

1 September 2009

Ref: Planning 10.09.09  
Contact: Hilary Dineen  
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To: Councillors: Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman),  
D.J. Barnard, David Billing, Clare Body, Paul Clark, J.M. Cunningham,  
Gary Grindal, A.F. Hunter, David Levett, Alan Millard, M.R.M. Muir,  
Michael Paterson, R.L. Shakespeare-Smith and M.E. Weeks.

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

You are invited to attend a

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

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

on

**THURSDAY, 10 SEPTEMBER 2009, at 7.30p.m.**

Yours sincerely,



David Miley  
Democratic Services Manager

**AGENDA**  
**PART I**

<b>ITEM</b>	<b>PAGE</b>
<b>1. APOLOGIES FOR ABSENCE</b>	-
<b>2. MINUTES</b> To take as read and approve as a true record the Minutes of the meeting of this Committee held on 13 August 2009.	-
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether the item(s) raised will be considered.	-
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest can speak on the item, but must leave the room before the debate and vote.	-
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
<b>6. PLANNING APPLICATIONS</b> REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER	<b>1</b>
<b>6.1 09/01338/1 - LAND AT THE OLD GRAMMAR SCHOOL, BROADWAY, LETCHWORTH GARDEN CITY, SG6 3PS</b> One detached 4 bedroom dwelling with integral single garage, 2 parking spaces and new vehicular access onto West View and a three storey building to provide 1 x 1 bedroom flat and 6 x 2 bedroom flats, 9 associated parking spaces, shared vehicle access with adjoining scheme for office development, cycle and refuse store, landscaping and ancillary works following demolition of existing building.	<b>3</b>
<b>6.2 09/01339/1CAC - LAND AT THE OLD GRAMMAR SCHOOL, BROADWAY, LETCHWORTH GARDEN CITY, SG6 3PS</b> Demolition of two storey building.	<b>31</b>
<b>6.3 09/01321/1 - 4 RUSHDEN ROAD, SANDON, SG9 0QR</b> Erection of one 4 bedroom dwelling with two parking spaces and associated works.	<b>39</b>
<b>6.4 09/01033/1 - ROOKS NEST FARM, ROOKS NEST LANE, THERFIELD, ROYSTON, SG8 9QX</b> Change of use of land, for grazing of domestic horses including provision of new menage, new detached stable building, use of existing barn for stabling and fencing to paddocks.	<b>45</b>

<b>6.5</b>	<b>09/01284/1HH - 9 DANEFIELD ROAD, PIRTON, SG5 3QQ</b> Part two storey, part single storey rear extension; single storey side extension with canopy roof extending across front elevation following demolition of existing conservatory.	<b>51</b>
<b>6.6</b>	<b>09/00614/1 – ICKLEFORD MOTOR COMPANY, ARLESEY ROAD, ICKLEFORD, HITCHIN</b> Development of six residential dwellings comprising two detached 4-bedroom houses and four semi-detached 3-bedroom houses together with associated parking including detached garage block for plots 1 and 2; alterations to vehicular access from Arlesey Road and new vehicular accesses from River Court to plots 5 and 6.	<b>57</b>
<b>6.7</b>	<b>09/01241/1HH - ORCHARD LODGE, WHITEHILL ROAD, HITCHIN, SG4 9HT</b> Part two storey, part single storey side extension	<b>69</b>
<b>7.</b>	<b>PLANNING APPEALS</b> REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER	<b>77</b>
<b>8.</b>	<b>PLANNING ENFORCEMENT CASELOAD AND MONITORING</b> REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER	<b>85</b>

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

- Thursday, 8 October 2009**
- Thursday, 12 November 2009**
- Thursday, 17 December 2009**
- Monday, 18 January 2010**
- Thursday, 11 February 2010**
- Thursday, 11 March 2010**
- Thursday, 15 April 2010**

**Planning Control Committee  
10 September 2009**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**6**

**TITLE OF REPORT: PLANNING APPLICATIONS**

REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER

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

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

**AGENDA INDEX**

<b>ITEM:</b>	<b>REF NO:</b>	<b>LOCATION:DESCRIPTION</b>	<b>CONTACT OFFICER:</b>	<b>PAGE:</b>
6.1.	09/01338/ 1	Land at The Old Grammar School, Broadway, Letchworth Garden City, SG6 3PS One detached 4 bedroom dwelling with integral single garage, 2 parking spaces and new vehicular access onto West View and a three storey building to provide 1 x 1 bedroom flat and 6 x 2 bedroom flats, 9 associated parking spaces, shared vehicle access with adjoining scheme for office development, cycle and refuse store, landscaping and ancillary works following demolition of existing building.	Simon Ellis 01462 474264	3
6.2.	09/01339/ 1CAC	Land at The Old Grammar School, Broadway, Letchworth Garden City, SG6 3PS Demolition of two storey building.	Simon Ellis 01462 474264	31
6.3.	09/01321/ 1	4 Rushden Road, Sandon, SG9 0QR Erection of one 4 bedroom dwelling with two parking spaces and associated works	Richard Tiffin 01462 474522	39

6.4.	<b>09/01033/ 1</b>	Rooks Nest Farm, Rooks Nest Lane, Therfield, Royston, SG8 9QX Change of use of land, for grazing of domestic horses including provision of new menage, new detached stable building, use of existing barn for stabling and fencing to paddocks	<b>Richard Tiffin</b> 01462 474522	<b>45</b>
6.5.	<b>09/01284/ 1HH</b>	9 Danefield Road, Pirton, SG5 3QQ Part two storey, part single storey rear extension; single storey side extension with canopy roof extending across front elevation following demolition of existing conservatory	<b>Anne McDonald</b> 01462 474634	<b>51</b>
6.6.	<b>09/00614/ 1</b>	Ickleford Motor Company, Arlesey Road, Ickleford, Hitchin Development of six residential dwellings comprising two detached 4-bedroom houses and four semi-detached 3-bedroom houses together with associated parking including detached garage block for plots 1 and 2; alterations to vehicular access from Arlesey Road and new vehicular accesses from River Court to plots 5 and 6.	<b>Dudley Brown</b> 01462 474223	<b>57</b>
6.7.	<b>09/01241/ 1HH</b>	Orchard Lodge, Whitehill Road, Hitchin, SG4 9HT Part two storey, part single storey side extension	<b>James Gran</b> 01462 474443	<b>69</b>

<b>ITEM NO:</b> 6.1	<u>Location:</u>	<b>Land at The Old Grammar School, Broadway, Letchworth Garden City, SG6 3PS</b>
	<u>Applicant:</u>	<b>Hertfordshire County Council</b>
	<u>Proposal:</u>	<b>One detached 4 bedroom dwelling with integral single garage, 2 parking spaces and new vehicular access onto West View and a three storey building to provide 1 x 1 bedroom flat and 6 x 2 bedroom flats, 9 associated parking spaces, shared vehicle access with adjoining scheme for office development, cycle and refuse store, landscaping and ancillary works following demolition of existing building.</b>
	<u>Ref.No:</u>	<b>09/01338/ 1</b>
	<u>Officer:</u>	<b>Simon Ellis</b>

**Date of expiry of statutory period :** 16 September 2009

**Reason for Delay**

N/A

**Reason for Referral to Committee**

The overall site area of the Grammar School complex is over 0.5ha and under the Council's scheme of delegation this planning application for residential development must be determined by Committee.

**1. Relevant History**

1.1 Members will be familiar with much of the recent planning history applicable to this site. This section of the report sets out this history as it relates to the two areas, the main Grammar School complex and the corner site on Broadway and West View in turn.

**1.2 The Main Grammar School Complex**

In relation to the main Grammar School complex, Members will recall the decision of the Planning Control Committee made at the meeting held on 24 January 2008 to refuse planning permission for the partial redevelopment of this site for office purposes and the associated conservation area consent for the demolition of part of the former Grammar School buildings (ref. 07/02637/1 and 07/02638/1CAC).

1.3 Following this unsuccessful scheme the applicant submitted a planning application for a revised proposal for a smaller scale office partial redevelopment of the main Grammar School complex (ref. 08/01749/1 and 08/01825/1CAC). At the meeting of the Planning Control Committee held on 13 November 2008 Members resolved to grant planning permission for this proposal (subject to resolving technical highway matters and completion of the necessary Section 106 Obligation) and resolved to grant conservation area consent for the partial demolition of the Grammar School building (demolition of rear wings only) to facilitate this redevelopment proposal.

- 1.4 To update Members of progress since this decision I can confirm that the technical highway issues relating mainly to refuse collection have been resolved to the satisfaction of Hertfordshire County Council (Highways) and the associated Section 106 Obligation is nearing completion. Once the Section 106 Obligation has been signed by all parties formal planning permission can be granted for the partial redevelopment of the main Grammar School building for office purposes.
- 1.5 As Members may recall in relation to conservation area consents, under the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities do not have powers to grant conservation area consent for the demolition of buildings in conservation areas for themselves, as a planning authority, or for any other planning authority to benefit from as applicant. Since the applicant in this case is Hertfordshire County Council, who are also a planning authority, this Council has no powers to grant conservation area consent for the demolition associated with this redevelopment scheme. Therefore following the Committee resolution of 13 November 2009 at which Members confirmed that they were minded to grant conservation area consent this recommendation was forwarded to the relevant central government regional office (Regional Office for the West Midlands) who are responsible for determining such applications on behalf of the Secretary of State. Following extensive discussion with English Heritage (whom Members may recall raised a number of concerns regarding the proposed demolition of part of the Grammar School), the Regional Office eventually agreed with Members conclusions and granted conservation area consent for the partial demolition of the main Grammar School building on 11 May 2009 (under ref. 08/01825/1CAC).
- 1.6 Given the clear reluctance of the regional government office to grant conservation area consent for even the partial demolition of the main Grammar School building (i.e. rear wings only) contrary to the concerns expressed by the government's own Heritage advisors at English Heritage, it would appear to me to be very unlikely that conservation area consent for the demolition of the whole Grammar School building would be granted in the foreseeable future.

