

3 November 2009

Ref. Planning 12.11.09  
Contact: Nigel Schofield  
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To: Councillors: Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman),  
D.J. Barnard, David Billing, Clare Body, Paul Clark, J.M. Cunningham,  
Gary Grindal, A.F. Hunter, David Levett, Alan Millard, M.R.M. Muir,  
Michael Paterson, R.L. Shakespeare-Smith and M.E. Weeks.

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

You are invited to attend a

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

**COUNCIL CHAMBER, COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY**  
on

**THURSDAY, 12 NOVEMBER 2009, at 7.30 p.m.**

Yours sincerely,



David Miley  
Democratic Services Manager

**AGENDA**  
**PART I**

<b>ITEM</b>	<b>PAGE</b>
<b>1. APOLOGIES FOR ABSENCE</b>	-
<b>2. MINUTES</b> To take as read and approve as a true record the Minutes of the meeting of this Committee held on 8 October 2009.	-
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether the item(s) raised will be considered.	-
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest can speak on the item, but must leave the room before the debate and vote.	-
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
<b>6. PLANNING APPLICATIONS</b> REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER	<b>1</b>
<b>6.1 09/00776/1 – 25 STREET, ROYSTON, SG8 9AA</b> Change of use of ground floor from Class A1 (retail) to Class 3 (restaurant/café). Single storey glazed side extension. Change of use of first and second floors to create one 3 bedroom flat.	<b>3</b>
<b>6.2 09/00777/1LB - 25 HIGH STREET, ROYSTON, SG8 9AA</b> Internal and external alteration, including new single storey glazed side extension , to create new A3 (café/restaurant). Internal alterations to first and second floors to create one 3 bedroom flat.	<b>13</b>
<b>6.3 09/01613/1 - JOHNSON MATTHEY PLC, ORCHARD ROAD, ROYSTON, SG8 5HE</b> Modifications to internal roadway and dual option access onto York Way (Gate 17B). Enclosure of existing CSF2 loading bay. Modifications and additions to fence line at Gates 2 and 4 and Gate 19. Addition of vehicle barriers and pedestrian turnstiles at Gates 2,4 and 19.	<b>19</b>

<b>6.4</b>	<b>09/01571/1 – FIVE HOUSE FARM, SANDON ROAD, THERFIELD, SG8 9RE</b> Continued use of farm irrigation reservoir as commercial coarse fishery. Associated car parking and toilet facilities.	<b>25</b>
<b>6.5</b>	<b>09/01688/1 – NEWSELLS PARK STUD, NEWSELLS, BARKWAY, ROYSTON, SG8 9DY</b> Stable block with four horse boxes, hay store and tack room.	<b>31</b>
<b>6.6</b>	<b>09/01519/1HH – 8 OAKHILL DRIVE, WELWYN, AL6 9NW</b> Single storey rear extension, insertion of dormer window in rear roof slope to create additional accommodation in first floor. Single storey detached car port and refuse/cycle store.	<b>37</b>
<b>6.7</b>	<b>09/01949/1 – LAND ADJACENT TO 8 AND 9 TIMES CLOSE, HITCHIN, SG5 2UT</b> Erection of two 3 – bedroom houses as semi – detached dwellings together with detached garage for each dwelling and associated parking.	<b>43</b>
<b>6.8</b>	<b>09/01737/1Ib – 100 RIDGE ROAD, LETCHWORTH GARDEN CITY SG6 1PT</b> Replacement side dormer window.	<b>51</b>
<b>7.</b>	<b>PLANNING APPEALS</b> REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER	<b>55</b>
<b>8.</b>	<b>PLANNING ENFORCEMENT CASELOAD AND MONITORING</b> REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER	<b>63</b>

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

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

**PLANNING CONTROL COMMITTEE**  
**12 November 2009**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**6**

**TITLE OF REPORT: PLANNING APPLICATIONS**

REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER

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

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

**AGENDA INDEX**

<b>ITEM:</b>	<b>REF NO:</b>	<b>LOCATION:DESCRIPTION</b>	<b>CONTACT OFFICER:</b>	<b>PAGE:</b>
<b>6.1</b>	<b>09/00776/ 1</b>	25 High Street, Royston, SG8 9AA Change of use of ground floor from Class A1 (retail) to Class A3 (restaurant/cafe). Single storey glazed side extension. Change of use of first and second floors to create one 3 bedroom flat.	<b>Richard Tiffin</b> 01462 474522	3
<b>6.2</b>	<b>09/00777/ 1LB</b>	25 High Street, Royston, SG8 9AA Internal and external alterations, including new single storey glazed side extension, to create new A3 (cafe/restaurant). Internal alterations to first and second floors to create one 3 bedroom flat.	<b>Richard Tiffin</b> 01462 474522	13
<b>6.3</b>	<b>09/01613/ 1</b>	Johnson Matthey Plc, Orchard Road, Royston, SG8 5HE Modifications to internal roadway and dual option access onto York Way (Gate 17B). Enclosure of existing CSF2 loading bay. Modifications and additions to fence line at Gates 2 and 4 and Gate 19. Addition of vehicle barriers and pedestrian turnstiles at Gates 2, 4 and 19.	<b>Richard Tiffin</b> 01462 474522	19

ITEM:	REF NO:	LOCATION:DESCRIPTION	CONTACT OFFICER:	PAGE:
<b>6.4</b>	<b>09/01571/ 1</b>	Five House Farm, Sandon Road, Therfield, SG8 9RE Continued use of farm irrigation reservoir for use as commercial coarse fishery. Associated car parking and toilet facilities.	<b>Naomi Reynard</b> 01462 474318	25
<b>6.5</b>	<b>09/01688/ 1</b>	Newsells Park Stud, Newsells, Barkway, Royston, SG8 9DY Stable block with four horse boxes, haystore and tackroom.	<b>Joanne Cousins</b> 01462 474418	31
<b>6.6</b>	<b>09/01519/ 1HH</b>	8 Oakhill Drive, Welwyn, AL6 9NW Single storey rear extension, insertion of dormer window in rear roof slope to create additional accommodation in first floor. Single storey detached carport and refuse/bicycle store.	<b>James Gran</b> 01462 474443	37
<b>6.7</b>	<b>09/01949/ 1</b>	Land adjacent to 8 and 9 Times Close, Hitchin, SG5 2UT Erection of two 3-bed houses as semi-detached dwellings together with detached garage for each dwelling and associated parking.	<b>Tom Rea</b> 01462 474565	43
<b>6.8</b>	<b>09/01737/1LB</b>	100 Ridge Road, Letchworth Garden City, SG6 1PT Replacement side dormer window.	<b>Mark Simmons</b> 01462 474685	51

<b>ITEM NO:</b> 6.1	<u>Location:</u>	<b>25 High Street, Royston, SG8 9AA</b>
	<u>Applicant:</u>	<b>Costa Coffee</b>
	<u>Proposal:</u>	<b>Change of use of ground floor from Class A1 (retail) to Class A3 (restaurant/cafe). Single storey glazed side extension. Change of use of first and second floors to create one 3 bedroom flat.</b>
	<u>Ref.No:</u>	<b>09/00776/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period** : 14 August 2009

### **Reason for Referral to Committee**

Nature of the application as being contrary to Policy 43 of the District Local Plan

#### **1.0 Relevant History**

1.1 None

#### **2.0 Policies**

- 2.1 District Local Plan No 2 with Alterations Policy 43 - Shopping Areas in Town Centres
- 2.2 PPS 6 - Planning for Town Centres
- 2.3 Royston Town Centre Strategy.

#### **3.0 Representations**

- 3.1 **Royston Town Council** - No objection
- 3.2 **Royston and District Chamber of Commerce** - Supports the proposal as it would represent "inward investment into our town" (see also main body of report and letter at Appendix 1).
- 3.3 **Hertfordshire Highways** - No objection
- 3.4 **Local Residents / Businesses**

The occupiers of 6 Kingston Vale Royston, A.Goshaw Ltd (High Street), The Stationary Cupboard (High Street), and one representation (address not given) have submitted representations **supporting** the proposal on the grounds that it would bring a branded coffee outlet into the town at a difficult time and thereby increase footfall and general interest. Other town centre businesses (including coffee shops) will benefit from the increased footfall.

The occupiers of The Beeches Therfield, 25 John Impey Way Melbourn, Shop on the Corner (2 High St Royston), 22 Cambridge Road Dunton, Wedgies Sandwich Bar (8 Melbourn Street), Take 5 (5 Kneesworth Street), Moreno's (1 Angel

Pavement), Mello's Coffee House (4 Angel Pavement), 167 Green Drift, Hogg's Coffee Shop (The Corn Exchange) have all raised **objections** based on the following concerns:

- proposed structural alterations / conservatory will have a detrimental impact on the listed building and the character of the Conservation Area.
- another coffee outlet would be detrimental to the viability of existing coffee shops and food outlets in the town
- need more retail before coffee shops

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

4.1.1 The application site and premises occupy a prominent position in the high Street next to Barclays Bank and close to the junction with John Street.

