m from the proposed driveway. Taking account of these factors I am satisfied that the proposed access drive would not unduly disturb the living environment at no. 37 through traffic noise and vibration, for example.

4.3.10 Turning to some of the more detailed matters raised by neighbouring residents, I have consulted the Council's arboricultural officer in relation to the inevitable loss of trees that this development would lead to and an up date response from him on this matter will be provided at the meeting. Whilst I can see no problems associated with refuse collection and servicing the site, the comments of Hertfordshire County Council (Highways) are still awaited also. The issue of precedent is not material since it is a well established principle that planning applications must be judged on their own merits.

4.4 **Conclusion**

4.4.1 Taking account of the factors referred to above I am satisfied that outline planning permission should be refused for this particular development proposal. The reason for refusal in my recommendation below is not based on a matter of principle. In my view some form of residential development that is more respectful of the open space pattern and character of the surrounding area could be acceptable on this site. However, in my view, the demonstrable harm that this proposal would cause to the character of the locality in the form of the unacceptable interruption to the character and open space pattern close to the Green Belt boundary and the resultant hardening of the urban edge amounts to a justifiable and sustainable reason for refusing permission for this particular scheme on the application site.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be **REFUSED** for the following reason:

1. In the opinion of the Local Planning Authority, the siting of development proposed in this application would have a significantly detrimental effect on the character, form and extent of the landscape and open space pattern in this locality. The resultant plot sizes would be considerably smaller than surrounding plots, leading to a higher intensity of development than is characteristic of the surrounding area. The spread and footprint of buildings is such that the proposal would lead to a significant reduction in the amount of open space on the site to the detriment of the character of the area. Moreover, the proposed siting suggests that development would be conspicuous from within the Metropolitan Green Belt, the boundary of which adjoins the application site which would therefore prejudice the visual amenity of the Green Belt. As such the proposal directly conflicts with Policy 21 of the North Hertfordshire District Local Plan No. 2 - with Alterations and undermines the objectives of policies 1 and 2 of that document.

ITEM NO: 2	<u>Location:</u>	Land adjoining 21 Leys Avenue (W H Smith), Letchworth Garden City, SG6
	<u>Applicant:</u>	Helical (Letchworth) Ltd
	<u>Proposal:</u>	Erection of 3 storey building comprising a new retail unit and associated facilities on the ground floor with 6 flats above, 6 car parking spaces in rear service yard and ancillary works, following demolition of existing single storey outbuilding; realignment of part of Leys Avenue and new hard landscaping to Leys Square.
	<u>Ref.No:</u>	06/00020/ 1
	<u>Officer:</u>	Alan Breckon 01462 474233

Date of expiry of statutory period : 08 March 2006

13 week major expired 12th April

Reason for Delay

Negotiation upon design aspects and consideration of treatment of Leys Square/central part of Leys Avenue, consequential upon the realignment of Leys Avenue and reduction of 'public' space within the square.

Reason for Referral to Committee

Objection from Garden City Council and application involving development with wider public interest.

1.0 Relevant History

- 1.1 Planning permission was granted in December 2005 for the erection of two replacement retail units on the ground floor (following the demolition of the existing buildings, Nos. 23 and 25 Leys Avenue), with residential on the first, second and third floors, linking into the conversion of Commerce House into residential use, incorporating the addition of a third floor to create a total of 30 dwellings, comprising 15 x 2 bedroom apartments with associated communal facilities and managers office. The development also included the provision of 8 car parking spaces within a service yard behind the units occupied by Boots and Clinton Cards, and the permission was subject to a Section 106 agreement that delivers a sum of £15000 towards sustainable transport measures in Letchworth Town Centre and controls the age limit of occupiers of the residential units.
- 1.2 An application to erect a 3 storey building comprising 2 retail units, with 8 flats above, incorporating an existing residential unit above No. 21 Leys Avenue and alterations to the existing shop unit at No. 21(WH Smith) was WITHDRAWN in September 2005. That application was similar to the one now under consideration in that it involved extending alongside the existing W H Smith premises into Leys Square. It did, however, involve the addition of 2 retail units with a total of 8 dwellings above and unlike this latest proposal, it made no compensatory provision for the 'public' space within the Leys Square that would be reduced as a result of the new development.

2.0 Policies

- 2.1 The site lies within Letchworth Town Centre in the District Local Plan No.2 with Alterations (LTC1) and within an area notated for shopping purposes (LS). It also lies within the heart of the Letchworth Conservation Area, to which the provisions of Policy 20 of the Local Plan apply.

3.0 Representations

- 3.1 The application was publicised on site and in the local press and the occupiers of **17-19, 21B and 25 Leys Avenue** were notified of the original proposal. No representations were received as a direct result of this publicity.

- 3.2 **The Chairman of the Town Centre Partnership** - was notified of the application, having expressed concern at the earlier scheme, and the loss of the open space in Leys Square where events, markets etc. are successfully held on a regular basis.

Having been acquainted with the latest proposal, involving provision being made for an equal, if not greater, amount of space within the square, the Partnership now has no objection, providing the works to the square and Leys Avenue are carried out at the same time as the new development in this application and the Partnership is given sight of detailed plans of the final layout of the square, including street furniture etc.

- 3.3 **Letchworth Garden City Council** - Initially responded by requesting to see detailed plans of new road layout to enable Members "to gauge the reduction in the size of the square and whether the market may still prosper in the locality"

The Garden City Council were provided with copies of the road alignment, the compensatory market stall layout and hardsurfacing principles that now form part of this application and have responded with the following comments:

"Notwithstanding the additional information provided, the Committee was not satisfied that there was not yet any guarantee that the proposed re-alignment will take place. It concluded therefore that it would adhere to its previous decision on this matter and regret the proposed loss of a public amenity"

- 3.4 **Letchworth Garden City Society** - Their Chairman wrote in respect of the original plans confirming that whilst the Society are in agreement that the single storey element of No. 21 Leys Avenue could be replaced by a well designed 3 storey building, that would improve the appearance of the west side of 'Leys Square', the current scheme, with a significantly higher roof height would reduce the appeal of the square.

The society does not believe that the considerably increased footprint is acceptable. The square has developed into a focal point of the town centre, which if anything is a bit small for some of the activities. A reduction would greatly reduce its usefulness, although the Society understood that the area might be increased by a separate scheme, involving re-aligning Leys Avenue.