1.7 **The Broadway/West View Corner**

Of more relevance to the current scheme, the subject of this report, Members will recall that at the same meeting of the Planning Control Committee held on 13 November 2008 Members resolved to refuse planning permission for the following development proposal on this part of the site (ref. 08/01812/1) (A copy of the Committee report associated with this scheme is attached as appendix 1):

**Three and two storey building to provide 6 x 1 bedroom flats and 8 x 2 bedroom flats, 15 associated car parking spaces, bin and cycle store, landscaping and ancillary works following demolition of existing building, with shared vehicular access with adjoining scheme for office development.**

- 1.8 The three reasons for refusal of this scheme as agreed by Members in accordance with officer recommendation were as follows:

**In the opinion of the Local Planning Authority the proposed development represents an unacceptable standard of design and layout. Due to the excessive scale and height of the proposed building and its prominent siting, the development would over-dominate the smaller suburban scale and form of buildings along West View, immediately to the south west of the application site. Also, the prominent siting and inappropriate architectural detailing of this excessively large building well forward of the front of the neighbouring former Grammar School building and its excessive height in comparison to this building would also harm the setting and undermine the integrity of this important landmark feature within the conservation area. As a consequence of these poor visual relationships with the surrounding built**

form and local context in general the proposed development would harm the character and appearance of the locality to an unacceptable degree and fail to preserve or enhance the character and appearance of the conservation area, within which this site is located. The proposal therefore fails to accord with central government policy guidance contained within Planning Policy Statements 1 and 3 and Planning Policy Guidance note 15. The proposal also conflicts with policies ENV6 and ENV7 of the East of England Plan and policies 26, 57 and 58 of the North Hertfordshire District Local Plan No. 2 - with Alterations and undermine the objectives of the Council's adopted Letchworth Town Centre Strategy (January 2007).

In the opinion of the Local Planning Authority, the scheme does not include adequate provision for waste collection from the adjoining highway as the refuse collection area for the domestic waste that this development would generate is located more than 10m from the highway. The development if permitted would therefore be likely to lead to the stationing of service vehicles on the highway for prolonged periods and to vehicles reversing onto or off the highway, which in turn would give rise to conditions prejudicial to highway safety and the free flow of traffic. The proposal therefore conflicts with the objectives of policies T1, T4 and T8 of the East of England Plan and conflict with guideline 12 of Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations and Policy Guidance 24 of the Council's adopted Town Centre Strategy (January 2007).

Whilst the applicant has agreed to pay the necessary contributions towards services that this development proposal would require, the submitted application has not been accompanied by a valid legal undertaking (in the form of a completed Unilateral Undertaking or Section 106 Obligation) securing the provision of the necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006). The secure delivery of these payments is required to mitigate the impact of the development on County Council and District Council services in accordance with the adopted SPD and Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations.

- 1.9 Following this decision discussions took place between the applicant, the applicant's architects, planning officers and the Council's Principal Conservation Officer to seek an alternative scheme to overcome these reasons for refusal. The proposed development, the subject of this report, stems from these discussions.

## **2. Policies**

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

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'  
Planning Policy Statement (PPS) 3 'Housing'  
Planning Policy Statement (PPS) 6 'Planning for Town Centres'  
Planning Policy Guidance note (PPG) 15 'Planning and the Historic Environment'

### **2.2 East of England Plan:**

Policy H1 'Regional Housing Provision'  
Policy ENV6 'The Historic Environment'  
Policy ENV7 'Quality in the Built Environment'  
Policy T1 'Regional Transport Strategy and Objectives'  
Policy T4 'Urban Transport'  
Policy T8 'Local Roads'

- 2.3 **North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):**  
Policy 8 'Development in Towns'  
Policy 21 'Landscape and Open Space Pattern'  
Policy 26 'Housing Proposals'  
Policy 51 'Development Effects and Planning Gain'  
Policy 57 'Residential Guidelines and Standards'  
Policy 58 'Letchworth Garden City Design Principles'
- 2.4 **Supplementary Planning Guidance:**  
'Vehicle Parking Provision at New Development' (adopted January 2006)  
'Planning Obligations Supplementary Planning Document' (November 2006)  
'Letchworth Town Centre Strategy' (January 2007)

### **3. Representations**

- 3.1 **Environment Agency:**  
Assessed the application as presenting a low environmental risk therefore no comments to make.
- 3.2 **English Heritage:**  
No comments received at the time of writing, any received to be reported orally.
- 3.3 **Hertfordshire County Council (Highways):**  
No comments received at the time of writing, any received to be reported orally.
- 3.4 **Hertfordshire County Council (Archaeological Service):**  
No comments received at the time of writing, any received to be reported orally.
- 3.5 **Service Manager (Waste Collection and Recycling):**  
The proposed refuse storage area close to West View would need to house 2 x 360 litre wheelie bins for refuse and triple recycling frame. The location of the proposed store is acceptable and a dropped kerb at the pick up point would be required (**see recommended condition nos. 6 and 7**).
- 3.6 **Housing and Environmental Health (Environmental Protection):**  
No objections recommends the standard contaminated land condition (**see condition no. 8**).
- 3.7 **Urban Design and Landscape Officer:**  
No comments on the design or materials. More detail is required in relation to proposed materials (**see recommended condition nos. 4 and 5**).
- 3.8 **Response to Statutory Site Notice, Press Notice and Neighbour Notifications:**  
Nothing received at the time of writing, any correspondence to be reported orally.

### **4. Planning Considerations**

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

- 4.1.1 The overall application site area includes the former Grammar School buildings and hard standing located off the western side of Broadway Gardens, in Letchworth Garden City town centre. The part of the site associated with this development proposal consists of a flat roof two storey modular building which was built as part of an expansion of the former Grammar School during the 1960s. This building sits centrally on this part of the site, and the front of the site bordering West View and Broadway Gardens is laid to lawn. There is an existing vehicular access into the site from Broadway which runs to the rear of the modular building, behind which is an existing area of car parking associated with the now office use of the former Grammar School buildings. The site area of this part of the overall Grammar School

complex (i.e. the area within the red line on the site location plan) is just over 1,700sqm. It represents an important corner of the original town square, part of the original Letchworth Garden City master plan.

- 4.1.2 The site location is on a prominent corner position at the junction of West View and Broadway. The site forms a transitional area between the established, low-density, suburban housing development to the south and west and Broadway Gardens and the town centre area to the north and east.

## 4.2 **Proposal**

- 4.2.1 Full planning permission is sought for the erection of two buildings for residential use and associated car parking and infrastructure, following the demolition of the existing two storey flat roofed modular building located on this part of the Grammar School complex (see next item on the agenda for the conservation area consent application for the associated demolition of the modular building, ref. 09/01339/1CAC).
- 4.2.2 The first building on the part of the site that fronts West View, is a proposal for a two storey detached four bedroom dwelling with its own private, enclosed front and rear gardens and vehicular access with two off-street car parking spaces, accessed off West View. The dwelling would occupy a linear plot adjoining no. 73 West View. The scale, character and form of the proposed detached house would be broadly comparable to other detached houses along this side of West View. It would have a prominent (rendered above ground floor) front facing gable feature with a long sloping hipped roof on the side of the dwelling closest to no. 73 West View. First floor accommodation on this side of the proposed dwelling would be provided by a small flat roof front facing dormer window above an integral garage. The ground floor of the building would be largely finished with red facing brick work, render finish on the upper floors and plain tiles for the roof. The proposed dwelling would also include a rear conservatory element within a landscaped rear garden backing onto Gorst Close.
- 4.2.3 Further into the site facing the Broadway Gardens, close to the junction of Broadway and West View the second proposed building would be a three storey building which would house 6 no. two bedroom flats, two on each floor. The building would be in the form of two main blocks with pyramidal roof forms pivoting around a central, lower pitched roof element. The two main blocks would be of largely render finish with significant element of glazing on the corners and around the second floor accommodation, including opaque panelling underneath the two plain tiled pyramidal roof features. The central element would be largely of facing red brick finish with a prominent main front entrance feature and again significant glazing to mark the second floor. To the rear of the building there would be a lift shaft and stair case. The form of the building is such that it would slightly turn the corner when viewed from within Broadway Gardens to correspond with the boundary of Broadway Gardens and the curve in Broadway itself close to the West View junction. The siting of this building would start at approximately 4m forward of the front of the main Grammar School building however with the use of the pyramidal roof form which can be lower in ridge height than a more conventional fully pitched roof, the maximum height of the proposed three storey building would be just under 12m above ground level.
- 4.2.4 Other elements of the scheme include a communal refuse collection building for the proposed flats, which would be positioned between the proposed single dwelling and the flats and a cycle storage building which would be located behind an 8 space car park to the rear of the proposed flats. Access to this car park would be gained off a shared access associated with the proposed office redevelopment of the main Grammar School complex (see history section of the report).

### 4.3 Key Issues

4.3.1 The scheme would involve the demolition of an existing, 1960s, timber framed, flat roofed modular building. As Members will know since the application site is located within the Letchworth Conservation Area the Council can exercise statutory planning controls over the demolition of all buildings with a greater cubic content than 115 cubic metres (see next item on the Committee agenda). The adopted Letchworth Town Centre Strategy identifies this building on the Grammar School site to be a "negative" building which contributes nothing to the character of the conservation area as a whole. As a consequence there is no need to consider the debate regarding retention v demolition in this case (in terms of PPG15 justification for example).

4.3.2 As Members will note from the reasons for refusal of the previous scheme referred to above it is implicit from this decision that Members have accepted the principle of residential development on this site since the substantive reason for refusal refers to matters of design, layout and scale only. Therefore taking account of relevant central government policy guidance, the development plan and supplementary planning guidance, the highly relevant planning history of the site reported above and the comments of interested parties also reported above, I consider the key issues in the determination of this planning application to be as follows:

\* Whether the amended scheme overcomes the substantive reason for refusal of the previous scheme in relation to design, form and layout;

\* Whether the two more technical/procedural reasons for refusal have been overcome with this revised planning application;

\* Whether there are any other issues which now need to be examined as a result of these changes which had not been considered in relation to the previous scheme.