##### **4.2 Proposal**

4.2.1 The application proposes the change of use (ground floor) of what was formerly a toy shop (A1) to a coffee shop operated by the national franchise Costa Coffee (A3) and accessed off of the High Street. The change of use to a coffee shop includes the erection of flat roof glazed seating area which would occupy the small parcel of open space between 25 and the modern building at 27a linking The High Street and Upper King Street visually. The extended ground floorspace would accommodate 62 covers, 12 in the existing part of No 25 and 50 in the new glazed addition. A small landscaped terrace is specified fronting Upper Kings Street and the High Street. The scheme also includes the conversion of first and second floors of 25 to 3 bed flat with access from Upper King Street only. As the building is listed an associated listed building application accompanies this submission and this deals in detail with the works to the listed property and the potential impact on the fabric and character of the Grade 2 building. Refuse collection for flat and shop would be from Upper Kings Street.

##### **4.3 Key Issues**

4.3.1 The key issues in this case centre around the following considerations:

- Principle of the change of use (A3) in light of Policy 43, PPS 6 and the prevailing economic climate both locally and wider.
- The principle of residential development above ground floor.
- The impact of the proposals on the listed building and conservation area.

4.3.2 Policy 43 of the District Local Plan (as saved) reads as follows:

***Within town centre Shopping Areas, the Council will permit development proposals:***

***(i) within Shopping Frontages, normally only if the proposal is for retail use on the ground floor (A1 Use Class)***

As No 25 is within the Royston frontage area, this policy must be the starting point for considering the application to change the use of the property from A1 to A3. In addition, central government advice in the form of PPS 6 must be referenced.

- 4.3.3 In addressing the first and substantive key issue, the determination of this case must focus on the debate between preserving a retail core in Royston and allowing appropriate deviation from the A1 use class such that acknowledges what has been a sustained weakening of the towns retail offer over many years - a weakening attributable to a number of factors, not least the range of goods and economy of scale offered by large out of town retailers. Any decision as to where to strike the balance between defending existing retail frontage and allowing other uses to populate, in the hope that they will stabilise the decline in footfall, will only ever be a reasoned judgement. In this regard the Royston and District Chamber of Commerce summarise and conclude as follows:

***"In ideal trading conditions, a key A1 site would not be sacrificed to A3 usage. However these are difficult times for retail. Whereas we can offer no opinion regarding the commercial decision to bring another coffee outlet to Royston, we can contribute the widely held view that the introduction of a recognised brand such as Costa Coffee into the High Street creates an attraction that potentially compensates for any loss of amenity. We therefore wish to record that, on balance, we think that this is a positive initiative and support the application for the introduction of this major brand name."***

- 4.3.4 The pragmatic sentiment expressed by the Chamber of Commerce is reflected in advice issued in PPS 6:

***"Where existing centres are in decline, local planning authorities should assess the scope for consolidating and strengthening these centres by seeking to focus a wider range of services there, promote the diversification of uses and improve the environment. Where reversing decline is not possible, local planning authorities should recognise that these centres may need to be reclassified at a lower level within the hierarchy of centres, and reflect this revised status in the policies applied to the area. This may include allowing retail units to change to other uses, whilst aiming, wherever possible, to retain opportunities for vital local services, such as post offices and pharmacies."***

(PPS 6, para 2.8)

- 4.3.5 Both the Town Council and some local residents and businesses appear to endorse the pragmatic approach expressed above. This view however is not universally held. A number of representations have been received, principally from independent coffee and food outlets, challenging the assumption that the presence of a national multiple will assist in the regeneration of the town centre. The basis for this challenge is not, I would suggest, located in a concern for the wider public good but in an understandable disquiet as to how their own businesses will be impacted. In this regard it is not unusual for established businesses to object to planning applications for new enterprises which they perceive may compete for market share. It may be worth reiterating at this point that the planning system exists to serve public not private interests and this being the case it will seldom be in the public interest to interfere with the market at the level of individual businesses. The contradictions and problems awaiting a system which attempts to micro manage a local economy are apparent when the supportive views of non-food town centre businesses are contrasted with those who have objected. Rather the planning system is charged with encouraging economic activity which is attractive and sustainable – activity which exploits the locational advantages of town centres in offering a broad and varied range of services built around a retail core.

4.3.6 The planning system then can not operate to insulate existing coffee and food outlets against fair competition as this will seldom be in the public interest. This stated, the argument put forward by local food and drink establishments can be generalised and elevated to one of balance – that is the balance between retail and non-retail uses and how this impacts on the overall vitality and viability of the town centre. This balance is the proper domain of planning and is, in essence, the objective of saved Policy 43 of the District Local Plan and the central theme of PPS 6 (see para 4.3.4 above). This being the case, the question for the Planning Authority on this occasion distills to one about equilibrium and whether the applicants argument for setting aside the normal policy presumption against the loss of a vacant unit in the retail frontage, in favour of a branded non-retail occupier, outweighs arguments predicated on the assumption that refusing planning permission will force occupation by a business in the retail sector.

4.3.7 The applicant makes a soundly reasoned case for determining the policy balance in their favour. This case is grounded in the assertion that a brand such as Costa Coffee will act to anchor existing retail activity and encourage perhaps hitherto reluctant retailers to re-populate the town centre:

***“Costa Coffee would provide a facility both for existing shoppers along the High Street and the town centre of Royston generally as well as for other users of the town centre. Costa Coffee can and does act as a magnet in its own right with consequent spin off trade for other retailers.”***

It is clear that the applicant advances a case for Costa Coffee as a primary destination for those coming into the town centre rather than a business which benefits from footfall generated as a by-product of retail activity. This view is supported by the balanced conclusion proffered by the Chamber of Commerce in its representation and cited at 4.3.3 above. The applicant also argues that the properties long term vacant state and the consequent absence of any active frontage, weighs in favour of a positive determination. However, I find this argument less compelling as the application is not supported by any detailed information evidencing attempts to let the property for retail purposes.

4.3.8 Turning now to the issue of using the upper two floors for residential purposes, I would suggest that this is a highly desirable outcome as it would further assist in bringing appropriate activity into the town centre during the evening, an approach supported by Policy Guidance 1 of the Royston Town Centre Strategy. Moreover, a flat above a shop is, in most cases, permitted development and this being the current status of No 25 I would suggest that normal requirement for SPD charges can be waived.

4.3.9 In terms of car parking, the application does not specify any vehicle spaces. Given the properties town centre location I consider that this is entirely appropriate. The Highway Authority raise no objection.

4.3.10 This building is listed and in the Royston Conservation Area. The application also specifies a flat roof fully glazed conservatory in order to accommodate 50 covers. This being the case the matter has been the subject of discussions between the applicant's architect and conservation staff the content of which are covered in the accompanying listed building consent application. In terms of the planning application however the following drawing amendments have been agreed:

- change conservatory to a flat roof
- re-site air conditioning units
- replacement of front dormer with roof light

Subject to these changes conservation advice is, on balance, supportive in respect of the proposals impact in the Conservation Area the officer commenting as follows:

***I conclude that whilst the infilling of this open area may be seen as contrary to para 3.13 of the Royston Townscape Analysis (adopted as part of the Royston CA Review on 27 March 2007), the impact upon this space of what is a very simple extension form (whilst juxtaposed with the listed building alongside), has been kept to the absolute minimal and the success of the scheme will ultimately depend upon the detailing which I propose is conditioned.***

I would add further to this by observing that the space between Upper Kings Street and the High Street does not form a useable link between the two and is currently something of an eyesore. The introduction of a simple glazed link would, in my view, give this disused space some identity without preventing views through.

#### **4.4 Conclusion**

4.4.1 In conclusion it should be clear that there must be exceptional circumstances in order to warrant setting aside the necessarily strong presumption against non-retail uses in the core area - a view clearly set out in Policy 43 and the Royston Town Centre Strategy. There have been a number of units approved for non-retail purposes within the core area recently, the majority of which are located in Angel Pavement. Accordingly, I share the view expressed by Policy colleagues that the Council must guard against an over-concentration of such uses lest the viability and vitality associated with retail activity be threatened. This said, this necessary presumption is not absolute and must be flexible enough to accommodate exceptions the like of which will act to stimulate footfall and interest in a difficult trading environment - an environment in recession and one increasingly dominated by internet and out-of-town options. In this regard, I must agree with the Chamber of Trade in that difficult times do call for exceptional decisions. It is perhaps something of an indictment of modern commercial life that brand matters as much as product (or arguably more in some cases). However, it is nonetheless true that branded franchises are popular and feature in successful and vibrant town centres the length and breadth of the Country, including in the retail core of Hitchin and Letchworth. Royston quite rightly aspires to have a more vibrant and vital town centre and I must conclude that to do so it may be expected to offer a branded coffee outlet. This said, I do not envisage a situation whereby the Council would be readily supportive of further non-retail operators in the High Street, branded or otherwise.