In design terms, their Chairman felt that the scheme would remove the symmetry of the square, but that it could be preserved by extending above Giles Sports premises, matching the development proposed on the opposite side of Commerce Way.

Upon receipt of the additional information relating to the re-alignment of Leys

Avenue and the associated layout of the 'enlarged' public space, I re notified the Chairman of the Garden City Society and sought the Society's further comments. At the time of preparing this report I have had no response from the Society to this additional information, but will report any further comments orally at the meeting

- 3.5 **Herts County Council, Transportation Planning and Policy** - Do not wish to restrict the grant of permission, subject to the imposition of a number of highway related conditions, informatives and the completion of a Section 106 Agreement designed to secure a financial contribution of £3000 towards sustainable transport measures in the area.

The County Council's Area Officer has assessed the development in terms of traffic generation, car parking and all associated highway aspects, concluding that in view of the "combination of locality, existing transport infrastructure and the monetary contribution towards sustainable transport, the development will not have an unreasonable impact on the safety and operation of the adjoining highways"

Within the Highway Authority's response there is reference to the Passenger Transport Unit's (PTU) recommendation that a number of bus facilities require Disability Discrimination Act improvements, including upgrading existing bus stops and shelters in the vicinity of the town centre and improvements to the rail station forecourt in terms of buses. They also believe that a contribution towards upgrading the cycle storage facilities at Letchworth Rail Station "would be useful".

From what I can deduce from the Highway Authority's comments the sum of £3000 that has been recommended could go towards Passenger Travel improvements, improving pedestrian facilities around the site and facilities for mini cabs or taxis nearby. Members will have noted that the applicants have already agreed to contribute £15000 towards sustainable transport measures from the development of the land and buildings at Nos. 23 and 25 Leys Avenue, on the south side of the square (see 1.1 of this report). Hopefully, in the event of permission being granted for this second phase of the redevelopment around the square, the additional £3000 will be added to the £15000, to create an amount capable of making a significant contribution towards some of the 'improvements' identified by the Highway Authority.

Finally , as far as the Highway Authority's position is concerned, they are aware, and have been involved in discussions relating to the issues arising from the re-alignment of Leys Avenue and have no objections in principle to that proposal, which is, of course, now an integral part of the development embodied in this latest application.

- 3.6 **English Heritage** - Their Historic Areas Advisor made some comments about the design approaches that could be employed to create a new element to the square, that would turn the corner and create a stronger visual link between the W H Smith building and the 1970's Garden Square. The architect has chosen to follow the vocabulary of the original design, but in the view of English Heritage had not fully integrated the authentic elements of the original buildings into his design. There was, it was felt, a lack of strong detailing to windows, chimneys and gables, that is evident in the existing group.

I am pleased to be able to report that the applicant's architect has responded positively to English Heritage's constructive criticism of the original design (albeit that I did not wholly share the view that the original scheme was itself unacceptable). Amended plans that address such details as the verticality of the individual windows and the overall roof form, have, in my view, added value to the design elements of the scheme.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 No. 21 Leys Avenue stands on the south side of the road, at the eastern end of the run of commercial properties between the junction with Eastcheap and the open paved area known as 'Leys Square'. The property has its frontage onto Leys Avenue, but the building turns the corner, around the western side of the square, with the rear section comprising an indifferent group of low buildings, leading into the 1970's Garden Square Shopping Centre.
- 4.1.2 No. 21 is a three storey building, occupied by W H Smith. The ground floor provides sales and storage accommodation. Part of the first floor is used for staff and office accommodation associated with the retail use. The remainder of the first floor provides an entrance area for the residential unit that occupies the whole of the second floor.
- 4.1.3 The single storey buildings at No.21 face the service yard (known as Service Yard 2) behind properties in Eastcheap and Leys Avenue to the south and Leys Square to the east. The majority of them are flat roofed and offer a very weak 'face' to the square, in my view. By contrast, the three storey frontage building is, I feel, of considerable design quality, with brickwork and rendered walls, with plain tiled pitched roofs. The emphasis along this part of the Leys Avenue frontage is strongly vertical with a number of feature gables, and a predominance of double hung sash windows on the upper floors, including some oriels. All are well detailed with wide surrounds. The roofs are steeply pitched and punctuated by substantial brick chimneys. The eastern flank of the main building, whilst not as robustly detailed as the corresponding west flank of the building on the opposite side of the square, now renovated and occupied by 'Surfin Cafe', has some character, but gives way to the indifferent group of low buildings running southward along the west side of the square.
- 4.1.4 To the south of the square lies the side elevation of the Gilesport retail unit and, on the opposite side of Commerce Way Nos. 23 and 25 Leys Avenue, that are scheduled to be demolished and replaced by the redevelopment scheme permitted in 2005. That scheme is identified at para. 1.1 of this report and represents another phase of the applicants overall strategy for enhancing the attractiveness and viability of the Garden Square Shopping Centre.

4.2 Proposal

- 4.2.1 This application is a resubmission of one that was withdrawn in September of last year following concerns expressed about the loss of part Leys Square to new development and the failure in that application to provide any compensatory space in which to accommodate the various retail (markets), leisure, recreational and social activities that presently take place in the square. Following that withdrawal, the applicants have been in discussion and negotiation with the Garden City Heritage Foundation concerning the 'street scene' and overall town centre revitalisation proposals that the Foundation are presently formulating, designed to increase the attractiveness of the town centre. With this in mind, this 'new' application now incorporates within its overall site area, the entire Leys Square open space and that section of Leys Avenue that passes through the square from the front section of Surfin Cafe (No.27) to beyond the W H Smith premises (No.21).