#### 4.3.3 **Addressing Reason 1) Quality of Design and Layout**

In order to assist Members in understanding the difference between the current proposal and the previous scheme which was refused planning permission by the Planning Control Committee at the meeting held on 13 November 2008, copies of both plans will be displayed and labelled clearly at the meeting. The following paragraphs under this section of the report contain an analysis of the revised scheme and a comparison with the previous proposal which in my opinion, supported by the Council's Principal Conservation Officer, successfully overcomes the first reason for refusal of the previous application.

4.3.4 The previous proposal was for one building which would have contained 14 no. one and two bedroom flats as a wrap around structure with a frontage onto Broadway and West View. The building would have been three storeys in height with a prominent and complex roof form, including a large pitched roof element across the whole building. As a consequence of the sheer scale of the building the maximum ridge height would have reached 13m above ground level, 0.5m higher than the ridge line of the main Grammar School building roof. The siting of the previous proposed building was such that its frontage would also have been some 8m forward of the front of the main Grammar School building on the Broadway side closest to the southern flank elevation of the Grammar School building.

4.3.5 The first major difference between the previous proposal and the current scheme is that it has been broken down into two buildings. The first of which would be an appropriately designed (in the context of the character of West View), four bedroom, two storey detached dwelling on its own separate plot. This revision contrasts quite sharply with the previous proposal as it would have addressed West View as a lower wing of one large mass of building, rather than a separate dwelling. The space on either side and the position of the front elevation of the

proposed detached dwelling would respect and continue the pattern of development along this side of West View, indeed the plot width is broadly comparable to other plots along West View with similarly designed detached dwellings.

- 4.3.6 The distance between the proposed detached dwelling and the second proposed building within this scheme would be 6m. This large space again contrasts considerably with the previous proposal which would have been one continuous mass of two and three storey development around the whole corner of West View into Broadway when seen from the road side of this site. Although the second building within the proposal with its main frontage onto Broadway is a three storey structure with a pyramidal roof form on either side, the width and scale of its gable end facing onto West View would, in my opinion, maintain the rhythm of buildings and spaces and respect the lower density garden city suburban architecture of West View. In my judgement therefore these significant revisions to the previous scheme successfully overcome the first critical part of the previous reason for refusal which reads as follows:

**Due to the excessive scale and height of the proposed building and its prominent siting, the development would over-dominate the smaller suburban scale and form of buildings along West View, immediately to the south west of the application site.**

- 4.3.7 I no longer consider that the revised scheme would over-dominate the suburban scale and form of buildings along this side of West View and would in my opinion suitably address and enhance this corner when seen from West View, as is required under central government Planning Policy Statement's (PPS) 1 and 3 and Policy ENV7 of the East of England Plan.

- 4.3.8 Turning now to the Broadway side of the site and the relationship with the nearby main Grammar School building. By virtue of the fact that this proposal is now for two buildings rather than one it has enabled a significant reduction in the scale and massing of development when seen from within Broadway Gardens on the Broadway frontage of the site, as well as the West View frontage. The block of flats however does remain as a three storey building with a maximum peak height of just under 12m to the apex of the two pyramidal roof structures. However, because of the unconventional overall roof form and design the vast majority of the roof structure would be considerably lower than the two peaks on either side of the building. The central linking roof structure would for example have a ridge height of approximately 9.5m above ground level. This reduction in roof height and therefore scale and massing of building contrasts considerably in my view with the previous scheme, which whilst of more conventional pitched roof design would have had a maximum ridge height of just over 13m above ground level and this ridge line would have been the main roof structure across the whole width of the building. The ridge height of the main Grammar School building is approximately 12.5m in height and therefore the whole of the revised proposal would be below this height, even the two peaks of the pyramidal roof structures would be lower at just under 12m to the apex.

- 4.3.9 As well as a considerable reduction in height and scale compared to the previous proposal, when seen from the Broadway road frontage, the revised siting also improves the spatial relationship with the main Grammar School building. The plans illustrate (drawing no. 29A) by means of a dotted line the footprint of the previous scheme as a means of comparing the overall building coverage on the site. On the flank elevation closest to the southern flank of the Grammar School building this comparison illustrates that the position of the revised scheme would be set back some 4m from the Broadway frontage when compared with the refused scheme. Although the revised position of the front elevation would remain 4m forward of the main Grammar School building frontage it would, in my opinion, have a much more comfortable visual relationship with the Grammar School and would not undermine

the integrity or harm the setting of the main Grammar School building. Moreover, given that at this point Broadway curves around away from the frontage of the Grammar School it would seem architecturally appropriate to site any corner building slightly further forward of the Grammar School in order to follow the pattern of the highway layout and properly address the corner of Broadway Gardens as a whole. The second substantive objection of the previous scheme as set out in reason for refusal number one referred to above reads as follows:

**Also, the prominent siting and inappropriate architectural detailing of this excessively large building well forward of the front of the neighbouring former Grammar School building and its excessive height in comparison to this building would also harm the setting and undermine the integrity of this important landmark feature within the conservation area.**

4.3.10 Taking account of the analysis set out above I am satisfied that the revised proposal overcomes this element of the refusal. The scale and massing of building on the Broadway frontage has been reduced significantly, its siting has been revised so that the development would not visually compete with the Grammar School and in terms of architectural detailing, the reduced scale of development leads to a much simpler and coherent architectural treatment which as a corner feature would in my view, suitably address and add to the overall mix of design of buildings around the town square (Broadway Gardens) as a whole. When viewing the mix of design styles of buildings around the town square there is clearly no one definitive architectural reference which should dictate a particular style on this site.

4.3.11 The advice given to the applicant's architects within pre-application discussion was to establish a scheme that does not create a transition between the suburban, low density, domestic architecture found along West View and the town centre position of Broadway. Officers felt that a more appropriate design solution would be to split the site into two so that the main building does have a presence which can successfully contribute to the town square, when seen from within Broadway Gardens. Whereas the secondary element of the scheme should be in the form of a more conventional two storey detached dwelling to successfully address West View. Although there is no policy objection to the principle of a residential land use in this location it was felt that overtly domestic architecture for the main building facing the Broadway was perhaps inappropriate when considering all the other buildings around the town square, North Hertfordshire College, Plinston Hall, the Grammar School and the Nexus Building for example. The revised proposal does not have a conventional pitched roof or strong gable features, key architectural elements of the previous scheme more typical of residential architecture in Letchworth and the roof form is not typical of the surrounding area. However, in my judgement the end result is a building of presence and visual interest that can positively contribute to the character and appearance of the town square and the conservation area as a whole, within which the site is located. This element of the proposal therefore complies with central government advice set out in PPS1 and 3, PPG15, policies ENV6 and ENV7 of the East of England Plan and policies 26, 57 and 58 of the North Hertfordshire District Local Plan No. 2 - with Alterations in my judgement.

#### 4.3.12 **Addressing Reasons 2) and 3) - Highway Issues and Section 106 Matters**

Reason for refusal no. 2 of the previous scheme related to inadequate refuse collection arrangements. Taking account of the comments received from the Council's Waste Collection and Recycling Service Manager reported above, the revised proposal is now satisfactory for these purposes. For residential flats, where larger wheelie bins are required than for single dwellings, a maximum drag distance of 10m from the collection point of the public highway is required. The revised scheme includes details of refuse storage building in the space between the proposed detached dwelling and the block of six flats. Subject to ensuring that the storage building can accommodate the size of wheelie bins required and the need

for a dropped kerb at the collection point on West View (elements than can be secured by appropriately worded conditions which are set out below) I am satisfied that this revised arrangements for refuse collection overcomes the second reason for refusal of the previous scheme. At the time of writing comments have not been received from Hertfordshire County Council (Highways) and whilst I do not anticipate any objections to the amended scheme an update on their comments will be provided at the Committee.

- 4.3.13 As is clearly set out in the report attached as appendix 1 (paragraphs 4.4.1 and 4.4.2) the second and third reasons for refusal were recommended on the basis that the overall scheme was considered to be fundamentally unacceptable and that in order to enable Members to reach a clear conclusion the technical/procedural inadequacies of the application were included as reasons for refusal. As is mentioned above, reason number two has been overcome, and also subject to confirmation from the Council's Legal Services Department reason for refusal number three has also been overcome (an update on this point will be provided at the Meeting). The applicant has this time around submitted what appears to me to be a signed and valid unilateral undertaking which would deliver the following payments towards District Council services in accordance with the Council's adopted Supplementary Planning Document (SPD):

Community Centres - £2,821.88;  
Leisure Services - £4,668.11;  
Play Space - £4,442.96;  
Pitch Sport - £2,191.46;  
Informal Open Space - £2,401.60;  
Sustainable Transport - £6,000;  
Waste Collection and Recycling - £253.

#### 4.3.14 **Other Matters**

In terms of other matters beyond the scope of the previous decision and whilst a more in depth analysis of the principle of the development and policy is set out in the report attached as appendix 1, it is worth re-visiting issues that are material considerations in the determination of each planning application. In this regard the scheme remains similar in its fundamentals to the previous scheme. The relationship with neighbouring residential properties is very similar to the previous proposal, although with the removal of the footpath adjoining no. 73 West View it is arguably an improvement on the previous application. The highway and traffic impact of the proposal, which was not found to be at fault before, would be less by virtue of the reduction in the scale of the scheme and the revised proposal at 7 dwellings is even lower than the 15 dwellings affordable housing threshold than the previous scheme. In all other respects therefore I consider this revised development proposal to be acceptable.