4.4.2 Summarising, I would recommend that permission be granted subject to a condition naming Costa Coffee as the operator. This is an unusual condition to recommend as it is generally regarded as difficult to guarantee that a named user continues to trade in the same area of business. However, this Council has imposed such a condition in the past, notably in Hitchin (Starbucks in the Market Place), and it has acted to retain businesses as submitted. In this case it is difficult to envisage that such a well established brand as Cost Coffee will be mimicked by another A3 user and this being the case I am satisfied that the attraction value associated with the brand can be a force for wider public good in the town.

#### **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. The use hereby permitted shall be carried on only by Costa Coffee.

Reason: To enable the Local Planning Authority to maintain control over the operator of the business having regard to the provisions of Policy 43 of the District Local Plan No 2 with Alterations.

4. A sample of the externally finished roof material shall be submitted to and approved in writing by the local planning authority prior to the commencement of that part of the development hereby approved. The works shall be implemented in accordance with the approved sample.

Reason: To maintain the special character of the listed building and preserve the character and appearance of the conservation area (Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990).

5. An elevation and section detail at 1:1 or 1:2 or 1:5 scale of the roof verge to the extension indicating the junction between the glazed panels and the roof covering shall be submitted to and approved in writing by the local planning authority prior to the commencement of that part of the development hereby approved. The works shall be implemented in accordance with the approved details.

Reason: To maintain the special character of the listed building and preserve the character and appearance of the conservation area (Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990).

6. Details at 1:1 or 1:2 scale indicating the junction between the glazed panels forming the front and rear elevations of the extension shall be submitted to and approved in writing by the local planning authority prior to the commencement of that part of the development hereby approved. The works shall be implemented in accordance with the approved details.

Reason: To maintain the special character of the listed building and preserve the character and appearance of the conservation area (Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990).

### **Reason for Decision**

It is not considered that the proposal would have materially detrimental impact upon the vitality or viability of the town as a shopping centre and would therefore not conflict with the provisions of the development plan as summarised below:

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

Policy 43 of the District Local Plan No 2 with Alterations.

<b>ITEM NO:</b> 6.2	<u>Location:</u>	<b>25 High Street, Royston, SG8 9AA</b>
	<u>Applicant:</u>	<b>Costa Coffee</b>
	<u>Proposal:</u>	<b>Internal and external alterations, including new single storey glazed side extension, to create new A3 (cafe/restaurant). Internal alterations to first and second floors to create one 3 bedroom flat.</b>
	<u>Ref.No:</u>	<b>09/00777/ 1LB</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period** : 14 August 2009

### **Reason for Referral to Committee**

Nature of the associate planning application as being contrary to Policy 43 of the District Local Plan

#### **1.0 Relevant History**

1.1 None

#### **2.0 Policies**

2.1 PPG 15 - Planning and the Historic Environment

2.2 PPS 6 - Planning for Town Centres

#### **3.0 Representations**

3.1 **Royston Town Council** - No objection

3.2 **Royston and District Chamber of Commerce** - Supports the proposal as it would represent "inward investment into our town" (see also main body of report and letter at Appendix 1).

3.3 **Hertfordshire Highways** - No objection

#### 3.4 **Local Residents / Businesses**

The occupiers of 6 Kingston Vale Royston, A.Goshaw Ltd (High Street), The Stationary Cupboard (High Street), and one address unknown have submitted representations **supporting** the proposal on the grounds that it would bring a branded coffee outlet into the town at a difficult time and thereby increase footfall and general interest. Other town centre businesses (including coffee shops) will benefit from the increased footfall.

The occupiers of The Beeches Therfield, 25 John Impey Way Melbourn, Shop on the Corner (2 High St Royston), 22 Cambridge Road Dunton, Wedgies Sandwich Bar (8 Melbourn Street), Take 5 (5 Kneesworth Street), Moreno's (1 Angel Pavement), Mello's Coffee House (4 Angel Pavement), 167 Green Drift, Hogg's Coffee Shop (The Corn Exchange) have all raised **objections** based on the following concerns:

- **proposed structural alterations / conservatory will have a detrimental impact on the listed building and the character of the Conservation Area.**
- another coffee outlet would be detrimental to the viability of existing coffee shops and food outlets in the town
- need more retail before coffee shops

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The application site and premises occupy a prominent position in the high Street next to Barclays Bank and close to the junction with John Street.

##### **4.2 Proposal**

- 4.2.1 The application proposes the change of use (ground floor) of what was formerly a toy shop (A1) to a coffee shop operated by the national franchise Costa Coffee (A3) and accessed off of the High Street. The change of use to a coffee shop includes the erection of flat roof glazed seating area which would occupy the small parcel of open space between 25 and the modern building at 27a linking The High Street and Upper King Street visually. The scheme also includes the conversion of first and second floors of 25 to 3 bed flat with access from Upper King Street only. Both the change of use for residential purposes and the proposed coffee shop would involve structural works, alterations and changes to the listed building most notably adding the glazed structure and breaking through the fabric of the grade 2 listed building.

##### **4.3 Key Issues**

- 4.3.1 The key issues in this case centre around the following key considerations, the third matter being exclusively the subject of this listed building consent application:

- Principle of the change of use (A3) in light of Policy 43, PPS 6 and the prevailing economic climate both locally and wider.
- The principle of residential development above ground floor.
- The impact of the proposals on the listed building and conservation area.

- 4.3.2 The Council's Conservation Officer has been consulted on listed building and conservation issues. After lengthy discussions and amendments to the drawings the Officer concluded as follows:

***"To find an active use for all floors of this listed building has and remains a key consideration and I have sought to negotiate a scheme that is compatible with the fabric, interior and setting of this listed building (which is also in a conservation area) as advised in PPG15. Whilst a reduction in the footprint of the extension has not been forthcoming, the applicant has delivered on all other areas of concern to the extent that I have to balance matters pertaining to historic building issues against the design of the extension.***

***I conclude that whilst the infilling of this open area may be seen as contrary to para 3.13 of the Royston Townscape Analysis (adopted as part of the Royston CA Review on 27 March 2007), the impact upon this space of what is a very simple extension form (whilst juxtaposed with the listed building alongside), has been kept to the absolute minimal and the success of the scheme will ultimately depend upon the detailing which I propose is conditioned.***

***It is my professional opinion that the proposal will revitalise this listed building and that the extent of alteration, in particular, the 3.5m opening in the flank wall, will not harm the building's special character. In addition, the use of the listed building has the potential to positively contribute to the character and appearance of the conservation area.***

***I conclude that the scheme complies with PPG15 and Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and on this basis I raise NO OBJECTION."***

- 4.3.3 It is clear that in reaching the above conclusion the Officer sought to reconcile the requirement to preserve the historic character of the building with finding a new a productive use:

***"It is important to find a long term active use for these buildings and according to para 3.9 of PPG15 'Judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. ...."***

In summary, the only area not conceded by the applicant was the reduction of the footprint of the glazed addition as this was considered the minimum area needed in order to make the considerable expense associated with the project, and the commercial success of the coffee business, viable in the longer term.

- 4.3.4 The recommendation that no objection be raised on conservation grounds is qualified to a number of detailed conditions. Those pertaining to the glazed conservatory element are set out in the associated planning application (09/0776/1), those relating to the alterations to the listed building are set out below.

#### **4.4 Conclusion**

- 4.4.1 The Conservation Team has considered this proposal in much detail and worked hard with the applicant to secure changes the like of which, subject to conditions, render the scheme acceptable in conservation terms.

### **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 Listed Building Consent be **GRANTED**:

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 of the following external doors at 1:10 or 1:20 scale:
  - i) ground floor fire exit door
  - ii) ground floor refuse doors and
  - iii) two external doors at first floor level

shall be submitted to and approved in writing by the local planning authority prior to the commencement of that part of the development hereby approved. The works shall be implemented in accordance with the approved details.

Reason: To maintain the special character of the listed building and the character of the conservation area.

3. Notwithstanding the approved drawings, a schedule regarding the retention or replacement of internal doors together with drawings of any new internal doors shall be submitted to and approved in writing by the local planning authority prior to the commencement of the alterations hereby approved. The works shall be implemented in accordance with the door schedule and new door details.

Reason: To maintain the special character of the listed building.

4. The two ground floor windows located within the retained sections of the south facing wall of the listed building shall be retained unless otherwise agreed and approved in writing by the local planning authority.

Reason: To maintain the special character of the listed building and the character of the conservation area.

5. Details of the new rooflight over Bedroom 1 and the rooflight over the sitting room (if required to be replaced) shall be submitted to and approved in writing by the local planning authority prior to the commencement of that part of the development hereby approved. The works shall be implemented in accordance with the approved details.