- 4.2.2 The application is supported by a letter from the applicant's agent and a design statement, which combine, in my view, to comprehensively set out all aspects of the proposed development. That being so I have taken the liberty of appending both of these documents to this report, for Members benefit and with apologies for some duplication that appears within them. The details of the actual development are covered in the Design Statement, which also includes reference to the treatment of Leys Square. Subsequent discussions between the applicant's architect and the Consultants engaged by the Heritage Foundation to formulate the 'street scene' improvements within the town centre resulted in the submission of design proposals for and around Leys Square, which have been described in the following manner:

"Drawing 2220LP/27 is the general arrangement for the design concept of the Leys Square. This consists of a shallow platform raised to form a level surface formed out of the natural falls on the site. To the north-east a set of shallow steps would form a feature to this platform with potential for informal seating as well as deter vehicular access. Leys Avenue would be realigned to the north to facilitate the creation of the new Leys Square which will form a focal point to the town centre. Within the new square there would be a "dry" fountain which would be a series of water jets set into the paving which, when operational, would provide visual interest and activity within the square. However, when turned off the surface area occupied by the fountain would be fully accessible to all users. Forming a backdrop to the fountain and regularising Leys Avenue would be an in situ seat which provides opportunities for a south facing, sunny resting place for users of the square.

The specification for paving materials has yet to be defined and would thus be the subject of a planning condition to any approval. The intention is that natural stone will be used throughout the scheme on both carriageways and pedestrian areas.

The design of the vehicular accessible areas would promote a traffic calmed use, reinforced by a 20 mph speed limit and tight geometry to help reinforce low vehicular speeds and pedestrian dominance to the area. The design intent is that the footway and carriageway would be flush or separated by a low kerb through this area.

The resulting useable marketing area we believe compares very favourably with that currently available i.e. the carriageway realignment has allowed adequate compensation for the area lost by the new building, for market and other uses."

- 4.2.3 Details of both the new development and the proposed treatment of Leys Square and its immediate surroundings will be displayed at the meeting, together with any further information upon the Foundation's 'streetscape' proposals that may be available in time for the meeting, for Members information.

4.3 **Key Issues**

- 4.3.1 In my opinion there are three principal issues relating to this proposal, which to some degree could be said to overlap. The first relates to the principle of extending No.21 Leys Avenue into the existing open space that forms Leys Square and the extent to which the reduction in the publicly available space will be compensated by the Foundation's proposals to re-align Leys Avenue and as a direct consequence provide a larger usable area. The second relates to the extent to which these proposals, and specifically the 'streetscape' works might impact upon the strategies that both the Council and the Foundation are currently formulating for the town centre as a whole. The third issue centres upon the physical works involved in the extension and to the Square in relation to the location of the site within the heart of the Letchworth Conservation Area. I now intend to deal with each of these issues

in turn and offer my conclusions upon each of them.

- 4.3.2 **The principle of extending into the square** - When considering the first of the applicants proposals to extend into Leys Square I expressed my concern that by doing so, the attraction and usefulness of the open space within the square would be compromised and that its retail, social, leisure and recreational functions would be likely to suffer accordingly. With this in mind this 'second' application seeks to address this concern and, through discussions with the Heritage Foundation's appointed Urban Design Consultants, plans have been produced that indicate that the available public and functional space within the square can and will be provided. This would be achieved principally through re-aligning Leys Avenue northwards and using the enlarged paved area of the square and pavements in front of W H Smith and Surfin Cafe for the various functions that it presently accommodates. One plan, for example, demonstrates that space will exist for between 35 and 40 Market Stalls, seating and circulation space throughout the square.
- 4.3.3 The present square contains a variety of features, such as seating, trees, landscaping of differing maturity and quality and other street furniture, all of which combine, in my view, to give it a somewhat cluttered appearance, with less flexibility for the variety of events that take place within it. The alternative scheme included as part of this application is designed to 'open-up' the space, by the removal of the existing features and creating a far more open, flexible space, but designed to accommodate all of the retail, social, leisure and recreational activities. This approach, involving the clearance of the existing features might not be to everyone's liking, but I could find nothing inherently wrong with opening up the square, provided that the palette of materials and urban design features were of an exceptionally high standard and quality, including any water features that might be incorporated into the final design.
- 4.3.4 It is with the above in mind, that I have concluded that any fears that I had over the loss of the important public function of Leys Square, at the time of the applicants first submission, have to a large extent been overcome by the work that the Foundation's Consultants have done, and will continue to do, within this revised scheme. Clearly, matters of detail will need to be addressed and considered at the appropriate time, and my recommendation includes conditions designed to ensure that the Authority has the opportunity to keep control over such matters.
- 4.3.5 The timing of the works will also be critical, to ensure that the enlargement of the square, to compensate for the loss from the new building, is undertaken either concurrent with the applicant's building programme or within a short period of time after the completion and opening of the new retail unit, ensuring that any 'loss' of the available space within the square is kept to a minimum.
- 4.3.6 **The relationship between the application and the emerging strategies for the Town Centre as a whole** - It is widely known that both the Council and the Garden City Heritage Foundation are engaged in work upon strategies designed to revitalise and re-shape Letchworth Town Centre. In the case of this Council, that work has involved holding public/stakeholder workshops over the past few months, covering all aspects of the Town Centre, from Land Use and Development Opportunities to Transport and Community Safety Issues. These workshops have been well attended and will be used to inform the eventual strategy for the town centre. A consultant has been engaged to work in house with the Council's Planning Policy and Projects Team and will be responsible for drafting the Letchworth Town Centre Strategy, for presentation to this Committee in early September.