#### 4.4 **Conclusion**

- 4.4.1 Although Members are not legally bound by the previous decision as a credible decision making body, the Local Planning Authority would look inconsistent if it introduced new issues that were not raised in the context of the previous decision to find fault with this scheme. It is therefore necessary to analyse the current proposal in light of the previous decision to refuse planning permission on the substantive issue of poor standard of design and layout, with the specific criticisms set out in the decision notice highlighted and analysed above. In this regard following careful pre-application discussion between the applicant's architect, planning officers and the Council's Principal Conservation Officer, I am satisfied that this proposal has overcome the substantive and indeed the technical reasons for refusal of the previous planning application. I consider that the scheme proposes a high standard of design and layout that would preserve the special character of West View whilst at the same time introducing an interesting new addition to the town square, with its

approach to Broadway Gardens. Moreover, the siting and scale of this new building on the edge of the town square has been carefully thought through to ensure that it would not harm the setting or undermine the integrity of the important nearby landmark Grammar School building. Taking account of this analysis I recommend that planning permission be granted for this proposal subject to the conditions set out below.

## **5. Legal Implications**

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

## **6. Recommendation**

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

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

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

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

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

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

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

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

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

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

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

**d) details of any earthworks proposed**

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

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

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

6. **Prior to the commencement of the development hereby permitted exact details of the size and design of the refuse storage building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development hereby permitted and shall thereafter be retained and maintained for their intended purpose to the satisfaction of the Local Planning Authority.**

**Reason: To ensure that the refuse storage facility is constructed to the correct standard and to ensure the proper phasing of development on site.**

7. The development hereby permitted shall not be occupied until a dropped kerb has been installed at the refuse collection point on West View.

Reason: To ensure that refuse collection is carried out safely and conveniently on the adjoining public highway.

8. (a) **No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors<sup>1</sup>, and;
- (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c), above, have been fully completed and where required formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

The definition of *receptor* shall be based on the definition contained within Table A, Annex 3 of the DEFRA Circular on Contaminated Land 1/2006.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and the built and natural environment.

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

- a) hours of construction operations including times of deliveries and removal of waste;
- b) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- c) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- d) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- e) screening and hoarding details, to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;

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

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

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

#### **Reason for Decision**

In the opinion of the Local Planning Authority the proposed development is of a high standard of design and layout that would enhance the character and appearance of the locality and the wider conservation area, within which the site is located. The proposal would have an acceptable relationship with neighbouring properties in terms of amenity and any traffic impact on the wider highway network would be minimal. The proposal therefore accords with the provisions of the development plan as summarised below:

#### **East of England Plan:**

- Policy H1 'Regional Housing Provision'
- Policy ENV6 'The Historic Environment'
- Policy ENV7 'Quality in the Built Environment'
- Policy T1 'Regional Transport Strategy and Objectives'
- Policy T4 'Urban Transport'
- Policy T8 'Local Roads'

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

Policy 8 'Development in Towns'

Policy 21 'Landscape and Open Space Pattern'

Policy 26 'Housing Proposals'

Policy 51 'Development Effects and Planning Gain'

Policy 57 'Residential Guidelines and Standards'

Policy 58 'Letchworth Garden City Design Principles'

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<b>ITEM NO:</b> 6.2	<u>Location:</u>	<b>Land at The Old Grammar School, Broadway, Letchworth Garden City, SG6 3PS</b>
	<u>Applicant:</u>	<b>Hertfordshire County Council</b>
	<u>Proposal:</u>	<b>Demolition of two storey building.</b>
	<u>Ref.No:</u>	<b>09/01339/ 1CAC</b>
	<u>Officer:</u>	<b>Simon Ellis</b>

**Date of expiry of statutory period :** 16 September 2009

**Reason for Delay**

N/A

**Reason for Referral to Committee**

Relates to the previous agenda item.

**1. Relevant History**

- 1.1 See previous report. Also Members have already resolved to grant conservation area consent for the demolition of this building (ref. 08/01813/1CAC) at the meeting held on 13 November 2008. This decision was relayed to the Government Office for the West Midlands who formally granted conservation area consent for the demolition of this building on 20 May 2009. In line with Members recommendation this consent is conditional on it being tied in with the proposed office redevelopment of the main Grammar School complex only (condition 2 of the permission). A copy of the formal decision notice is attached as appendix 1.

**2. Policies**

- 2.1 **Central Government Policy Guidance:**  
Planning Policy Guidance note (PPG) 15 'Planning and the Historic Environment'
- 2.2 **East of England Plan:**  
Policy ENV6 'The Historic Environment'
- 2.3 **Supplementary Planning Guidance:**  
'Letchworth Town Centre Strategy'

**3. Representations**

- 3.1.1 See previous report.

## **4. Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 See previous report.

### **4.2 Proposal**

4.2.1 Conservation area consent is sought for the demolition of the two storey 1960s modular building to the south of the main Grammar School building. Demolition of this building is required to enable the proposed residential development set out in the previous agenda item (planning application no. 09/01338/1).

### **4.3 Key Issues**

4.3.1 As is mentioned above conservation area consent has already been granted for the demolition of this building (see appendix 1). The reason that this consent is conditional on demolition being related to the approved office scheme on the Grammar School site is because Members resolved to refuse planning permission for the previous residential scheme (planning application no. 08/01812/1) and therefore in order to prevent the appearance of an unsightly gap in the conservation area Members agreed that the demolition of this building must be linked to a new development scheme, together with appropriate landscaping that can be secured through the associated planning permission.

4.3.2 If Members have resolved to grant planning permission for the scheme set out in the previous agenda item it must logically follow that a conservation area consent for the demolition of the building on the site of the proposed residential development should be granted. In accordance with the previous recommendation such a recommendation is set out below.

4.3.3 Should Members be minded to refuse planning permission for the associated residential scheme, contrary to the officer recommendation (see previous agenda), it would be prudent in my view to grant conservation area consent again but make it conditional on being related to the approved office redevelopment only as this would be the only approved new development scheme on the site. It would be illogical in my opinion to refuse conservation area consent since there is already a consent, albeit conditional upon the demolition being related to the approved office scheme. A new conservation area consent would simply provide a longer timescale in which to demolish the building and then redevelop the site for office purposes.

### **4.4 Conclusion**

4.4.1 Given the rather confusing sequence of events set out above I recommend that a separate conservation area consent be granted in this instance which is conditional on either the approved office scheme or the residential scheme set out as agenda item no. 6.1 on this agenda.

## **5. Legal Implications**

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

## **6. Recommendation**

6.1 That the Secretary of State be informed that this Council is minded to **GRANT** conservation area consent subject to the following conditions:

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

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as modified by Regulation 12 and Schedule 3 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990.

2. **The part of the building to which this consent relates shall not be demolished until such time as a contract for the carrying out of the replacement building works (as detailed in planning application nos. 08/01749/1 and/or 09/01338/1), together with a timetable for the works commencement and completion has been submitted to and agreed in writing by the Local Planning Authority. The demolition of this part of the building and the redevelopment of the site shall thereafter be carried out in complete accordance with the approved contract and timetable unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure the correct phasing of demolition and redevelopment and to avoid prolonged and unsightly gaps in the conservation area, in the interests of preserving the character of the conservation area and visual amenity.**

### **Reason for Decision**

In the opinion of the Local Planning Authority, the proposed demolition is acceptable in the context of the conservation area, provided it relates to either the associated residential development on this site (planning application no. 09/01338/1), the office redevelopment of the main Grammar School complex (planning application no. 08/01749/1) or both schemes combined. On this basis the proposed demolition would preserve the character and appearance of the conservation area in accordance with the provisions of the development plan as summarised below:

#### **East of England Plan**

Policy ENV6 'The Historic Environment'

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<b>ITEM NO:</b> 6.3	<u>Location:</u>	<b>4 Rushden Road, Sandon, SG9 0QR</b>
	<u>Applicant:</u>	<b>I E Homes &amp; Property</b>
	<u>Proposal:</u>	<b>Erection of one 4 bedroom dwelling with two parking spaces and associated works</b>
	<u>Ref.No:</u>	<b>09/01321/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period** : 08 September 2009

**Reason for Delay**

Committee cycle

**Reason for Referral to Committee**

Parish Council objection

**1. Relevant History**

- 1.1 Some preliminary advice was given on this site regarding the principle of development. An initial application was submitted in May but later withdrawn following a site meeting and further guidance from officers.

**2. Policies**

- 2.1 North Hertfordshire District Local Plan no.2 with Alterations 1996
- 7 – Selected Villages beyond the Green Belt;
  - 55 – Car Parking Standards;
  - 57 – Residential Guidelines and Standards.
- 2.2 Other policy advice:
- SPD – Vehicle Parking Provisions at New Development;
  - SPD – Planning Obligations;
  - PPS3 - Housing.

**3. Representations**

- 3.1 **Sandon PC** - Objects on the grounds that the proposal is too 'big and excessive' and that the site would be better developed with a two semi detached properties.
- 3.2 **Hertfordshire Highways** - No objection to the amended layout subject to a condition requiring the permanent maintenance of a hard surfaced turning area.
- 3.3 **Herts County Council** (Archaeology) - Recommend a condition requiring investigation of the site.
- 3.4 **Local Residents** - The occupier of 1 Payne has raised no objection subject to there being no damage done to the pond in the garden of no 6 and the mature trees edging the site.

## **4. Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site currently comprises the rear and side garden of no 4 Rushden Road - one of a pair of inter-war semis which faces east across the green in the centre of the village.

### **4.2 Proposal**

- 4.2.1 The application proposes a new detached two storey dwelling to be sited to the rear of the donor property with vehicular access off Rushden Road (shared with No 4). The new property would align with its westerly neighbour at no 6 and be of complimentary design, specified with a twin hipped roof and flat roof leaded first floor dormers. The new dwelling would be of comparable height (7.5m to ridge) to its neighbours presenting a 12m frontage to Rushden Road. With a depth of 8m and with a render finish and plain tile roof the new property would follow the same architectural pattern as its neighbours.
- 4.2.2 On the plot, the new dwelling would enjoy a rear garden with a mean depth of about 9.5m. To the east and west the property would be separated from No 4 and 6 by 5m and 13m respectively. Car parking for two vehicles is shown to the front of the dwelling as is a new parking area for two further vehicles to serve the donor property at no 4. The proposal would involve the loss of some garden trees within the site but the mature hedge to the front would remain.