Reason: To maintain the special character of the listed building and the character of the conservation area.

6. Details regarding the sound and fire attenuation measures proposed between floors, particular between the ground floor and first floor, shall be submitted to and approved in writing by the local planning authority prior to the commencement of that part of the development hereby approved. The works shall be implemented in accordance with the approved details.

Reason: To maintain the special character of the listed building.

#### **Reason for Decision**

It is considered that the proposed alterations will preserve the special character of the listed building, thereby, complying with the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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<b>ITEM NO:</b> 6.3	<u>Location:</u>	<b>Johnson Matthey Plc, Orchard Road, Royston, SG8 5HE</b>
	<u>Applicant:</u>	Mr D Godden Johnson Matthey Ect
	<u>Proposal:</u>	<b>Modifications to internal roadway and dual option access onto York Way (Gate 17B). Enclosure of existing CSF2 loading bay. Modifications and additions to fence line at Gates 2 and 4 and Gate 19. Addition of vehicle barriers and pedestrian turnstiles at Gates 2, 4 and 19.</b>
	<u>Ref.No:</u>	<b>09/01613/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period :** 23 December 2009

### **Reason for Referral to Committee**

Site Area

#### **1.0 Relevant History**

- 1.1 Permission for the large production building known as CSF-2 was granted in 2006. This building is prominent in views from outside the site, particularly Orchard Road. It is this building around which these latest proposals centre.

#### **2.0 Policies**

- 2.1 District Local Plan No 2 Policy 36 - Employment Provision

#### **3.0 Representations**

- 3.1 Hertfordshire Highways – To be reported
- 3.2 Local Residents - An occupier in Orchard Way(no address given) has expressed a number of concerns and issues:
- Seeks confirmation over whether the traffic flows will be one way
  - Concern expressed in respect of potential noise from pedestrian turnstiles in close proximity to Orchard Road properties
  - Concerns over implementation hours of work. A request made that no work before 8am Monday to Friday. No work before 9am Sat and no work at all Sundays. Also requested a reasonable finish time
  - Concerns over the material used to construct the new enclosure that this would further reflect noise.
  - It is advised that TV reception has deteriorated since the construction of new buildings by JM close to Orchard Road and residents would ask that JM look into this issues in accordance with a previously imposed planning permission (condition 15 07/02707/1)

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site will be familiar to most residents of Royston and comprises an expansive area of industrial development between York Way and Orchard Road.

### **4.2 Proposal**

- 4.2.1 The application proposes a number of engineering, highway and operational works required to implement what JM call operation 'Harvest'. This is an exercise in improving access and servicing arrangements in and around the new CSF 2 building (sited adjacent to York Way and Beverly Close) and securing the site from unauthorised pedestrian access. The proposed works comprise:

**Gate 19** (Beverly Close) modifications including widening of road to 7m, re-positioning of entrance gates, new road island incorporating new vertical barrier system and pedestrian turnstile.

**Gate 17 B** (proposal A) (onto York Way) New hinged gates (sliding and hinged) at 2.4m, re-positioning of sub station of gas meter, new 2.4m fencing, widening of access onto York Way. (proposal B) Alternative to 'A' involving reduced widening of existing access onto York Way (as compared with A) only. (Proposal B is submitted as an intermediate step toward achieving proposal B).

**Gate 4** New card operated pedestrian turnstile onto Orchard Road.

**Gate 2** New personnel gate onto Orchard Road. Central road island, new vertical barrier system and fencing (2.4m).

**CFS 2** building – New canopy enclosure measuring 42m by 9.85m by 6.1m. This would have roller shutter doors at either end to allow entry, unloading / loading, and exit without turning. The new enclosure is shown clad in the same material used on the main CSF 2 building.

### **4.3 Key Issues**

- 4.3.1 A number of the elements of this scheme do not require planning permission as they are permitted by the relevant Order (turnstiles and barriers) others clearly do, such as the new enclosed canopy building, the fencing over 2.4 m and the altered access arrangements onto York Way. This said, JM has agreed to submit this composite application as it is aware of the strength of public concern, principally from residents in Orchard Way, following and in relation to previous applications, notably the development of the new CSF 2 building which forms the focus of this application.

- 4.3.2 Notwithstanding the level of antipathy expressed by residents in respect of previous applications, notably the CFS 2 building, I am satisfied that this application presents an opportunity to improve the situation for those living nearby. The main driver for the current scheme is the need to facilitate better lorry access to the new catalyst production building (CFS 2). Currently, the access around the building back out onto York Way is restricted to smaller vehicles. This means that larger lorries have to reverse and exit via Beverly Close. The consequence of this is more noise and disturbance for residents in Orchard Way who's gardens back onto the site. The proposal would allow a one way flow of larger vehicles attending the CSF 2 building - in via Beverly Close, into the covered loading / unloading area and out via the back of the CSF 2 building onto York Way (clockwise). As mentioned this offers advantages to JM and the residents as it would reduce noise associated with reversing vehicles and screen any noise associated with loading and unloading

currently occurring under an open canopy. Following discussions with residents and JM I have ascertained that there is some waiting in Beverly Close but that this is limited as HGV's are marshalled 5 miles offsite and called in by radio when required. Nevertheless, I consider that it is appropriate to condition this new arrangement such that HGV's do wait in Beverly Close.

- 4.3.3 Turning now to the issue raised in respect of sound reflecting of the new enclosure, I would recommend that the materials to be used on the new canopy be submitted to and approved by the Local Planning Authority. In doing this we may seek to ensure that the chosen sheeting is as benign in terms of its reflective qualities as possible. I have to say that I do not consider this a major problem as the canopy would clearly act to mask noise associated with loading and unloading. However, I consider that it would be sensible to perhaps have a closer look at this issue prior to installation.
- 4.3.4 Looking at the other matters associated with this application such as the new pedestrian and vehicular access arrangements I am satisfied that these are all largely outside of the public interest and relate more to internal operational circumstances peculiar to JM and their understandable wish to protect members of the public currently walking through the site. However, I do note the comments raised by the resident of Orchard Way in relation to noise which may emanate from the proposed rising barrier systems (a bleeping noise on rising and falling) and would recommend a condition requiring that barriers be of the silent operation type only unless otherwise agreed in writing by the Local Planning Authority.
- 4.3.5 Turning to other matters, I consider that an hours of working condition (working to implement these works) should be imposed with the qualification that a minor variations may be sought (to allow occasional sunday working at Gate 19 when HGV traffic can be suspended) subject to at least one weeks written notification to residents in Orchard Way. The issue raised about TV reception falls outside of the scope of this planning application. However, I will take the opportunity to encourage JM to discharge its responsibilities as required by condition 15 of the 07 application cited above.

#### 4.4 **Conclusion**

- 4.4.1 That permission be granted subject to conditions as set out below.

### **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. The proposed new entrance barrier systems shall be installed as silent operation only unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

5. No work shall be carried out to implement the works hereby approved outside of the hours set out below:

8am to 5pm Mondays to Fridays  
9am to 4pm Saturdays

Work on Sundays shall be permitted between the hours of 9am and 4pm but only by giving residents of Orchard Way who's properties about the site at least 1 weeks written notice. Working on no more than 4 Sundays shall be allowed in total.

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

6. Vehicles attending the CSF 2 building to load and unload shall not wait in Beverly Close.

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

#### **Reason for Decision**

The development hereby permitted is not considered to have any adverse impact on the amenities of the neighbouring residential properties, the character or visual amenities of the locality or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan as set out below:

#### **North Hertfordshire District plan No 2 with Alterations.**

Policy 26 - Employment Provision

<b>ITEM NO:</b> 6.4	<u>Location:</u>	Five House Farm, Sandon Road, Therfield, SG8 9RE
	<u>Applicant:</u>	Mr C Hodge
	<u>Proposal:</u>	Continued use of farm irrigation reservoir as commercial coarse fishery. Associated car parking and toilet facilities. (As amended by plans received on 27.10.09)
	<u>Ref.No:</u>	09/01571/ 1
	<u>Officer:</u>	Naomi Reynard

**Date of expiry of statutory period** : 19 November 2009

**Reason for Delay** (if applicable)

N/A

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

Site area greater than 1Ha

### **1.0 Relevant History**

None

### **2.0 Policies**

2.1 Sustainable Development in Rural Areas

2.2 Planning for Open Space, Sport and Recreation

2.3 Rural Areas beyond the Green Belt  
**North Hertfordshire District Local Plan No.2 with Alterations**

***Policy 6 - Rural Areas beyond the Green Belt***

***In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:***

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

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

***(b) the proposal positively improves the rural environment; or***

***(ii) it would meet an identified rural housing need, in compliance with Policy 29;***

***or***

***(iii) it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or***

***(iv) it involves a change to the rural economy in terms of Policy 24 or Policy 25.***

### **3.0 Representations**

#### **3.1 Environment Agency - No objections**

**Highways Authority** - Does not wish to restrict the grant of permission

**Countryside Access Officer** - Advised that the parking impinges upon the width of the footpath and needs to be reconsidered. To avoid any legal challenge he recommended that a width equivalent to the current track is kept completely unobstructed. As traffic going to use this facility has to share the route of the footpath, he recommended some instruction for drivers to make full allowance for the rights of walkers using this path. As the lavatory is tucked sufficiently well off the path and would probably be viewed legally as de minimis, he did not consider that any action need be taken unless a complaint is received and considered valid. Advised that the toilet would still be considered to be de minimis with the proposed structure to screen it, providing the toilet is turned 90 degrees so that the door opens to the south east (rather than onto the footpath to the north east).