- 4.3.7 The Heritage Foundation has also been widely publicising its proposals to revitalise the town centre, in anticipation of submitting final planning applications later in the year. In addition to examining the Arena Parade and Wynd areas of the town for their redevelopment potential, the Foundation have engaged LDA Design to act as Consultants, whose brief is to examine the existing streetscape of the town centre and produce proposals that support the regeneration of Letchworth as a retail centre, linking the two 'shopping' developments in the Arena and the Wynd areas of the town. Included within their first brief LDA have been asked to ensure that space for markets within Leys Square is not reduced and the design of any street scene improvements has a "contemporary style using high quality, durable materials". LDA are presently working in conjunction with Transport Planning Consultants upon the street scene improvements, including the re-alignment of Leys Avenue, car parking throughout the centre and movement of traffic generally around the town centre road network. The appointment of LDA has meant that they have been able to co-ordinate some of the aspects of their street scene works with this resubmission of the Helical application to build alongside W H Smith and their proposals (albeit in their early stages of design) have been included within this second application.
- 4.3.8 I have given detailed consideration to the extent to which this application and its component parts could be said to prejudice, or impact upon the ongoing work of the Council and Foundation in terms of their respective 'plans' for the Town Centre. Clearly the engagement of LDA, to work with Helical upon the area(s) around the Garden Square Shopping Centre indicate that the Foundation see the two parties and their proposals as complementary to each other, rather than prejudicial. As far as the wider issues are concerned, and those upon which the Council will be focusing as part of its Town Centre Strategy, I can see no inherent difficulty in advancing the Helical development and the works to Leys Square, before either the production of the draft Town Centre strategy or any applications from the Foundation for their larger schemes.
- 4.3.9 Helical have, of course, already carried out work to some of the units within the Shopping Centre and this scheme for the new building alongside WHSmith has been designed in conjunction with the unimplemented permission that they have for the replacement of Nos.23 and 25 Leys Avenue and the retirement units to be created within Commerce House. It is Helical's hope that they will be able to carry out the work around the square in one contract and that the street scene improvement work that is part of this application will also take place concurrent with their building contract. For my part, I would expect the development that is involved in this application to inform, rather than prejudice or undermine the work that the Council is undertaking on the preparation of a Town centre Strategy, and that is also the view of the Consultant engaged to prepare the draft strategy. I have already commented upon the need for appropriate timing conditions to be imposed upon any permission, designed to ensure continuity of the availability of the square, but apart from that, I see no reason why the Council could not favourably determine this application (all other aspects being acceptable) in advance of any other work that is being undertaken by either this Council or the Foundation on plans to revitalise, regenerate or generally improve the quality of Letchworth Town Centre.
- 4.3.10 **The new building work** - I have mentioned earlier in this report the fact that detailed discussions have taken place with the applicant's architect over the style and design of the new building. In my view these discussions and negotiations have resulted in a successful outcome. The new building pays reference to the existing design features of the terrace of units along the southern side of Leys Avenue and links well with the W H Smith unit. The return frontage to the square, linking with the Gilesport unit would, I feel, successfully link with the applicants other phase of development around the square, in design and appearance terms.

- 4.3.11 The three storey building, with a retail unit on the ground floor, with its angled doorway to replicate the existing splay around the W H Smith premises and shop windows facing the square, with two floors of residential units above, would in my view, add significant townscape value to the square, strengthening what I believe to be a very weak element in this part of the centre. The design approach includes subtle variety within the elevations to add interest to the street scene, and to differentiate phases of building. It is, I feel, appropriate to bear in mind that suitable variations were a trademark of the designers of the Garden City. I have concluded that as far as the size, form, scale, design and external appearance of this new building is concerned, there can be no sustainable planning objections.
- 4.3.12 As far as the works to the square are concerned, I can also see no conservation based objection. It will, of course, be necessary to reserve determination of the precise design details by condition. The proposed range of surface materials appears suitably simple, but again these matters, including the form of any seating and water features should, in my opinion, be the subject of conditions requiring details to be submitted and approved, before any work starts upon the square.
- 4.3.13 **Other matters** - Members will note the views of the Highway Authority upon the proposed development, and in particular the fact that their officers have been and will continue to be, involved in the works to Leys Avenue. There have been no objections voiced to the re-alignment of the road, that is part of this application. Six parking spaces are proposed to serve the new residential units and whilst in this very sustainable town centre location this one-for-one provision could be said to be excessive, I see no objection to this element of the scheme.

4.4 **Conclusion**

This application represents another stage in the applicant's investment in the Garden Square Shopping Centre. That it has coincided with work that both the Council and the Heritage Foundation are undertaking throughout the town centre as a whole should, in my opinion, be seen as an opportunity, rather than a disadvantage and that provided the applicant's proposals and the street scene improvement works to Leys Square can be linked in both timing and appearance, and that all of the detailed elements of the scheme can be suitably controlled by way of planning conditions, then I can see no planning objection to any aspect of this re submitted application.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That, in the event of the applicant's first entering into an Agreement under the provisions of Section 106 of the Town and County Planning Act 1990, designed to deliver a financial contribution of £3000 towards sustainable transport measures in Letchworth Town Centre, 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.

4. **Prior to the commencement of any part of the development hereby permitted, full details of all hard and soft landscaping, water features, street furniture and the palette of materials for all of the new surfaces within and around Leys Square shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To safeguard the visual amenities of the part of the Letchworth Conservation Area in which the application site is prominently located.

5. **In addition to the requirements of Condition 4 above and also prior to the commencement of any part of the development hereby permitted, a timescale for the commencement and completion of the works to which condition 4 relates including the realignment of Leys Avenue together with a programme of those works shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the works to Leys Avenue and to Leys Square are carried out and completed within an appropriate timescale, co-ordinated with the completion of the development to which this permission relates and thereafter creating a sufficient and attractive open space area to accommodate replacement retail, social, leisure and recreation activities in this important focal point in the town centre.

6. **Following the written approval of the Local Planning Authority to the timescale for the works referred to in condition 4 above, the retail unit and flats hereby permitted shall not be occupied until such time as a contract has been let for the realignment of Leys Avenue and the resurfacing/redecoration of Leys Square, incorporating the details referred to and approved in accordance with the requirements of condition 5 of this permission.**

Reason: To ensure that the works to Leys Avenue and to Leys Square are carried out and completed within an appropriate timescale, co-ordinated with the completion of the development to which this

permission relates and thereafter creating a sufficient and attractive open space area to accommodate replacement retail, social, leisure and recreation activities in this important focal point in the town centre.

7. Prior to the commencement of development, detailed information on the provision of cycle facilities within the existing bin store must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure compliance with the requirements of the Hertfordshire Structure Plan Policy 25 and to facilitate the use of sustainable transport.

8. Prior to 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.

9. No door, window or other opening shall open outwards onto any pedestrian walkway surrounding the proposed development.

Reason: To ensure that open doors and windows do not obstruct the pedestrian flow of traffic

10. 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.

11. Prior to the commencement of development, detailed information on the relocation of the existing cycle racks within the Leys Avenue Square must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure compliance with the requirements of the Hertfordshire Structure Plan Policy 25 and to facilitate the use of sustainable transport.