### **4.3 Key Issues**

- 4.3.1 The key issues in this case centre on the impact of the proposal in the street scene, the nearby Conservation Area and the amenities of neighbours to either side and behind. Furthermore, there is the impact on the safe operation of the highway in Rushden Road and the matter raised by the Parish Council regarding 'underdevelopment' of the plot with a single dwelling rather than a pair of semi's.
- 4.3.2 Turning first to the issue of the adjacent Conservation Area and the street scene generally, I have consulted the Council's Conservation Officer and she has offered a helpful analysis of the area. In this regard she proffers:

***"... I am looking at the site as being within a development of probably inter-war housing along Rushden Road, Dark Lane and Payne End. The whole development has the character and low density layout characteristic of public sector housing which evolved from models in Letchworth Garden City. The whole group is outside the conservation area. In my professional view, the application site is contained within and relates to the character of this development and as such it does not directly affect the conservation area."***

She goes on to conclude:

***"From a design perspective, the development is low density and well spaced out. ...All the other buildings are semi detached. The new building is a single dwelling but its overall form, height design and materials do follow on from the rest of the development. When built, car parking would not have been a consideration and I appreciate that this will be relevant to the type of housing that the plot can contain. Local housing need is, I appreciate, another consideration. However, in design terms, the proposal does respond to its location and setting."***

- 4.3.3 I concur with the views expressed above. The new dwelling would be at odds with the prevalence of semi detached properties but given the considered and sympathetic architectural treatment and the necessity to include car parking, I do not consider that this minor variance with neighbours is fatal to a positive consideration. Looking at relationships with neighbours, this was a cause for concern on the originally submitted scheme and, following a site meeting, the developer helpfully agreed to make some adjustments to the position and angle of the building relative to no 4 such that affords the new property a greater depth of garden and moves first floor windows away from the tall and overpowering hedge boundary with No 2. In my view this not only improves the amenity of the new dwelling and the privacy of both no's 2 and 4, it reduces the likelihood of a subsequent complaint from the occupiers of the new dwelling concerning the height of the boundary hedge with no 2. Further sensible adjustments made by the developer include the specification of a bathroom and en suite windows at first floor where the building is nearest to no 4 thus further protecting the amenity of that property.
- 4.3.4 After originally objecting, the Highway Authority is now satisfied that the scheme is acceptable subject to one recommended condition. The Parish Council's point expressing a preference for a pair of semi's is under stable given the predominance of semi's in the locality. However, given the analysis set out above I do not feel that this alone is a sufficient to warrant refusing what will now, in my opinion, amount to a positive addition to the housing stock of the village.
- 4.3.5 The comments from the occupier of 1 Payne End about the site trees and nearby pond are noted. However, there is no evidence available to me that suggests the development threatens either.
- 4.3.6 The application was submitted with a Unilateral Undertaking which is generally acceptable. The applicant has varied the terms of the undertaking such that monies will only be paid on sale of the new property. Given the challenging economic circumstances which prevail at present and the views of the Inspector at Dark Lane recently, I consider this modification wholly reasonable.

#### 4.4 **Conclusion**

- 4.4.1 That permission be granted subject to standard conditions and the additional highways and archaeology conditions.

### **5. Legal Implications**

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

## **6.0 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. Before the occupation of any of the dwellings hereby permitted, the car parking and turning facilities shown on the approved plan (1432/PL01) shall be provided and made available, and shall thereafter be kept available and free of obstruction for the parking and turning of motor vehicles.

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

4. No development or demolition shall take place within the development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the archaeological record.

### **Reason for Decision**

The development hereby permitted would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the street or the adjacent conservation area or on highway conditions in the vicinity of the site, as such, it complies with the relevant provisions of the development plan, as summarised below.

North Hertfordshire District Local Plan No. 2 - with Alterations

Policy 7 – Selected Villages beyond the Green Belt;  
Policy 55 – Car Parking Standards;  
Policy 57 – Residential Guidelines and Standards.

<b>ITEM NO:</b> 6.4	<u>Location:</u>	<b>Rooks Nest Farm, Rooks Nest Lane, Therfield, Royston, SG8 9QX</b>
	<u>Applicant:</u>	<b>Mr Williams</b>
	<u>Proposal:</u>	<b>Change of use of land, for grazing of domestic horses including provision of new menage, new detached stable building, use of existing barn for stabling and fencing to paddocks</b>
	<u>Ref.No:</u>	<b>09/01033/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

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

**Reason for Referral to Committee**

Site area

**1. Relevant History**

1.1 None save works have started to commence this proposal.

**2. Policies**

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

2.2 Other guidance - PPS 7 Sustainable Development in Rural Areas

**3. Representations**

3.1 Therfield Parish Council - support the proposal.

3.2 Environmental Health - No objection.

**4. Planning Considerations**

**4.1 Site & Surroundings**

4.1.1 Rooks Nest Farm is situated south of the village of Therfield off of Rooks Nest Lane. The grade 2 listed farm house occupies a position close to lane and is surrounded by barns to the including a very large steel framed structure to the south.

## 4.2 Proposal

- 4.2.1 This application seeks permission to change the entire 14ha holding from agriculture to private equestrian use. This change of use would include a new single storey 'L' shaped stable outside of the listed building curtilage. This would measure 12m by 9.5m and contain 4 stables. To erect this stable an older agricultural building would need to be removed. An existing barn adjacent to the new stable would be converted for use as a stable. The proposal also includes a new menage surface to the south of the largest barn. This would measure 60m by 20m and be specified with a 1.4m post and rail fence. Post and rail fencing of this height is specified elsewhere around the site to form paddock areas.

## 4.3 Key Issues

- 4.3.1 The key issues here centre on the principle of the use and its impact on the setting of the listed building and the wider countryside. As the proposal is for private equestrian purposes and no new access is specified (other than that which would have originally served the farm) I do not consider there to be any highway issues associated with this scheme.
- 4.3.2 Central Government advice on equine uses in the countryside is largely restricted to commercial, horse related activities such as liveries and horse breeding enterprises which, it observes, can **'fit in well with farming activities and help to diversify rural economies'** (PPS 7). While this proposal is unlikely to offer much in the way of benefits to the local economy, it is generally agreed that the keeping of horses helps to maintain the openness and character of the countryside, subject of course to the proper control of ancillary operations such as stables and lighting. In principle therefore I can see no objection to allowing a change of land use from agriculture to the grazing/keeping of domestic horses.
- 4.3.3 Turning now to the ancillary operations associated with this proposal, I do not consider that the size and the design of the associated stable building would be harmful or incongruous in the rural area. Moreover, its position well away from the Rooks Nest Farmhouse and the presence of larger intervening structures, leads me also to conclude that there would not be any harmful impact on the setting of the listed building. Similarly, the menage would, in my view, have a benign impact on both the character of the rural area and the listed building, again being behind a much larger and utilitarian structure. My conclusions on the menage and stable buildings are tempered by the recommendation that conditions be added preventing the installation of any external lighting (including floodlights on the menage) without the prior written approval of the Planning Authority and a condition preventing the use of the facilities for commercial training or livery as this may have implications for highway safety which have not been assessed as part of this application.
- 4.3.4 The post and rail fencing arguably does require planning permission where it abuts the curtilage of the listed farmhouse, elsewhere on the holding it is permitted development. This said, 3 bar timber post and rail fencing is, in my view, the most suitable form of boundary treatment when considering both the setting of the farm house and the general appearance and character of the countryside.

## 4.4 Conclusion

- 4.4.1 That permission be granted subject to standard conditions and two controlling the installation of lighting and the use of the site for commercial equine activities.

## **5. Legal Implications**

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

## **6. Recommendation**

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

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

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

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

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

3. No external lighting (including flood lighting for the approved menage) shall be installed anywhere within the application site without the prior written approval of the Planning Authority.

Reason: To safeguard the visual amenities and character of the rural area.

4. The application site shall not be used for purposes other than those incidental to the enjoyment of the dwelling known as Rooks Nest Farmhouse. For the avoidance of doubt there shall be no commercial equine activity such as livery, training or teaching.

Reason: To safeguard the visual amenities and character of the rural area and the safety and convenience of other highway users.

### **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

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<b>ITEM NO:</b> 6.5	<u>Location:</u>	9 Danefield Road, Pirton, SG5 3QQ
	<u>Applicant:</u>	Mr Martini
	<u>Proposal:</u>	Part two storey, part single storey rear extension; single storey side extension with canopy roof extending across front elevation following demolition of existing conservatory
	<u>Ref.No:</u>	09/01284/ 1HH
	<u>Officer:</u>	Anne McDonald

**Date of expiry of statutory period** : 04 September 2009

**Reason for Delay**

Committee cycle.

**Reason for Referral to Committee**

Pirton Parish Council object contrary to Officer recommendation.