**Environmental Health** - No objections

**Site publicity** - No comments received

**Therfield Parish Council** - *"The Council supports this application, but wonder whether the Portaloo could be screened in some way."*

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

The site is on land to the south of Sandon Road that forms part of Five House Farm. The reservoir is accessed by an existing track, which is a public footpath. Five House Farm extends to approximately 80 hectares. The farm is predominantly in arable production and the irrigation reservoir was constructed in the early 1990s and is still actively used for crop irrigation purposes.

#### **4.2 Proposal**

The application is for the continued use of a farm irrigation reservoir for use as commercial coarse fishery. Car parking and toilet facilities have been provided on the site. The application is to change the use of the existing irrigation reservoir from solely crop irrigation purposes to include the use as a commercial coarse fishery. The Design and Access Statement explains that since opening in June 2009 the reservoir has attracted on average 6 - 8 fishing visitors each day.

#### **4.3 Key Issues**

4.3.1 The key issues in the determination of this application are the impact of the proposal on the character of the rural area and whether the proposal complies with Planning Policy Statement 7 (Sustainable development in rural areas) and Planning Policy Guidance 17 (Planning for open space, sport and recreation).

4.3.2 Paragraph 30 of Planning Policy Statement 7 states that *"local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location"*. Paragraph 26 of Planning Policy Guidance 17 also advises that *"developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sports and recreational activities should be given favourable consideration"*. The change of use reflects the spirit of this

national planning policy guidance. The Design and Access Statement reinforces this compliance by explaining that the change of use provides low key diversification for the farming business.

- 4.3.3 The only operational development required by the change of use is the provision of a chemical toilet and signage. An area would also be provided for car parking. In my view the change of use has retained the open, rural character of the land. In order to prevent the change of use having any adverse impact on the character of this rural area I have recommended various conditions. The toilet on site is blue and is visible from the surrounding countryside and roads. As such the applicant has agreed to construct a structure to screen the toilet and I have recommended a condition that details be submitted to and approved by the Local Planning Authority. In order to reduce the impact of the change of use on the character of the countryside the plans have been amended to show the existing fencing that prevents cars parking all round the reservoir and a condition has been recommended that car parking shall be provided as set out on the application plan. In order to prevent a large number of cars using this area, a condition has been recommended limiting the number of cars to 12. Subject to these conditions, it is my view that the proposal would comply with Policy 6 as it would maintain the character of the countryside.
- 4.3.4 Fishing is generally a quiet, low impact activity. I have recommended conditions restricting the hours of operation, preventing overnight stays and preventing any lighting being installed, in order to prevent noise pollution to nearby residential properties and light pollution at night.
- 4.3.5 With regard to the comments from the Countryside Access Officer set out above, a condition has been recommended to ensure that the footpath shall be kept clear at all times. In light of these comments, an amended plan was submitted showing the car parking to be relocated and a condition has been recommended to ensure that the parking spaces are provided as shown on the amended plan, so that they do not obstruct the footpath. A condition has also been imposed to ensure that the toilet is turned 90 degrees so that the door would open to the south east, rather than onto the footpath to the north east. This has also been shown on the amended plan. The agent has confirmed that a sign shall be erected directing drivers to not obstruct the footpath and to be cautious of all walkers. A condition has been recommended that ensures that details of this signage shall be submitted and approved by the Local Planning Authority.
- 4.3.6 With regard to the signage on the site there are some existing signs at the access and near the parking area. The Design and Access Statement states that it is proposed that to avoid a proliferation of signs at the roadside, they will be fitted to a single information sign board at the roadside access point. This would be preferable and I have recommended a condition that details of the signage board be submitted to and approved in writing by the Local Planning Authority and be implemented on site within 3 months of the date of the decision. There are some directional signs near the reservoir itself, however these have no adverse impact on the visual amenities of the area. In order to further protect the visual amenities of the area I have recommended a condition that details of any future signage should be submitted to and approved in writing by the Local Planning Authority.
- 4.3.7 The Highways Authority have raised no objections to the proposal. The number of cars parked in the site is to be limited by condition to 12 and this would limit the impact of the proposal on the highway.

#### 4.4 **Conclusion**

In conclusion the change of use constitutes a form of farm diversification and would have a low visual and environmental impact on the countryside, providing the recommended conditions are imposed. As such the proposal complies with Local

## **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 change of use 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.

2. Details of the structure to screen the toilet shall be submitted to and approved in writing by the Local Planning Authority. The toilet shall be turned 90 degrees so that the door opens to the south east and the approved details of the structure shall be implemented on site within 3 months of the date of the decision notice.

Reason: To protect the visual amenities of the area and in order to prevent obstruction of the public footpath.

3. The commercial coarse fishery hereby approved shall not be operated between 10pm and 6am and shall not be used for any overnight camping.

Reason: To safeguard the amenities of nearby residential occupiers and to minimise the impact on the visual amenity and character of the area.

4. No lighting shall be installed on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential occupiers and to minimise the impact on the visual amenity and character of the area.

5. The maximum number of cars parked on the site at any time the site shall be 12.

Reason: To safeguard the amenities of nearby residential occupiers and to minimise the impact on the visual amenity and character of the area.

6. The car parking shall be provided as shown on the approved plan.

Reason: To minimise the impact on the visual amenity and character of the area and prevent the obstruction of the public footpath.

7. The public footpath shall be kept clear at all times.

Reason: In order to allow the public to use the footpath at all times.

8. The fencing shown on the approved plans shall be permanently maintained.

Reason: In order to restrict parking to the demarcated area and prevent parking round the reservoir in order to minimise the impact on the visual amenity and character of the area.

9. The signage at the access to the site from the County road shall be removed and replaced with a single information signboard at the roadside access point within 3 months of the date of the decision notice. Details of the signage board shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the impact on the visual amenity and character of the area.

10. Details of any future signage on the site (including driver signs within the site) shall first be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

Reason: To minimise the impact on the visual amenity and character of the area and safeguard pedestrians.

#### **Reason for Decision**

The change of use, hereby permitted, would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or on highway conditions in the vicinity of the site 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 No 2 with Alterations**

Policy 6 - Rural Areas beyond the Green Belt

<b>ITEM NO:</b> 6.5	<u>Location:</u>	<b>Newsells Park Stud, Newsells, Barkway, Royston, SG8 9DY</b>
	<u>Applicant:</u>	<b>Newsells Park Stud Ltd</b>
	<u>Proposal:</u>	<b>Stable block with four horse boxes, hay store and tack room.</b>
	<u>Ref.No:</u>	<b>09/01688/ 1</b>
	<u>Officer:</u>	<b>Joanne Cousins</b>

**Date of expiry of statutory period :** 23 December 2009

**Reason for Referral to Committee**

The site has an area greater than one hectare and therefore must be determined by Members under the Council's scheme of delegation.

**1.0 Relevant History**

- 1.1 It is understood that a thoroughbred stud was first established at Newsells Park by Sir Humphrey De Trafford in the 1920's. The stud was well known in racing circles for having bred a number of quality race horses including the 1959 Derby winner.
- 1.2 Planning permission was granted in 1990 (application ref: 90/1155/1) to extend the area of the stud by a change of use of the agricultural holding at Newsells Barn Farm comprising about 405 hectares of arable and grazing land to paddocks.
- 1.3 Various further permissions were granted in the 1990's for additional buildings in connection with the stud farm use.
- 1.4 In 1993 planning permission was granted for replacement of the farmhouse at Newsells Barn Farm. This permission lapsed in 1998 without the development being implemented.
- 1.5 In 2000 the site formerly known as Fares Stables was purchased by the present owner Mr Jacobs and the site has operated since as Newsells Park Stud Ltd. As part of a first phase of investment in the stud a landscape master plan involving tree and hedge planting and fencing was approved by the Council in 2000. This work has been implemented.
- 1.6 In 2001 an application (ref: 00/01590/1) was approved for the erection of 4 horse barns comprising 30 loose boxes, feed and hay/straw stores, veterinary room and staff facility; 7 covered horse walkers, 7 covered lunging rings, single storey building providing two stallion boxes with store covering barn, hay and straw barn, machinery barn, stud office; training barn following demolition of existing stables, all-weather training area; provision of three waste composting areas; 5 dwellinghouses and 3 bungalows for grooms, 1 dwellinghouse for stud manager, following demolition of pair of cottages; change of use of existing farmhouse to staff hostel, construction of hard surfaced tennis court; change of use of existing dwellinghouse (Newsella) as stud office for period of 12 months; landscaping and ancillary works.
- 1.7 Also in 2001 planning applications for further extensive works to the stud (ref: 01/00757/1 and 01/00758/1) including four horse barns, four dwellinghouses and

four bungalows for grooms and a stud office were granted in July 2001.