Reason for Decision

The proposed development is considered acceptable in visual amenity and highway safety terms, meeting the relevant provisions of the North Hertfordshire District Local Plan No.2 with Alterations and in particular Policy 20 of that Plan, relating to development within Conservation Areas. In addition the proposal makes sufficient compensatory provisions for the recreation of space within Leys Square to accommodate its retail, social, recreational and leisure activities.

ITEM NO: 3	<u>Location:</u>	Barn and Coach House at Punchardon Hall, Willian, Willian, SG6 2 AE
	<u>Applicant:</u>	Mr & Mrs C Colston
	<u>Proposal:</u>	Conversion of barn into 4 bedroom independent dwelling with car port and associated landscaping; Conversion of existing Coach House into 4 bedroom dwelling with summer house and associated landscaping.
	<u>Ref.No:</u>	06/00050/ 1
	<u>Officer:</u>	Alan Breckon 01462 474233

Date of expiry of statutory period : 08 March 2006

Reason for Delay

Negotiation upon design issues, leading to omission of detached garage/car port and storage building from front of Coach House and clarification of physical works to the barn and Coach House.

Reason for Referral to Committee

Objection from Garden City Council.

1.0 Relevant History

- 1.1 Apart from reference to the re roofing of a thatched barn with slate in 1990, the only recent planning records at the site relate to works to trees within the grounds of Punchardon Hall.

2.0 Policies

- 2.1 Punchardon Hall is a Grade II* listed building to which the provisions of Policy 18 of the District Local Plan No. 2 with Alterations apply. It also lies within the Green Belt (Policy 2), the Willian Conservation Area (Policy 20), an Archaeological site (Policy 16) and a Countryside Area (Policy 13). Policy 25 of the Local Plan relating to the re-use of Rural Buildings is also relevant to this case.

3.0 Representations

- 3.1 The application was publicised on site and in the local press. No representations were received as a result of this publicity.
- 3.2 **Letchworth Garden City Council** - "The Council is concerned on the grounds of unsafe access, the narrowness of the driveway which could cause vehicular conflict and access for emergency vehicles. The guttering is not in keeping with these buildings."
- 3.3 **Herts County Council - Transportation and Policy** - no objections, concluding that the proposed parking for the development is considered sufficient and the proposal would not have significant implications on the adjoining highway network.

- 3.4 **English Heritage Inspector of Historic Buildings** - expressed some concern at inclusion of a new, ancillary building on the lawn in front of the Coach House, which he felt would detract from the setting of the house and stables. He also offered suggestions upon how the scheme could be redesigned to create garaging in the converted Coach House, without the necessity for a new building in the grounds.

The views of the English Heritage Inspector co-incided with mine in terms of the fundamental objection to the erection of the garage, car port and store on the lawn to the west of the main house and I am pleased to be able to report that the new building has now been omitted from the scheme. The English Heritage Inspector was notified of the receipt of amended plans, omitting the new building and has confirmed on behalf of English Heritage that he now has no objection to the revised scheme.

- 3.5 **Hertfordshire Biological Records Centre** - do not have any known records of bats at Punchardon Hall, but do have records of two bat roosts (Serotine and brown long eared) at other properties in the village, within 200 and 150 metres of the Hall. Believe that there is a reasonable likelihood that the buildings to be converted may be used by bats. Advised that a site assessment or survey be carried out by a professional licensed bat consultant.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 Punchardon Hall is a Grade II* Listed Building standing in extensive landscaped grounds of around 1.5 hectares, on the northern side of the village, opposite The Fox Inn and Willian Post Office. The Hall itself is an early C17 building, refronted mid C18. The list description of the property identifies a C19 service range and red brick stable block.
- 4.1.2 Immediately to the west of the main house, and set back behind it is the building described as the former Coach House, which is attached at right angles to the main house by way of a Victorian extension.
- 4.1.3 Set within the grounds of the Hall, in the north-western corner of the site is a free standing timber framed barn.
- 4.1.4 Access into the site is obtained via an opening along the front boundary of the site with Willian Road, through the tree lined frontage. The access serves a long driveway leading northwards alongside the main house and terminates at the Coach House, in front of which is a turning facility and parking area. The remainder of this application site, to the west of the driveway, is laid to lawn.
- 4.1.5 The application site comprises the Coach House and barn to the west and north-west of the Hall, and the open land in front and behind these buildings. The remainder of the grounds of the Hall lie on its eastern side, in a mature and attractive landscaped setting up to the eastern boundary of the site, which is defined by the access road to the Three Horseshoes Public House and Nursery grounds beyond.

4.2 Proposal

- 4.2.1 In short, this proposal involves converting the detached timber barn in the north-west corner of the site and the Coach House to the west of the rear service outshoot into 2 separate, independent dwellings. The main elements of the proposed development are set out in the Design Statement that accompanied the application, the relevant extracts of which are appended to this report, for the

benefit of the Committee.

- 4.2.2 In addition to the works described in the attached extract from the Design Statement, the original application included a detached building to the south of the Coach House, in the lawn to the west of the driveway, providing 2 car ports, a single garage and storage area for the occupants of the Coach House and as replacement facilities for the Hall. As a direct result of concerns expressed by myself and the English Heritage Inspector about this new, detached building, the applicant has deleted that element from the application.

4.3 Key Issues

- 4.3.1 In my view, this application raises a number of issues, relating to the appropriateness of the development in terms of the location of the site and buildings in the Green Belt, the affect of the physical works to the buildings upon their character and appearance, the impact of the development upon the setting of Punchardon Hall and upon the part of the Willian Conservation Area in which they are situated. I shall now deal with each of these issues in turn.

- 4.3.2 Planning Policy Guidance Note 2 on Green Belts and Planning Policy Statement 7 on Sustainable Development in Rural Areas support the re-use of buildings in the countryside. Paragraph 3.7 of PPG2 confirms that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It concludes that the re-use of buildings inside a Green Belt is not inappropriate development providing:

"a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

d) the form, bulk and general design of the buildings are in keeping with their surroundings¹. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out)."

PPS7 continues to endorse the principle of re-using appropriately located and suitably constructed existing buildings in the countryside. Whilst there is a preference for economic development proposals, PPS7 suggests that residential conversions may be more appropriate in some locations and for some types of buildings.