**1. Relevant History**

1.1 None.

**2. Policies**

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

***Policy 28 - House Extensions***

***For house extensions, the Council will normally only permit development proposals if:***

- (i) the extension is sympathetic to the existing house in height, form, proportions, window details and materials; and***
- (ii) pitched roofs are used where appropriate, particularly if the extension is more than the height of a single storey.***

***Rear extensions should not dominate adjoining property and should be well related to the levels of adjoining properties, the direction the house faces, and the distance between the extension and the windows in the next door properties. For extensions less than 3 metres from the rear main wall of the existing house, the Council will normally permit development.***

***Side extensions adjoining a residential plot to the side will normally be refused if, at first-floor level or above, less than 1 metre from the boundary.***

***The Council will normally refuse proposals for extensions which would result in a deficiency, or worsen an existing deficiency, of off-street car parking spaces based upon standards in Policy 55.***

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

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

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

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

***Policy 7 - Selected Villages beyond the Green Belt***

*In Selected Villages within the Rural Area beyond the Green Belt, the Council will normally permit development proposals if:*

*(i) the site lies within the main area of the village as shown on the Insets of the Proposals Map; and*

*(ii) the proposal is in line with the Policy Aims for Visual Character Areas (as set out in Part 5 under the relevant Parish), or involves retaining and improving an existing building which contributes to the character or visual quality of the village; and*

*(iii) the proposal would maintain or enhance the character or visual quality of the village or the surrounding area; within a Conservation Area, the positive preservation or enhancement of its character\* will be expected (Policy 20).*

*The 'Selected Villages' are: Ashwell, Barkway, Barley, Great Offley, Holwell, Pirton, Sandon (Church End), Therfield and Whitwell. Outside the defined areas of Selected Villages, the Council will not normally grant planning permission for development proposals unless the exceptions of Policy 6 apply.*

*(Structure Plan Policy 52)*

### **3. Representations**

- 3.1 Pirton Parish Council object to the application on the basis that the extension would be out of proportion with the original house and surrounding properties, it would appear dominating and result in over development.

### **4. Planning Considerations**

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

- 4.1.1 No.9 is a two storey, end of terrace house positioned on the west side of the road with open countryside to the rear. There is a small frontage that is all gravelled and provides off street parking for two cars. At the side, there is an existing conservatory providing a front porch area, and there are existing outbuildings on both side boundaries immediately to the rear of the house.

#### **4.2 Proposal**

- 4.2.1 The application is proposing a part single and part two storey rear extension and a single storey side extension with a front storm porch. The rear extension is 3.475m deep

#### **4.3 Key Issues**

- 4.3.1 Policy 28 of the Local Plan states that extensions less than 3m deep from the rear wall of the house will normally be granted planning permission. The proposed extension is just under 3.5m deep, and therefore greater than the depth as advocated by Policy 28. However, at ground floor level, there are existing brick built outbuildings on the boundaries which extend out to a depth of 3.9m next to no.7 and 4.1m next to no.11. Whilst the extension will in fill a small section between the rear wall of the house and the end of the outbuilding adjacent to

no.11, the outbuildings will screen the depth of the extension, and there will be no adverse harm on the amenities of the neighbours from the ground floor part of the rear extension.

- 4.3.2 With regards to the first floor section of the rear extension, no objection is raised to this. No.7 sits rearward to no.9, and the first floor part of the extension will be adjacent to the side flank of this house. Therefore, there will not be any adverse impact on the amenities of no.7 from the extension. With regards to the attached neighbour no.11, the first floor section is set in off the boundary with no.11 by 1.45m. The bulk of the extension will be visible from the adjacent first floor bedroom window at no.11. However, no protection is given to the outlook from a bedroom window and therefore no objection is raised to this proposal.
- 4.3.3 The side extension replaces the conservatory. In addition, a mono-pitched roof above the side extension is proposed, with a small gable ended storm porch above the front door. The bulk of the roof is set against the side flank wall of the house and it is not considered that it would have an dominating impact in the street scene. The storm porch has a shallow depth of 0.6m and it not considered to have an adverse impact in the character or setting of the street scene. There are a variety of front extension in the road, including a similar gable roof front canopy on the house opposite.
- 4.3.4 There are two off street parking spaces for the house, which is considered to be an acceptable provision for a three-bedroom house.
- 4.3.5 The forms state that the materials are to match those on the existing house, and this is considered to be acceptable so a materials condition is not recommend.

#### 4.4 **Conclusion**

- 4.4.1 No objection is raised to the extensions which are considered to comply with the provisions of Policies 7, 28 and 57 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

### **5. Legal Implications**

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

### **6. Recommendation**

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

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

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

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

**Reason for Decision**

The extensions, hereby permitted, will not have adverse harm on the amenities of the neighbouring properties or on the character of the street scene, and the application is considered to comply with the Provisions of Policies 28 and 57 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

<b>ITEM NO:</b> 6.6	<u>Location:</u>	<b>Ickleford Motor Company, Arlesey Road, Ickleford, Hitchin</b>
	<u>Applicant:</u>	<b>RAK Developments</b>
	<u>Proposal:</u>	<b>Development of six residential dwellings comprising two detached 4-bedroom houses and four semi-detached 3-bedroom houses together with associated parking including detached garage block for plots 1 and 2; alterations to vehicular access from Arlesey Road and new vehicular accesses from River Court to plots 5 and 6.</b>
	<u>Ref.No:</u>	<b>09/00614/ 1</b>
	<u>Officer:</u>	<b>Dudley Brown</b>

**Date of expiry of statutory period :** 09 July 2009

**Reason for Delay** (if applicable)

Negotiations with applicant's agent, the submission of amended drawings, need for re-consultation, awaiting a Unilateral Undertaking from applicant company.

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

Objection from Ickleford Parish Council to the application.

**1. Relevant History**

- 1.1 The site has been the subject of several applications over the years relating to its former use as a commercial garage and petrol filling station. More recently, there have been two applications for residential re-developments, details of which follow.
- 1.2 In January this year, planning permission was granted to the erection of a 5 bedroom house and a 4 bedroom house with garages, a vehicular access from River Court and alterations to the existing access onto Arlesey Road following the demolition of the existing buildings on the site.
- 1.3 An application for a development of 4, four bedroom detached house with parking and accesses was withdrawn last December.

**2. Policies**

- 2.1 East of England Plan  
Policy H1: Regional Housing Provision 2001 to 2021.
- 2.2 North Hertfordshire District Local Plan No 2 with Alterations  
Policy 5, Excluded Villages  
Policy 26, Housing Proposals  
Policy 51, Development Effects and Planning Gain  
Policy 55, Car Parking Standards (as modified by SPD 'Vehicle parking Provision at New Development)  
Policy 57, Residential Guidelines and Standards.

- 2.3 National Policy Guidance  
PPS 3, Housing

### **3. Representations**

- 3.1 Hertfordshire County Highway Authority - does not wish to restrict the grant of permission subject to conditions being imposed requiring the new accesses to be provided, the existing to be closed and a new section of footway being provided before the development is brought into use; the provision of visibility splays and a turning area. In addition, conditions are recommended specifying the maximum gradient of the accesses, the width of the accesses and the length of hard surface back from the edge of the footway.
- 3.2 Ickleford Parish Council - Object to the application which it is considered would be an overdevelopment of the site, result a development out of keeping with the street scene, create a potential problem with an access from Arlesey Road and that there would be a minimum of 12 cars accessing the site from various entrances. Also, think that the originally approved scheme for two detached houses, granted in January this year, is a better type of development.
- 3.3 NHDC Environmental Protection Team - recommend the imposition of a condition on any permission granted to deal with ground contamination given the previous uses of the site.
- 3.4 Environment Agency - has no objection to the proposed development but recommends the imposition of conditions to deal with the risks of ground contamination, the design of foundations, the prevention of infiltration of surface water drainage in to the ground without prior consent.
- 3.5 Bedfordshire and Ivel Drainage Board - request that the Board be consulted on the design of the drainage system.
- 3.6 The application has been publicised by a notice posted on the site and the occupiers of 17 nearby properties have been individually notified. Representations have been received from:-  
Mr A Melvin of 10 River Court who on the whole approves of the plans but has concerns about the level of on-street car parking that may occur after the houses are occupied. Points out that garages are often used for domestic storage which could result in cars being parked on River Court. Suggests that the parking provision for the houses, with vehicular accesses on to River Court, be increased and the carriageway width be increased to 5.5metres from the present 4.8metres. At present, when cars are parked on the road it makes access to existing properties and for the emergency services difficult.

### **4. Planning Considerations**

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

- 4.1.1 The site is situated at the junction of Arlesey Road and River Court with frontages to both roads. It was formally the garage premises and petrol filling station, known as Ickleford Motor Company. The buildings associated with this use were demolished earlier this year and the petrol storage tanks have been removed leaving an open site. The site is surrounded by existing residential properties on all sides, comprising detached houses and semi-detached bungalows dating from the middle to latter part of the last century and Victorian terraced cottages and villas opposite in Arlesey Road. The site is generally flat with an area of approximately 0.152 hectares. There are existing walls along the northern side and east/south rear boundaries.

## 4.2 **Proposal**

4.2.1 The application seeks permission for a development comprising two, 4 bedroom detached houses with integral garages facing onto and with accesses from River Court and four semi-detached, 3 bedroom houses with access onto Arleseey Road. One pair of semi-detached houses would have four car parking spaces in the area in front of them and the Arleseey Road and the other pair would each have a single garage and driveway parking at the rear accessed from River Court. The proposals also include the provision of a new section of footway along the site frontage with River Court and details of intended soft and hard landscaping. The existing walls along the common boundaries with 1 Claymore and 1 River Court are shown to be retained. In the case of the former, the height is specified as 2.3 metres with a coping stone fitted and the internal wall rendered and painted white. The submitted drawings show dwellings and garages of a traditional design with pitched roofs and facing materials are specified as red stock bricks, red pantiles and, at first floor level of the front elevations of the two detached units, stained cosmetic timber beams on cream painted render.

## 4.3 **Key Issues**

4.3.1 The main considerations in assessing this application are, in my view, the appropriateness of the proposed form of residential development in this location, the design and layout of the scheme, the effect on the nearby residential properties, the issue of dealing with ground contamination etc, the adequacy of parking provision, the highway implications and the impact that the housing would have on local services, infrastructure and facilities together with the planning obligation contributions being offered as mitigation.