- 1.8 In 2002 planning permission was granted (ref: 02/00240/1) for a single storey dwelling and resiting of horse barn lunging ring and horse walker as variation of details granted planning permission 00/01590/1 and extension of link road adjacent to existing bridle paths.
- 1.9 In October 2005 planning permission was granted (ref: 04/01438/1) for the erection of 2, two storey hostel buildings to provide eight one bedroom units for staff associated with Newsells Park Stud including the provision of 10 parking spaces and the formation of new vehicular access onto the A10 and access driveway following closure of existing.
- 1.10 In July 2007 planning permission was granted (ref: 07/01119/1) for the erection of a general managers dwelling on land close to Newsells village.
- 1.11 In August 2007 permission granted for a covered barn, six stables and ancillary works close to Grange farm to form a stallion unit and conversion and an extension to the existing dwelling were approved (07/01121/1). In addition an application for staff accommodation, close to the A10 as a replacement for a two storey hostel building was granted (7/01120/1).

## **2.0 Policies**

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

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'  
Planning Policy Statement (PPS 7) 'Sustainable Development in Rural Areas'

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

Policy 6 'Rural Areas Beyond the Green Belt'

## **3.0 Representations**

- 3.1 None received.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 Newsells Park Stud (NSP) comprises 485 hectares (1200 acres) of land east of the A10, approximately 0.5km to the west of Barley, 0.5km to the north of Barkway and 1km south of Royston. The site is a long established stud farm and has been the subject of significant investment in recent years following the purchase of the site by the present owners.

4.1.2 The application site is located close to the Stallion Station adjacent to the Grange Farm development, some 870m east of the A10. The site is accessed from the A10 via a single track and currently comprises a concrete base of a former building that has been demolished on safety grounds to the south of the residential properties and in close proximity to the Stallion complex of buildings.

### **4.2 Proposal**

4.2.1 The application seeks planning permission for a building 27.5 metres long by 5.4 metres wide (including roof overhang) to provide four stables, hay storage area and tack room. The structure would be 3.9 metres high and would be located on a concrete base approximately ...metres to the south of the dwellings and to the western side of the access driveway. The stable block would be of a steel framed construction with a timber clad finish and corrugated fibre cement roof finish to match similar structures at Newsells Park Stud.



4.2.2 The application proposals are accompanied by a Design and Access statement which confirms that the development would have a number of functions in association with and complimentary to the existing stud activities. These include use by visiting mares who are brought to the stud for a 24-48 hour period during the stud season. Outside the stud season this development would be used for stabling mares brought in for the vet or farrier or brought in for logistical reasons. In addition this yard would be used to accommodate any yearlings that do not settle in the larger American Barns.

#### 4.3 **Key Issues**

4.3.1 The key issue to the determination of this application relates to whether the proposal is acceptable having regard to its location within the rural area beyond Green Belt, in accordance with national and local policy advice, and the impact upon the visual amenities of this locality.

##### 4.3.2 Principle of the development

Planning permission has already been granted for a stallion station which is now well established close to Grange Farm accommodation. I consider therefore that the principle of providing a small additional amount of stabling in association with the stallion station/stud function would be entirely appropriate in terms of the overall permitted use of the site as a stud farm. The site is in an isolated location away from the rest of the stud thus reducing the risk of spreading infections, which is particularly important with visiting mares, and has more direct access to the A10. In view of the level of existing development here, I do not consider that this relatively modest stable block would compromise either national policy advice or current local plan policy.

##### 4.3.3 Visual impact of the development

The siting of the stable block would be closely associated with the existing built development at Grange Farm stallion station being remote from the main stud farm operations. The building would be located without undue disruption to the landscape character being single storey with a low pitched roof and close to the existing group of buildings. The combination of the topography of the site and established plantation, woodland and hedgerows in the vicinity of the site will prevent significant views of the development. There are two public footpaths that pass close to the stallion unit site (Footpath No. 12 and the Hertfordshire Way) however given the hedgerows that line the footpaths there would only be glimpsed views of the development resulting in only a slight adverse effect on visual amenity. Overall however it is considered the impact of the unit on public views will be negligible.

##### 4.3.4 Other matters

The application plans indicate some additional planting to the rear of the stable block. I have considered the need for any additional planting here and would conclude that it would not be necessary to make this a specific planning condition, given the existing very high standard of planting that has taken place at the stud. The application site is located at some distance from the A10 where the access is to a high standard. The development would therefore not have any adverse impact upon highway conditions in the area in my view.

#### 4.4 **Conclusion**

4.4.1 That the proposal complies with Local Plan Policy 6 ( Rural area Beyond the Green Belt) and PPS7 in that the proposal does not impact on the open character of the area or visual amenities of the area. In the absence of any material or sustainable planning grounds upon which to object I have framed a favourable recommendation accordingly.

## **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 development hereby permitted would by reason of its nature have no adverse impact upon the openness of the rural area or the visual amenities of the locality and as such complies with the provisions of the development plan as summarises below.

Summary of Development Plan Policies and Proposals relevant to the decision:-

#### **North Hertfordshire District Local Plan No 2 with Alterations**

Policy 6- Rural Area Beyond the Green Belt

#### **National Policy Advice -**

PPS 7 - Sustainable Development in Rural Areas.

<b>ITEM NO:</b> 6.6	<u>Location:</u>	<b>8 Oakhill Drive, Welwyn, AL6 9NW</b>
	<u>Applicant:</u>	<b>Mr M Bridges</b>
	<u>Proposal:</u>	<b>Single storey rear extension, insertion of dormer window in rear roof slope to create additional accommodation in first floor. Single storey detached carport and refuse/bicycle store</b>
	<u>Ref.No:</u>	<b>09/01519/ 1HH</b>
	<u>Officer:</u>	<b>James Gran</b>

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

### **Reason for Delay**

Committee cycle

### **Reason for Referral to Committee**

Objection from Codicote Parish Council, see comments below in Representations Section 3.1.

### **1.0 Relevant History**

- 1.1 Planning permission granted 09/04/1997, REF: 97/00115/1HH for two storey front, rear and side extensions following the demolition of the existing garage - Approved and implemented.
- 1.2 07/01479/1HH - Detached double garage - withdrawn
- 1.3 08/01485/1GEN - Pre-application advice given regarding detached double garage proposal - advised double garage would be unacceptable but a single garage is likely to be.
- 1.4 09/00196/1GEN - Pre-application advice given regarding double car port in front garden - advised that a double vehicle structure would be unacceptable but a single is likely to be.

### **2.0 Policies**

- 2.1 **National Planning Policy Guidance**  
PPG 2 - Green Belts
- 2.2 **North Hertfordshire District Local Plan No.2 with Alterations**  
Policy 2 - Green Belt  
Policy 28 - House Extensions

### **3.0 Representations**

- 3.1 **Codicote Parish Council** - Objection: *Out of building line, inappropriate to area.*  
**Site Publicity Notice** - No comments received  
**Local Residents** - No comments received  
**Highway Authority** - No objection subject to condition

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 8 Oakhill Drive is a detached property located on a large plot and set well back from the road, which is characteristic of the area.
- 4.1.2 Other garages have been built in the front gardens of properties in Oakhill Drive following the grant of planning permission. A double garage was granted permission in December 1981 at 2 Oakhill Drive, which was a replacement garage and is well screened. A double garage was granted permission in May 1993 at 34 Oakhill Drive, which is screened by a brick wall. A single garage was granted planning permission in April 2002 at 20 Oakhill Drive.

### **4.2 Proposal**

- 4.2.1 The single storey rear extension would measure 4 metres in depth, 3.3 metres in width, with a pitched roof. The addition would provide for an extended day room. The rear dormer window would be of a pitched roof design to match the others on the building and would slightly extend the en-suite bathroom. Materials are proposed to match the existing dwelling for brickwork and roof tiles.
- 4.2.2 The proposed detached single car port and store would measure 4.25 metres in width, 5.3 metres in length and 4 metres in height, with a pitched roof running down to a low eaves on the storage side. Timber weatherboarding on top of a low brick wall is proposed for the elevations, with roof tiles to match the main dwelling. The structure would be located towards the front of the site behind the existing Conifer trees along the front boundary, with the low eaves elevation facing the road.