- 4.3.3 Given the nature and type of the buildings involved in this application, being so closely related to the setting and residential occupation of the Grade II* Listed Punchardon Hall, I believe that their conversion to a residential use would be more appropriate than any other use. Given also the fact that their retention is, in my view, important to the overall setting of the site and that the conversion works embodied in the application have been sensitively handled, I believe that this development is appropriate in this particular Green Belt location, having regard to the advice in PPG2 and PPS7 and the similar provisions of Policy 25 of the Local Plan.

4.3.4 The buildings are of permanent and substantial construction and, as the details of the scheme have demonstrated, they are capable of conversion without major or complete reconstruction. The end result creates two self contained dwellings, the form, bulk and general design of which would be in keeping with their surroundings. This being so, I can see no objection in principle to the conversion of either of these two buildings into independent dwellings.

4.3.5 The proposal does still include the erection of a modest new car port to serve the converted barn in the extreme north-western corner of the site, beyond the barn, and accessed off a driveway that runs along the western edge of the site, passing the Coach House and barn. This building would have no impact upon either the openness of this part of the site/Green Belt nor on the immediate setting of the Hall, and is, in my view acceptable in all respects.

4.3.6 **The physical works to the buildings**

This issue has been the subject of considerable discussion and negotiation, both at the pre-application stage and during consideration of the formal submission. The applicant's agent has taken note of all of the concerns that were raised about the detailed aspects of the conversion, ensuring that in the case of both buildings, little or no harm is done to their overall character and appearance. In the case of the conversion of the timber barn, the submitted scheme promises a well-considered end product, in the form of a 4 bedroom dwelling that retains the original feel of the building, internally and externally, with modern architectural additions that respect its utilitarian character, without pastiche features. My Principal Conservation Officer has been actively involved in negotiating all of the detailed elements of the barn conversion and is now happy with all of the works proposed, including a method statement relating to the alteration and repair of the existing oak frame.

4.3.7 Similarly, detailed discussions upon the physical works to create the 4 bedroom dwelling within the Coach House to the west of the service wing have resulted in a development that, in my view, preserves the building's historic character. The scheme involves the addition of a modest summerhouse at the end of a range of former pig stys on the eastern side of the site, behind the service wing. The remainder of the pig stys and enclosure walls between the summerhouse and service wing would be retained as stores, as part of this application.

4.3.8 A private amenity space for the unit in the Coach House would be provided in the original farmyard, between the rear of the Coach House and the south side of the timber barn. The principal private amenity space for the unit in the timber barn would be in the well treed area on its north side. A curved wall along the eastern edge of the private garden area would sub-divide the plot of the new dwelling from the larger, landscaped setting and 'picturesque' informality of the Punchardon Hall garden.

4.3.9 **The impact of the development upon the setting of Punchardon Hall and the Willian Conservation Area**

In terms of the works to the actual buildings and the creation of their separate, individual residential units, I believe that the result of my Building Conservation Officer's detailed negotiations with the applicants and their agent has ensured that the proposals would protect the overall character of the historic assets at Punchardon Hall, and this part of the Willian Conservation Area generally.

In my view the setting of the Hall would have been prejudiced by the erection of the detached garage/store building in the lawn to the west of the house. Now that that element has been omitted from the scheme, no harm is caused to the setting of the

listed buildings or to the character and appearance of this part of the Willian Conservation Area.

4.3.10 Other issues

Despite the concerns expressed by the Garden City Council about the highway aspects of the proposed, Members will note that the County Highway Authority feel that the proposal would not have significant implications on the adjoining highway network. Sufficient car parking has been provided within the scheme to meet the needs of the two new dwellings. In the case of the converted barn, this would be in the form of the new car port in the north-western corner of the site. In the case of the Coach House, this unit would be provided with 2 car parking spaces at the end of the driveway, before it curves northwards to serve the unit in the timber barn, along the western edge of the site.

The Hertfordshire Biological Records Centre have raised the issue of bats at the site and their comments were passed to the applicant's agent. In response, the agent has noted that a site assessment survey could not be carried out until the end of April/early May. I understand that a professional consultant has been asked to carry out a site assessment survey and I hope to be able to acquaint Members with the results of that survey orally at the meeting when I shall also add any conditions to my recommendation that might be necessary, based upon the consultants, findings and recommendations.

4.3.11 Conclusion

Having regard to all of the relevant policy considerations in this case, and in particular to the careful and sensitive manner in which the proposed conversion works have been designed to respect the character and appearance of the buildings involved, the setting of Punchardon Hall and the overall environment of this area of Willian, I believe this proposal to be acceptable, in planning terms. Subject to the imposition of conditions designed to limit and control any further alterations to the buildings and to safeguard the final details of some of the physical works, I can see no objection to this development.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

3. **Details and/or samples of all materials to be used on all external elevations of the two converted buildings together with details of the windows and roofs of the development hereby permitted and all new walls within the application site shall be submitted to, and approved in writing by the Local Planning Authority, before any part of 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. **In addition to the requirements of condition 3 above, details and/or samples of any additional bricks and slates for the repair of the timber barn, stain colour, first floor radiators, designs of window and external screen, new internal doors, staircases, heating stove to lounge, screen/balustrading to lounge and gallery shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is concerned.**

Reason: To safeguard the character and appearance of the barn to be converted and its relationship to the setting and environment of Punchardon Hall.

5. **Notwithstanding the requirements of conditions 3 and 4 above, details and/or samples of any new facing materials to the Coach House, summerhouse and pigstys, the design of the new windows and external and internal doors, staircase and fireplace shall be submitted to and approved in writing by the Local Planning Authority, before any part of the development is commenced.**

Reason: To safeguard the character and appearance of the Coach House to be converted and its relationship to the setting and environment of Punchardon Hall.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Classes A - H of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

+ Any conditions arising from the Bat consultations survey, its findings and recommendations.

Reason for Decision

The barn conversions to which this permission relates would be undertaken with little or no impact upon the openness of the Green Belt, the overall character and appearance of this part of the Willian Conservation Area or the setting of Punchardon Hall as a Grade II* Listed Building and as such the development complies with all of the relevant provisions of the Development Plan and in particular those of Policy 2 (Green Belt), 18 (Listed Buildings) and 20 (Conservation Areas) of the North Hertfordshire District Local Plan No. 2 with Alterations.