4.3.2 The application site is located within the excluded village area of Ickleford village where, under District Local Plan Policy 5, development will normally be permitted for, amongst other things, housing if the proposed development is compatible with the maintenance and enhancement of the village character. Moreover, Policy 26 states that the Council will permit housing proposals on appropriate sites if acceptable in the location. Having regard to the provisions of these policies and the existence of the planning permission granted earlier this year for a residential redevelopment of the site, I can see no reason to object to the current scheme on land use grounds. In assessing the current scheme for six dwellings, I have had regard to the guidance from central government set out in Planning Policy Statement 6 on Housing, particularly in respect of making effective and efficient use of land. This advocates, as two key objectives, making effective use of land by re-using land which has been previously developed and encouraging densities above a national indicative minimum of 30 dwellings per hectare (dph) net. The proposed scheme here equates to around 39 dph and, hence represents a significantly more efficient use of the site than the two detached dwellings for which planning permission exists.

4.3.3 The character of housing in this part of the village is varied in size, type, design and materials. The proposed semi-detached houses facing the Arleseey Road frontage of the site have the general appearance of late Victorian villas which reflect architectural features evident on the detached house to the south, built in the last 25 years or so, and other older properties in Arleseey Road. I, therefore, consider these dwellings to be generally in keeping with the locality. The two detached houses relate in their siting more specifically to River Court and, in my view, their design and appearance would be compatible with the character of the existing housing in this cul-de-sac. Insofar as the layout is concerned, the siting of the proposed houses would relate reasonably well to the neighbouring properties and to the present building lines along both road frontages. As such, I am of the view that the development would make a positive contribution to the street scenes with the potential for enhancement of the character of this part of the village, particularly when compared with the former buildings and commercial use of the site.

Moreover, each dwelling would have a modest, but adequate garden area bounded by existing walls and new 1.8 metre high fencing, providing reasonable levels of privacy for both the occupiers of the proposed dwellings and of those existing residential properties adjoining the application site. The two proposed detached and one pair of semi-detached houses would each have a garage as well as off-street parking space. The other pair of semis would have 4 parking spaces and a turning area, accessed from Arlesley Road, in their front garden. Whilst cars parked here would potentially be visually obvious nevertheless, an existing garage at the adjacent property in Claymore, the layout of the proposed housing and the proposed landscape planting would assist in satisfactorily reducing the impact. Having regard to the adopted parking standards, I am satisfied that the numerical provision for the on-site accommodation of cars is adequate.

- 4.3.4 The application has been accompanied by environmental reports from consultants retained by the applicant company. These have been assessed by the Council's Environmental Protection Team and the Environment Agency. Whilst no objection is raised to the grant of planning permission nevertheless it is recommended that conditions be imposed to deal with ground contamination and surface water drainage. The River Ivel runs too close to the rear boundary of the application site but no objection is raised to the development on flood risk grounds.
- 4.3.5 As mentioned above, new accesses are proposed onto Arlesley Road and River Court. The latter would involve individual driveway crossovers to serve the two detached houses and the pair of garages associated with the semi-detached houses closest to the junction of River Court with Arlesley Road. A pedestrian footway along the site frontage with River Court is also proposed together with the closure of an existing access. On the Arlesley Road frontage, the existing access would be reduced in width, to approximately 3 metres, to provide a driveway entrance/egress for the turning area and parking spaces for the other pair of semi-detached houses closest to Claymore. The details of the highway works have been the subject of some negotiation but, following the incorporation of revisions on the layout drawing, the County Highway Authority has confirmed that it raises no objection provided that recommended conditions are imposed on any permission granted.
- 4.3.6 The applicant company has indicated that it is prepared to confirm, by way of a Unilateral Undertaking, to pay financial contributions towards mitigating the impact of the proposed housing on local services, infrastructure and facilities as required under DLP Policy 51 and the adopted SPD on Planning Obligations. However, at the time of writing this report, the legal document was not in an acceptable form due to certain technicalities. An oral update on the situation will be made at the Committee meeting.

#### 4.4 **Conclusion**

- 4.4.1 In assessing the merits of the proposals, I have had regard to the representations received and to the objections raised by the Ickleford Parish Council. With regard to the latter, I note that the preference for the previously approved scheme of two detached houses and the view that the current proposals constitute an overdevelopment. However, I am unable to identify any criticism of the proposed development which would provide sustainable grounds to support this view. Moreover, given the need to make optimum use of developable land, in accordance with the advice contained in PPS 3, I consider the present scheme to be entirely in line with this objective. As discussed, the appearance of the proposed development would not only be compatible with the varied street scene of both Arlesley Road and River Court but, I suggest, also has the potential for enhancement of this visually prominent corner site. The access arrangements have been the subject of detailed discussion between the applicant company's planning agent and the County Highway Authority resulting in revised proposals which meet that Authority's requirements. All other aspects, apart from the mechanism for securing payment of

the required planning obligation contributions, appear to be unobjectionable or could be satisfactorily controlled by the imposition of appropriately worded conditions. Consequently, I conclude that a favourable contingency recommendation can be made in respect of this application pending the receipt of a satisfactorily completed Unilateral Undertaking.

## **5. Legal Implications**

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

## **6. Recommendation**

- 6.1 That, provided a satisfactory complete Unilateral Undertaking relating to the payment of planning obligation contributions is submitted by the applicant company, 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 roofs of the buildings, hereby permitted, and for the surface finishes of the driveways, parking spaces and paths 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 approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

5. The development, hereby permitted, shall not be brought into use until the proposed accesses have been constructed, and the existing accesses along Arlesey Road and River Court have been closed, and the footway has been reinstated to the current Specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction. Also, as part of these works a new footway, 1.8 metres wide, shall be provided for an approximate distance of 35 metres to provide pedestrian access for the new dwellings in River Court to the satisfaction of the County Highway and Local Planning Authorities.

Reason: In the interests of highway safety and amenity.

6. Before the accesses, hereby permitted, are first brought into use 2.0 metre x 2.0 metre pedestrian visibility splays shall be provided and permanently maintained to each side of the new accesses in River Court and to the reconfigured access in Arlesey Road.. They shall be measured from the point where the edges of the accessway cross the highway boundary, 2.0 metres into the site and 2.0 metres along the highway boundary, thereby forming a triangular visibility splay within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footpath level.

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

7. The turning area to the new access from Arlesey Road as shown on the drawing number ICK/09/01 rev.C shall be provided and marked out and, thereafter, shall be retained and maintained in that form and kept available for the purposes of the development.

Reason: To allow vehicles to manoeuvre on the site and to enter and leave it in a forward gear in the interests of highway safety.

8. The gradient of the accesses shall not be steeper than 1 in 20 for at least the first 5 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven on to the highway.

9. The accesses shall be constructed in a hard surfacing material for at least the first 4.8 metres from the edge of the footway.

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

10. The access to Arlesey Road shall be 3.0 metres wide and the width of the accesses to River Court shall be as shown on drawing number ICK/09/01 rev.C.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

11. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors<sup>1</sup>, and;
  - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and where required formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

The definition of *receptor* shall be based on the definition contained within Table A, Annex 3 of the DEFRA Circular on Contaminated Land 1/2006.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and the built and natural environment.

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To be protective of controlled waters.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To be protective of controlled waters.

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason : To be protective of controlled waters.

#### **Drainage Informative**

The maximum acceptable depth for soakaways is two metres below existing ground level with 1 metre between the base of the soakaway and the highest seasonal groundwater level.

Soakaways must not be constructed in contaminated ground.

In accordance with the Environment Agency Groundwater Protection Policy, direct discharges into groundwater of surface water run-off are not normally acceptable except where the prior written consent of the Environment Agency has been given under the terms of the Water Resources Act 1991. Such consent may be withheld.

Soakaways shall be designed and constructed wholly in accordance with BRE Digest 365 (or CIRIA Report 156) and to the satisfaction of the Councils Building Control Section.

Only clean, uncontaminated water should be discharged to any soakaway.

Deep bore and other deep soakaway systems are not considered by the Environment Agency to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction).

Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the LPA.

Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

### **Reason for Decision**

The development, hereby permitted, is acceptable in terms of land use, design and appearance and would not detract from the visual amenities of the locality, the amenity of neighbouring residential properties or adversely affect highway conditions in the vicinity of the site. As such, it complies with the relevant provisions of the Development Plan as summarised below:

#### **East of England Plan**

Policy H1: Regional Housing Provision

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

Policy 5, Excluded Villages

Policy 26, Housing Proposals

Policy 51, Development Effects and Planning Gain

Policy 55, Car parking Standards (as modified by SPD 'Vehicle Parking Provision at new Development')

Policy 57, Residential Guidelines and Standards.

#### **National Policy Guidance**

Planning Policy Statement (PPS) 3, Housing.

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<b>ITEM NO:</b> 6.7	<u>Location:</u>	<b>Orchard Lodge, Whitehill Road, Hitchin, SG4 9HT</b>
	<u>Applicant:</u>	<b>Mr J Brett</b>
	<u>Proposal:</u>	<b>Part two storey, part single storey side extension</b>
	<u>Ref.No:</u>	<b>09/01241/ 1HH</b>
	<u>Officer:</u>	<b>James Gran</b>

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

**Reason for Delay** (if applicable)

N/A

**Reason for Referral to Committee**

Application called in by Councillor Clark. Reason: "*in the interest of public interest*"

### **1. Relevant History**

#### 1.1 Previous applications:

- 80/00337/1 - Erection of first floor with car port underneath - Approved
- 98/01010/1HH - Rear conservatory - Approved
- 01/00690/1HH - Single storey rear extensions and conservatory. First floor pitched roof over existing flat roof - Approved.
- 01/01765/1HH - Front entrance lobby and driveway canopy, single storey rear extension incorporating enclosed swimming pool and double garage - Approved (swimming pool extension part of proposal not implemented and remains live, as entrance lobby and driveway canopy were implemented)

Pre-application advice given on this proposal in May this year, stating no objection in principle to the scheme.