### **4.3 Key Issues**

- 4.3.1 With regard to the rear extension, this addition presents no issues with any overlooking of adjacent property, dominance, loss of privacy or over development in my opinion. The addition is in keeping with the provisions of Policy 28 of the District Local Plan and can be comfortably accommodated in my view. Were the depth marginally reduced, this addition would actually constitute 'permitted development'. There would be no adverse impact incurred for the residential amenity of the neighbouring property in my opinion and the addition would be unseen by public view. With materials proposed to match the existing, the addition would appear ancillary to the main dwelling.
- 4.3.2 The rear dormer window is also acceptable in my opinion, with a matching pitched roof design to the other three dormers on the building and would sit comfortably in the rear roof slope. No increased overlooking would result from this addition but the glazing has been conditioned to be obscured as it would serve an en-suite bathroom.
- 4.3.3 With regard to the detached single car port and store, I do not consider there to be any harm upon the openness of the Green Belt. Although this road is located in the rural area, the character comprises both bungalows and two storey dwelling houses, set back from the road. This is a linear development of many properties that is not typical of an open countryside setting. Consequently, I do not consider there would be any harm upon the openness of the Green Belt from this detached structure within the remainder of the built environment.

4.3.4 Other garages have been approved in the road, detailed in the history above. That said, every application is judged on its individual merits. I consider the form and use of materials to be appropriate in this case. The low eaves design on the elevation facing Oakhill Drive is a positive feature when viewed in the street scene, which also minimises its impact. The tall Conifer trees as existing on the site frontage are intended to be retained by the applicant, with additional planting proposed in between them. Notwithstanding this, I would consider the size and form of the structure to be acceptable without the existing screening in place. As the site level is higher than the road, a cross section of the site was requested, in order that the finished floor level of the structure could be ascertained in relation to the road. I am satisfied that despite the raised site level, the structure would have an acceptable appearance and would have no material harm upon the visual amenity of the locality. I therefore disagree with the Parish Council opinion that the structure would be inappropriate for the area.

#### 4.4 **Conclusion**

4.4.1 I do not consider there to be any grounds to withhold planning permission for this proposal, which is acceptable in design, size and materials, and would have no adverse effect upon the amenities of the neighbouring properties, the visual amenity of the locality, or the openness of the Green Belt.

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

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

4. The dormer window at first floor level on the rear elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling and the occupiers of the applicant property.

5. Before first use of the proposal, the parking and turning areas as shown on drawing number 16509/101 Revision A shall be provided, marked out and adequately surfaced and ready for use and shall be retained in that form and kept available for the purposes of the development and maintained thereafter.

Reason: To ensure the development makes adequate provision for parking and manoeuvring of vehicles likely to be associated with its use.

### **Reason for Decision**

The proposal hereby permitted would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or the openness of the Green Belt 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:

#### **NHDLP No 2 with Alterations 1996:**

Policy 2 - Green Belt

Policy 28 - House Extensions

#### **National Planning Policy Guidance**

PPG 2 - Green Belts

<b>ITEM NO:</b> 6.7	<u>Location:</u>	<b>Land adjacent to 8 and 9 Times Close, Hitchin, SG5 2UT</b>
	<u>Applicant:</u>	<b>SDC (Anglia) Ltd</b>
	<u>Proposal:</u>	<b>Erection of two 3-bedroom houses as semi-detached dwellings together with detached garage for each dwelling and associated parking.</b>
	<u>Ref. No:</u>	<b>09/01949/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period** : 10 December 2009

**Reason for Delay** (if applicable)

N/A

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

The application has been called in to Committee in the public interest by Councillor

### **1.0 Relevant History**

- 1.1 Application ref: 06/02128/1: Detached dwelling following demolition of existing attached garage (outline application - layout, scale, appearance and landscaping details reserved), granted permission 19/12/06.
- 1.2 Application ref: 07/02834/1: Detached dwelling following demolition of existing attached garage (approval of layout, scale, appearance and landscaping pursuant to planning permission ref: 06/02128/1, granted permission 14/2/08.
- 1.3 Application ref: 09/01949/1: Erection of two 3-bedroom houses as semi-detached garage for each dwelling and associated parking, refused 26/8/09 for the following reasons:

1. The proposed residential development of the site would appear cramped and overdeveloped in relation to nearby residential development and would result in an unsatisfactory form of townscape failing to have regard to the character and context of the surrounding area. The development would therefore be contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations and the provisions of PPS 3 in particular with reference to achieving high quality housing which does not compromise the quality of the local environment.

2. By reason of the close proximity of proposed Plot 1 to the western boundary of the site, the development would result in an unacceptable degree of overlooking and consequent loss of privacy to the occupiers of No. 51 Milestone Road to the detriment of their residential amenity. As such the development would be contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations.

## **2.0 Policies**

### **2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 8 - Development in Towns

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

## **3.0 Representations**

3.1 **Hertfordshire Highways:** Any comments will be reported at the meeting.

3.2 **Environment Agency:** No reply

3.3 **NHDC Waste & Recycling:** No comments

3.4 **Site Notice/Adjoining occupiers:** Any representations will be reported at the meeting

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 Nos 8 and 9 are a pair of semi-detached houses located at the end of the Times Close cul-de-sac.

### **4.2 Proposal**

4.2.1 The proposal is to erect a pair of 3 bedroom semi-detached houses located on land forming part of the gardens to Nos 8 and 9 Times Close, Hitchin. The dwellings would be two storey and the building would be 15 metres wide and between 6.1m and 10.0m in depth. Two single garages are proposed one allocated to each dwelling. Access would be from an existing dropped kerb access from Times Close.

4.2.2 The application is accompanied by a Unilateral Undertaking and a comprehensive design and access statement which sets out the planning history and the amendments to the scheme following the previously refusal of planning permission.

### **4.3 Key Issues**

4.3.1 The key issues are the principle of residential development, design and layout, impact on living conditions of residents, environmental impact, highway matters including access, parking and refuse collection

#### **4.3.2 Principle of development**

The application site is within the built up area of Hitchin where redevelopment for residential use is acceptable in principle. The outline and reserved matters planning permissions for a detached house on land forming part of the garden to No. 8 Time Close has set a precedent for the development of part of this plot. These factors, together with the emphasis in PPS 3 which encourages development on previously developed land and for development to make more efficient use of suitable land leads me to conclude that redevelopment for residential purposes would be acceptable in principle on this site.

4.3.3 Notwithstanding the above PPS 1 and PPS 3 in particular have raised the bar in terms of requiring new development to achieve high standards and to improve the character and quality of an area.

PPS 3 states in relation to design:

***"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"***

Moreover PPS 3 goes on to set out in paragraph 16 what matters should be included in assessing design quality of new development including whether new development:

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

#### 4.3.4 Design and Layout

In terms of density two dwellings on this site represents only 33 dwellings per hectare which is considered low in terms of new residential development and similar to the existing density of the development within Times Close. However density is however only one aspect for consideration and I consider that the density of this development should be judged in association with design and layout issues and the relationship with the character of the surrounding area.

4.3.5 Times Close is characterised by pairs of semi-detached dwellings set on average sized plots although Nos 8, 9, 10 and 11 because of their location at the end of the cul-de-sac have larger plots that widen to the rear. The end of the cul-de-sac is also characterised by the wide gaps between 8 and 9 and 10 and 11. The gap between 8 and 9 has, however, been reduced by the construction of a two storey side extension to No. 9. The overall character of the area is of a spacious environment of low density housing.

4.3.6 The planning permissions for a detached dwelling within the garden of No. 8 are acknowledged and the approved layout would maintain the spacious character of plots within and around Times Close whilst making effective use of the land. On the approved applications a substantial gap is retained between the new house and No. 9 and a gap is also retained between No. 8 and a new garage. This proposal differs significantly from the approved scheme in that a larger development site is proposed now that part of the side garden curtilage of No. 9 is included in the application site and that the development proposes two dwellings with a larger footprint of buildings including two detached garages.

Although the development is more intensive than the approved scheme the layout as now proposed addresses the main areas of concern highlighted with the previous refusal of planning permission for two dwellings. In terms of the previously identified cramped and overdeveloped nature of the development these concerns have been addressed by a reduction in floor area and length of the building, increase in gap between Nos 8 & 9 Times Close, a re-design of the elevations and an increase in soft landscaping. As a result of these changes it is considered that the two dwellings are comparable in terms of plot size and spatial quality to many of the surrounding dwellings. Accordingly it is considered that the development is now sympathetic to the surrounding pattern and context of development.

4.3.7 In taking account of the design and layout of the scheme as discussed above which is considered to be acceptable I am also mindful of the extant permission which exists for one detached dwelling and Government advice which requires new development to make more efficient use of previously developed land.

#### **4.3.8 Impact on living conditions of residents**

The main concern with regard to existing residents amenity is one of loss of privacy given the close proximity of the new dwellings to the site boundaries both at the front with No. 8 Times Close and at the rear of the new properties with No. 51 Milestone Road.