ITEM NO: 4	<u>Location:</u>	Barn and Coach House at Punchardon Hall, Willian, Willian, SG6 2 AE
	<u>Applicant:</u>	Mr & Mrs Colston
	<u>Proposal:</u>	Conversion of barn into 4 bedroom dwelling with car port; conversion of existing Coach House into 4 bedroom dwelling with summer house; erection of detached garage, car port and storage building for converted Coach House and existing dwelling
	<u>Ref.No:</u>	06/00051/ 1LB
	<u>Officer:</u>	Alan Breckon 01462 474233

Date of expiry of statutory period : 08 March 2006

Reason for Delay

Negotiation upon design issues, leading to omission of detached garage/car port and storage building from front of Coach House and clarification of physical works to the barn and Coach House.

Reason for Referral to Committee

Consideration in conjunction with concurrent planning application.

1.0 Relevant History

- 1.1 None in respect of the buildings to which this application relates.

2.0 Policies

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

3.0 Representations

- 3.1 The application has been publicised on site and in the local press. No representations have been received as a result of this publicity.
- 3.2 **Letchworth Garden City Council** - no specific response to the consultation on this listed building application, but see their comments in respect of the concurrent planning application that forms the subject of the previous report.
- 3.3 **English Heritage Inspector of Historic Buildings** - had no fundamental objections to the proposed conversion works, commenting that the conversion in general and particularly some elements of the design of the Coach House show some flair, in their response to the building. Confirmed that the timber barn is relatively remote from the main house and its conversion would not significantly affect the latter's setting.

His concerns centred on the original proposal to include a new detached building for garaging and storage on the lawn to the west of the house, that would detract

from the setting of the house and stables (service wing). That element, as Members will by now be aware, has been removed from the scheme.

4.0 Planning Considerations

- 4.1 This application is for Listed Building Consent for the conversion of the two buildings at Punchardon Hall, Willian to create 2 separate, four bedroom dwellings and associated works. Detailed discussions between the applicants, their agent and my Principal Conservation Officer have resulted in the submission of plans that show that all of the provisions of Policy 18 of the District Local Plan have been met. The two buildings involved exhibit different characteristics in terms of style, form, materials and construction, which has necessitated different approaches being taken to the physical conversion works.
- 4.2 In terms of the timber barn, this has involved ensuring that all of the internal alterations and 'habitable' requirements associated with converting it into a dwelling such as works to the oak frame, under-floor heating, mezzanine platforms, insulation, pipework, roof and feather-edge boarding supports, are designed to reflect and respect the architectural and historic qualities of the barn.
- 4.3 As far as the Coach House is concerned, the internal layout has required less attention, but the external elevations, and particularly the south facing front wall, includes alterations that, in my view, enhance the appearance of the building. The retention and re-instatement of some of the original features helps to preserve its historic character. Drawings have been submitted showing the method of construction relating to the modification of the rear wing of the building, enabling the existing floor to be suspended, allowing some diagonal struts to be removed.
- 4.4 All of the works involved in this application would, in my opinion, ensure that not only would the two buildings involved be given new leases of life in terms of the residential units created, but also that the physical works to each of them would preserve and enhance their appearance, without in any way compromising the quality or status of Punchardon Hall as a Grade II* Listed Building
- 4.5 In the event of the Committee agreeing with me, then as the application involves works to a grade II* listed building, it will need to be referred to the Secretary of State for him to consider whether or not to call it in for his own determination.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That in the event of the Secretary of State not calling in the application for his own determination 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. Details and/or samples of all materials to be used on all external elevations of the two converted buildings together with details of the windows and roofs of the development hereby permitted and all new walls within the application site shall be submitted to, and approved in writing by the Local Planning Authority, before any part of 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.

3. In addition to the requirements of condition 3 above, details and/or samples of any additional bricks and slates for the repair of the timber barn, stain colour, first floor radiators, designs of window and external screen, new internal doors, staircases, heating stove to lounge, screen/balustrading to lounge and gallery shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is concerned.

Reason: To safeguard the character and appearance of the barn to be converted and its relationship to the setting and environment of Punchardon Hall.

ITEM NO: 5	<u>Location:</u>	251 Icknield Way, Letchworth Garden City, SG6 4UE
	<u>Applicant:</u>	Ms H Norman
	<u>Proposal:</u>	Erection of single storey side extension; erection of single storey rear conservatory and erection of first floor rear extension and rear dormer window in conjunction with the conversion of the loft space to form habitable accommodation. Demolition of garage and the erection of a garage/sunroom building. (Revision of Planning Application Ref No 04/00719/1HH granted permission on 28 June 2006).
	<u>Ref.No:</u>	06/00824/ 1HH
	<u>Officer:</u>	James Gran 01462 474443

Date of expiry of statutory period : 13 July 2006

Reason for Referral to Committee

Objection from Garden City Council.

1.0 Relevant History

- 1.1 04/00719/1HH - Permission was granted in June 2004 for the erection of a single storey side extension; erection of single storey rear conservatory and erection of first floor rear extension in conjunction with the conversion of the loft space to form habitable accommodation, demolition of garage and the erection of a garage/sunroom building (as amended by plans DP71/01E received on 23 June 2004 and DP71/02C received on 15th June 2004). This new application seeks permission for an altered version of that permission.

2.0 Policies

- 2.1 **District Local Plan No 2 with Alterations**
Policy 20 - Conservation Areas
Policy 28 - House Extensions

3.0 Representations

- 3.1 **Neighbouring properties** - Objection letter received from **No. 249 Icknield Way** regarding loss of light and maintenance of the boundary fence and proposed conservatory flank wall.
- 3.2 **Letchworth Garden City Council** - Object on the grounds of over-development of the site.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is a semi-detached bungalow located on the south side of Icknield Way. The property has been extended utilising permitted development rights by way of a single storey rear extension. The character of the area is predominantly residential. No. 249 adjoins the property to the west, with No. 253 located adjacent to the east. The property benefits from a 20 metre rear garden, which runs parallel with the neighbouring properties. The site is located within the Conservation Area.

4.2 Proposal

- 4.2.1 Permission is sought for a variation to a previously granted scheme in 2004, under Ref no. 04/00719/1HH. The amendments are detailed below in section 4.3.1.