### **2. Policies**

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

Policy 28 - House Extensions

Policy 55 - Car Parking Standards / Supplementary Planning Document - Vehicle Parking Provision at New Development

### **3. Representations**

#### 3.1 **Local Residents** - Representations of objections received from **Nos. 3, 6 and 7 Walnut Close**, stating the following:

- *That the proposal is not in keeping with the area concerned and it would change the character of the environment. In my view there is a very significant difference between what is currently a tree border compared to a two-storey sidewall with a rendered finish.*
- *I regard the proposed change as a loss of amenity in terms of the aesthetics and compromising the quality of the environment in its current natural state.*

- *The removal of a long line of mature evergreen trees, to be replaced by a 14 metre long by two storey high wall. This means there will be a lack of screening, causing a loss of an amenity. The removal of the trees could also cause my side garden and driveway to subside.*
- *The proposed extension is an overdevelopment of the area. The 14 metre long by two storey high wall will be within 50cms from the boundary with my property and approximately 8 metres from my front windows.*
- *The proposed wall will be part rendered, which will not be in keeping with the properties in Walnut Close. It also will not match the back wall of Orchard Lodge which is part brick and part tiled.*
- *It would radically change the character of the existing old red brick and red tile building, which would look half old and half modern.*

3.2 Representation of no objection received from **No. 1 Walnut Close** but comment on building work and contractor vehicle disruption in Walnut Close. Representation of no objection received from **No. 24 Willoughby Way**, subject to the trees along the northern boundary being retained and request construction times be within 8am to 5.30pm Monday to Friday only.

#### **4. Planning Considerations**

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

4.1.1 This is a two-storey detached dwellinghouse, which is accessed from a private gated driveway off Whitehill Road. The property is unusual in that it is only one room deep and is very lengthy in form (27 metres). Consequently, the building is unique to the area and does not relate to any other surrounding properties in terms of its design, form and orientation.

4.1.2 There exists a long line of mature conifer trees along the western boundary and beyond this boundary is the development of Walnut Close. No. 7 Walnut Close is closest to the site, which is slightly angled away from the application site, with the front of that property sited 7 metres from the site boundary. The main garden of the plot is some 30 metres in length and 30 metres in width. To the north of the site are the rear gardens of properties in Willoughby Way.

##### **4.2 Proposal**

4.2.1 The proposed two-storey extension would measure 4.35 metres in depth, 14 metres in length, with a pitched roof. A valley would be formed between this roof and the existing, creating two pitches when viewed from the access driveway (south). In one half of the addition, a dining room at ground floor and a sixth bedroom with en-suite at first floor would be created. In the other half, a full height entrance / reception room would be provided, with full height glazing to the end elevation (front elevation). The extension would project to within 0.5 metres of the boundary with Walnut Close.

4.2.2 The single storey element of the scheme would be located to the rear of the two storey section, providing a link between the existing ground floor living space, to the proposed dining room. The roof of this element would be a lean-to, to link to the existing hipped roof over the existing single storey extension. For both extensions, materials are proposed by way of part brickwork and part render, with plain clay roof tiles. The existing porches would be removed, which are shown dotted on the proposed ground floor plan.

### 4.3 Key Issues

- 4.3.1 The key issues in this case are the impact upon the residential amenity of neighbouring property, the design of the proposal having regard to Policy 28 of the District Local Plan and on-site parking provision.
- 4.3.2 Firstly, with regard to the first issue, in this case the relevant adjacent properties are those within Walnut Close, of which Nos. 7 and 6 are closest to the proposed extension. The principal objection from the occupiers of these two properties is the loss of the view of the existing line of mature conifer trees along the boundary of the application site. These trees are not located in a Conservation Area and are not protected by a Tree Preservation Order. Indeed, they are not worthy of such an Order in my view. Therefore, although their removal would be unfortunate as they provide a pleasant feature when viewed from Walnut Close, the fact is that these trees could be removed by the site owner, without any consent from the Council at any time. Moreover, in planning terms, there is no right to a view. Consequently, I consider that the extension should be judged on its individual merits only and not what the addition would be replacing.
- 4.3.3 The main two storey addition would indeed be of a significant size but when considering the one room depth and 27 metre length of the existing property, its depth would be in proportion with the host building in this case, as the resultant depth and layout would only be that of what one might expect from an unextended property. The current situation of one room only leading through to the next, is not practical and is clearly being sought to be addressed by this proposal. The length of the addition is simply as a result of making use of what would otherwise be a redundant and dark area of the plot (were the extension proposed shorter in length than it is), which would be of no amenity value. Although previous extensions have been added to this property, due to the significant size of this plot in an urban location, I do not consider there to be an overdevelopment of the property in this case.
- 4.3.4 I do not consider that the extension would be dominant over any neighbouring property. This is due to the 7.5 metre distance from the extension to the front elevation of No. 7 Walnut Close, with only the driveway of that property being adjacent the boundary and extension of Orchard Lodge. In addition, I do not consider that the extension would overlook any neighbouring property. There are no windows proposed in the elevation facing Walnut Close and a condition is attached to the recommendation below, preventing the insertion of any windows, in order to retain privacy for neighbouring properties. The first floor windows on the rear elevation would face the rear gardens of Willoughby Way. However, there is a 25 metre distance between these windows and the principal amenity areas of these gardens and rear of those properties. Moreover, the en-suite window is likely to be obscurely glazed. Therefore, there would not in my opinion, be any material adverse impact incurred for the residential amenity of any neighbouring property.
- 4.3.5 With regard to the second issue of design, I consider the main two-storey extension would replicate the existing form of the host building, having a matching roof pitch with matching ridge height, when viewed from the end elevations (labelled front and rear on the plans). The rear elevation would have matching windows to the existing property, with the front elevation (facing the access path) having a contemporary appearance by way of the full height glazing. This is an acceptable feature in my opinion and constitutes good design. As part of this contemporary design, regarding the use of materials, brickwork would be used for the lower part of the two-storey extension, with painted render above. Although render is not a feature of properties in Walnut Close or the host property, I consider this appearance compliments the contemporary full glazing end elevation and would not have a worsened appearance when viewed from Walnut Close in my view, compared to the use of all brickwork. Therefore, contrary to the objectors view, I consider the proposed rendered elevations, including that facing Walnut Close to

be acceptable. A sample of materials condition is attached to ensure the brickwork proposed will match the existing and for the colour of the render to be specified.

- 4.3.6 Overall, the design of this extension is bold and contemporary but is successful in my opinion. This is not a situation whereby a uniform character and building line exists in a row of properties, where a departure from this character would appear alien in the street scene. Instead, given the unique nature of the host building and that this type of extension could not be replicated in the locality, I consider that a contrast in design is acceptable in this particular case. I consider the contrasting appearance between the existing red brick and proposed rendered extension, would add variety to, and compliment the host building and would not detract from the character of the property or the area.
- 4.3.7 The single storey element of this proposal is uncontentious and is acceptable in design and form, which simply forms a link between the existing single storey extension and the main two-storey extension proposed.
- 4.3.8 With regard to on-site parking provision, at least three spaces are provided on site for the resultant six bedroom dwelling. This satisfies the parking requirements set out in the Supplementary Planning Document.
- 4.3.9 In response to the remaining comments from the representations made, any issues of subsidence to the driveway of No. 7 would be dealt with by the Building Regulations via Building Control and is not a material planning consideration. The siting of any contractor vehicles in Walnut Close and any disruption this may cause would be a civil matter. With regard to times of construction, a condition has been attached to the recommendation below, restricting building work operations to Monday to Saturday between the hours of 8am and 6pm only, which I consider is reasonable to both the applicant and the occupiers of neighbouring properties.

#### 4.4 **Conclusion**

- 4.4.1 I do not consider there to be any grounds to withhold planning permission for these additions, which are acceptable in design, size and materials, and would have no material adverse effect upon the residential amenities of the neighbouring properties, or the visual amenity of the locality.

### **5. Legal Implications**

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

### **6. Recommendation**

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

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

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

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

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

3. **Details and samples of materials to be used on all external elevations (brickwork and render, including colour of render) and the roof tiles 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. Notwithstanding the provisions of Class A within Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, no windows (other than those shown on the approved plan) shall be inserted at first floor level on the north or east facing elevations of the development hereby permitted.

Reason: To safeguard the privacy of the occupiers of the adjacent dwellings.

5. Building works shall take place Monday to Saturday between the hours of 8am and 6pm only and not at all on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of neighbouring properties.

#### **Reason for Decision**

The extensions 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:

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

Policy 28 - House Extensions

Policy 55 - Car Parking Standards / Supplementary Planning Document - Vehicle Parking Provision at New Development

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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
	<b>7</b>

**TITLE OF REPORT: PLANNING APPEALS**

REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER

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

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**PLANNING CONTROL COMMITTEE**

DATE: 10 September 2009

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr C Matthews	Retention of boundary fence	117 Garden Walk, Royston, SG8 7JN	08/01700/1HH	Appeal Dismissed on 14 August 2009	Committee	The Inspector agreed that the fence is contrary to Planning Policy Statement 1; Delivering Sustainable Development in that it is not sympathetic to the character and appearance of the surrounding area.

**PLANNING CONTROL COMMITTEE****DATE: 10 September 2009****PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Wheatley Homes Ltd	13 August 2009	Residential development comprising 6 x 2 bedroom apartments and 8 x 3 bedroom houses, 22 associated car parking spaces and ancillary works.	72 & 74 South Road, Baldock, SG7 6BZ	09/00479/1	Informal Hearing
Mrs M Moore	25/08/09	Detached two-bedroom dwelling with two designated parking spaces and associated landscaping	59 Benslow Rise, Hitchin, SG4 9QY	08/03028/1	Written Representations

**Note: No hearings scheduled up until 25 September 2009**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**8**

**TITLE OF REPORT: PLANNING ENFORCEMENT CASELOAD AND MONITORING  
REPORT OF THE PLANNING CONTROL & CONSERVATION MANAGER**

Please refer to attached reports.

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## ENFORCEMENT CASELOAD

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

## ENFORCEMENT CASELOAD

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

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