It is acknowledged that the extant planning permission permits overlooking, from a first floor window, of the end of the rear garden of No. 8 Times Close. Whilst this is not ideal I have to take into account that only the far end of the rear garden of No. 8 is overlooked and that an element of overlooking was accepted with the reserved matters application ref: 07/2834/. More importantly No. 8 is within the control of the applicants. With regard to the relationship with properties to the west the back to back distance between Plots 1 & 2 to No. 39 Milestone Road is over 30 metres which is acceptable and in accordance with the guidelines set out in Policy 57 of the local plan. The problematic relationship with No. 51 Milestone Road found unacceptable with the previous application has been addressed by re-orientating the building so that it angles away from No. 51 in addition to accepting a requirement to maintain the boundary hedging at a minimum height of 2.4 metres. Given the planning history which permitted a less angled relationship (application ref: 07/02834/1) I am satisfied that the proposed layout is better in terms of protecting privacy of existing and future occupiers.

4.3.9 It is accepted that the development is unlikely to have any direct impact on the living conditions of the occupiers of No. 9 Times Close.

#### **4.3.10 Environmental Impact**

In assessing planning applications Local Planning Authorities are obliged to have regard to Planning Policy Statement 9 'Biodiversity and Geological Conservation' particularly to ensure the protection and enhancement of local biodiversity. The application site is not a designated wildlife site and is not statutorily protected. The provision of gardens and retention of the two large trees along the western boundary should ensure that local biodiversity is not substantially affected.

4.3.11 The site is not within a designated floodplain and although a large area of hardsurfacing is proposed there is no evidence to suggest that the development is likely to result in localised flooding.

#### **4.3.12 Highway issues**

Previously the Highway Authority had considered that traffic generated would not have an unacceptable impact on the free and safe flow of traffic on the surrounding highway network. This application is not materially different in terms of dwelling numbers or traffic impact and therefore it is anticipated that the highway authority will again not raise any objections. Visibility along Times Close would not be affected and the development would allow for cars to turn around and egress the site in forward gear.

4.3.13 At least two parking spaces would be available for each new dwelling and this level of parking would be sufficient in this accessible location. The level of provision is in accordance with the Council's guidelines and the advice set out in PPG 13 and therefore no objection is raised in terms of parking or access issues. A refuse storage area is identified within carrying distance of the highway.

#### **4.3.14 Unilateral Undertaking**

The applicant has submitted a Unilateral Undertaking undertaking to pay all of the infrastructure contributions set out in The Council's adopted SPD (Planning Obligations).

#### 4.4 Conclusion

- 4.4.1 Given the planning history relating to this site and the details of the layout and design analysed above I consider that the development is acceptable in planning terms.

#### 5.0 Legal Implications

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

#### 6.0 Recommendation

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

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

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

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

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A,B,C,D,E of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

5. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

6. The hedge along the western boundary with No. 51 Milestone Road shall be maintained at a height of 2.4 metres.

Reason: In the interests of maintaining privacy for existing and future residents.

**Reason for Decision**

The new dwellings, hereby permitted, would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or on highway conditions in the vicinity of the site and, as such, comply 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 No.2 with Alterations.**

Policy 8: Development in Towns

Policy 55 - Car Parking

Policy 57 - Residential Guidelines and Standards

<b>ITEM NO:</b> 6.8	<u>Location:</u>	<b>100 Ridge Road, Letchworth Garden City, SG6 1PT</b>
	<u>Applicant:</u>	<b>Mrs M Jesalva</b>
	<u>Proposal:</u>	<b>Replacement side dormer window.</b>
	<u>Ref.No:</u>	<b>09/01737/ 1LB</b>
	<u>Officer:</u>	<b>Mark Simmons</b>

**Date of expiry of statutory period** : 23 November 2009

**Reason for Delay** (if applicable)

N/A

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

Applicant is a member of NHDC staff.

### **1.0 Relevant History**

- 1.1 05/00296/1LB - Two replacement windows on front elevation granted 18/04/2005
- 05/01172/1LB - Replacement rear conservatory and windows, replacement front door and minor internal alterations granted 09/11/2005

### **2.0 Policies**

- 2.1 Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **3.0 Representations**

- 3.1 Press and site notices - No representations received to date although expiry date for Press Notice is 05/11/09

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

- 4.1.1 No.100 Ridge Road is a grade II listed building located within Letchworth Conservation Area. It is one of the principal buildings at the head of a crescent within the Birds Hill Estate by Parker & Unwin.

#### **4.2 Proposal**

- 4.2.1 The proposal is to replace an existing timber, single-glazed, side dormer window with a double-glazed, timber window.

### 4.3 **Key Issues**

- 4.3.1 The key issues for this proposal are whether the design of the window will respect the special character of the individual property and the whole Estate which is a group listing and also preserve the character and appearance of Letchworth Conservation Area.
- 4.3.2 The detailing of the timber window will only require a minimal increase above the original frame size to accommodate double glazing. Similar windows have previously been granted consent at the front and rear of this listed building but the side dormer was omitted from both previous applications.

### 4.4 **Conclusion**

- 4.4.1 This window is consistent with other windows previously approved for installation at this listed building and will preserve the building's special character. The window will also preserve the character and appearance of Letchworth Conservation Area.

## **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 Listed Building Consent be **GRANTED** subject to the following condition:

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.

### **Reason for Decision**

*The new dormer window will preserve the special character of the listed building and the character & appearance of Letchworth Conservation Area, therefore, will comply with the provisions of Sections 16 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

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

REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER

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

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**ITEM 7.2 PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr Fairey	Single storey side extension, following removal of summerhouse	Churchfields, Hitchin Road, Codicote, SG4 8TH	08/01567/1HH	Appeal Dismissed on 28 September 2009	Delegated	The Inspector agreed that condition 4 on the planning permission accords with the objectives of policies 2 (Green Belt) and 30 (Replacement or extension of dwellings in the countryside) of the local plan and PPG2 (Green Belts) which seek to prevent harm to the openness of the Green Belt.
Mr & Mrs F Boshier	Extend hipped roof and formation of gable end at north west elevation together with enlarged front and rear flat roof dormer windows. Raise height of existing chimney stack by 1.6 metres.	14 Codicote Road, Whitwell, SG4 8AB	08/03010/1HH	Appeal Dismissed on 28 October 2009	Delegated	The Inspector concluded that the proposed development would be detrimental to the character and appearance of the dwelling itself and the wider area.

**ITEM 7.1 PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr L Green	25 September 2009	Two four bedroom detached bungalows following demolition of existing outbuildings.	Greenveldt Kennels, Luton Road, Kimpton, SG4 8HB	09/00841/1	Written Representations
Mrs Hudleston	8 October 2009	Rear conservatory	7 Brickyard Lane, Reed, Royston, SG8 8BE	09/01141/1HH	Written Procedure (Householder appeal service)
Stephen Howard Homes	28 October 2009	Change of use from shop (Class A1) to studio flat (Class C3) and provision of one parking space	7 Lower King Street, Royston, SG8 5AL	09/01287/1	Written Representations

**Note: No hearings scheduled until 27 November 2009**

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

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

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

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## ITEM 8.1 - ENFORCEMENT CASELOAD

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

## ITEM 8.1 - ENFORCEMENT CASELOAD

Land Adj 20 Maydencroft lane, Gosmore, Hitchin	Unauthorised construction of residential dwellings.	2.10.08				Enforcement report authorised. Planning Contravention Notice returned. Legal advice to be sought regarding further action.
Land at junction of Danesbury Park Road, and Pottersheath Road, Welwyn	Enforcement Notice for removal of mobile home, and imported soil materials, and cessation of use of land for residential and business use.		09.01.2009	09.01.2009	09.05.2009	Site survey of previous and new land levels of site undertaken on 22 September 2008. Results received from surveyors. Enforcement Notice served. Hearing 8 <sup>th</sup> September 2009. No decision received at time of writing report.
Unit 22, Baldock Industrial Estate, Baldock	Prosecution unauthorised advertisement – display of balloon.					Allowance for display of the balloon now exceeded. Proceeding to prosecution. Company fully aware of the situation both at head office and at the site. Legal advice concerning additional evidence received and being undertaken.
The Stores 7 The Mead Hitchin	Construction of unauthorised extension.					Planning application for the retention of the extension refused. 14 days given to remove extension which has been altered. Enforcement notice being prepared.
The Banyers Melbourn Street Royston	Removal of unauthorised marquee					Legal awaiting instructions for enforcement action following service of requisition of information.

**ITEM 8.2 – ENFORCEMENT CASELOAD**

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
Slip End Service Station, SLIP END	S215 Notice	11.06.07				Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Site untidy again. Change of ownership, 2 letters sent to new owners no reply. Further legal instructions to be sent for next action.
Green Lane, HITCHIN	S215 Notice	11.06.07			16.11.07	Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07 Monitoring to continue as site has been cleared. Site still clear as of 2 January 2009.

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