4.3 Key Issues

- 4.3.1 The reason this application is presented to Members for a decision, is due to an objection by Letchworth Garden City Council concerning what it believes to be an "over-development of the site". However, planning permission has already been granted for the majority of this scheme, which included the single storey side extension, first floor rear extension and demolition of garage and erection of garage/sunroom in its place. Therefore, it is, in my view, only the following points which may be considered in the determination of this application. These amendments include:

- The increase in depth of the proposed conservatory to match the kitchen rear wall
- Centralise the double doors and side windows in the rear elevation at ground floor
- Add double doors with balustrading in lieu of the window on the rear elevation at first floor level
- Omit the smaller window on the side elevation of the proposed kitchen at ground floor and reposition the larger window to be central within the elevation.

- 4.3.2 The second, third and fourth of these points are relatively minor and I see no objection to any of these changes. Had the remainder of the proposal not been submitted, in my view, these amendments could have been regarded as minor modifications to the previously approved scheme. They would not, in my view, adversely affect the amenities of the neighbouring property. Therefore, the increase in the depth of the conservatory is the main focus of this application.

- 4.3.3 The 2004 application granted permission for the depth of 3 metres from the existing lounge rear wall. A depth of 4.8 metres is now proposed to bring this element level with the existing rear building line of the property. The letter of objection received from No. 249 is not concerned with the length of the conservatory flank wall, only the maintenance issue concerning the wall and existing boundary fence. After negotiations between the neighbour and the applicant's agent, it has been agreed that the flank wall would form the boundary and would be sited entirely on the applicant's side and the parapet element of the wall would be reduced in height, to the minimum requirement for building regulation approval. Although No. 249 have not objected to the length of the flank wall, these changes would, in my view, reduce any impact upon the neighbouring property. With regard to their objection concerning loss of light from the first floor rear extension, this element of the proposal has already been granted as part of the 2004 permission and therefore is not a material planning consideration in this case.

4.3.4 In the original submission, a rear dormer window was proposed with a pitched roof and three window panes. However, it was felt that a dormer might be acceptable but only of a reduced width and flat roof design. Negotiation with the agent has resulted in the omission of this dormer window from the scheme, as it was considered to dominate the roof slope and posed a potential risk of overlooking to the adjoining property at No. 249 Icknield Way. Amended plans were consequently submitted to illustrate the alterations to the parapet wall and the omission of the dormer window. In my opinion, the visual quality of the dwelling and the amenity of the adjoining occupiers have been protected in this case, whilst gaining the required internal living accommodation for the applicant.

4.4 **Conclusion**

4.4.1 The alterations to the previously granted permission are, in my opinion, acceptable and do not harm the amenities of either neighbouring property. Furthermore the scheme does not harm the character and appearance of this part of the Conservation Area. The proposal therefore conforms with the criteria of the identified policies.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

Reason for Decision

The extensions and construction of a garage/sunroom hereby permitted would have no adverse effect on the amenities of the neighbouring residential properties or on the character and appearance of the Letchworth Conservation Area and as such complies with the relevant provisions of the development plan as summarised below

Summary of Development plan policies and Proposals relevant to the Decision

North Hertfordshire District Local Plan No2 with Alterations
Policy 20 Conservation Areas
Policy 28 House Extensions

TITLE OF REPORT: STARWOOD HOUSE, AVENUE ONE, LETCHWORTH GARDEN CITY - UPDATE

REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER

1.0 At the Committee meeting of 6th September 2005, planning permission was granted for alterations to the existing offices at the above site (owned and occupied by Tesco Stores Ltd), together with the formation of associated car parking for 149 cars and ancillary works, subject to a number of conditions, two of which related to the provision of additional landscaping at the site, as follows:

“4. Within 3 months of the date of the permission details of additional landscaping proposals for the car park area shall be submitted and approved in writing by the Local Planning Authority.

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

5. *The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of the building 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 a 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.”

1.1 Following several reminders to the applicant’s agents about the need for their clients to submit additional landscaping details, a “Proposed Landscape Plan” was received on 1st February. This plan indicated planting within the site, between the new car park and existing tree lined boundaries with Avenues Two and Three, in the form of a line of new trees along the southern boundary of the car park onto Avenue Two, a mixed medium height shrub border on the eastern side, facing Avenue Three and an area of top soil, sown with a wild flower mixture between the car park and the adjoining roads.

1.2 The Landscape Plan was assessed by the Council’s Landscape Architect and on 15 February 2006, the applicant’s agents were asked to provide further information, supporting the initial planting scheme. The precise requirements to enable the landscaping details to be fully assessed were put to the applicant’s agents as follows:

“A tree survey is required, with the species, size and location of trees accurately plotted. A plan needs to show the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm.

It is not enough to say that the area is to be topsoiled and sown with wild flower mixture. We need to see the specification for and/or source of the topsoil, the specification and source for the wild flower mixture, i.e. which species of wildflower are present and in what percentage; to be sure they are appropriate and viable for this location and site. The sowing rate in e.g. grams of seed mix per square metre should be specified as well as a management/maintenance schedule appropriate to the species mix.

It is not enough to say “mixed medium shrub border“. The extent of the border should be more clearly defined, with information on which species of shrub are to be planted, as well as the density of planting. The size of plants or containers to be planted and the planting specification, maintenance or management needs to be specified.”

- 1.3 The applicant’s agents responded on 2nd March with a more detailed Planting Plan, incorporating the information requested by the Landscape Architect. Having assessed the scheme in the light of the receipt of the additional information, the Council’s Landscape Architect confirmed that he no longer had any concerns about the planting, other than to suggest that the applicants ask the seed and wildflower mix supplier for details of the appropriate mowing regime, which would allow the wildflowers to establish, seed and flower.
- 1.4 By letter dated 29th March 2006 I wrote to the applicant’s agents confirming that the finally submitted landscaping scheme was acceptable, and that the provisions of condition 4 of the planning permission granted on 3 October 2005 had been met.
- 1.5 Condition 5 of the permission sets the timescale for carrying out the landscaping. At the time of preparing this report, I am establishing exactly what, if any, planting has been undertaken and expect to acquaint Members with that information orally at the meeting.

Recommendation

That the report be noted

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

14

TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

This Item will take the format of an oral report

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