

9 September 2008

Ref: Planning 18.9.08
Contact: Hilary Dineen
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To: Councillors Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman), D.J. Barnard, Liz Beardwell, David Billing, Clare Body, John Booth, J.M. Cunningham, Gary Grindal, A.F. Hunter, David Levett, Alan Millard, M.R.M. Muir, R.L. Shakespeare-Smith and M.E. Weeks.

(Substitutes: Councillors Tom Brindley, P. Clark, S.K. Jarvis, Michael Paterson, Deepak Sangha and Martin Stears).

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE
to be held in the

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

on

THURSDAY, 18 SEPTEMBER 2008, at 7.30p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the meeting of this Committee held on 21 August 2008.	-
3. NOTIFICATION OF OTHER BUSINESS 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.	-
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either as 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 should leave the room and not seek to influence the decision during that particular item.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
6. PLANNING APPLICATIONS REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL	1
6.1 08/01699/ 1 - UNIT 35, CHURCHYARD, HITCHIN, SG5 1DW CHANGE OF USE OF PREMISES FROM CLASS A1 (RETAIL) TO CLASS A3 (FOOD & DRINK) WITHOUT REGARD TO TEMPORARY PERMISSION FOR CHANGE OF USE FOR 3 YEAR PERIOD GRANTED UNDER PLANNING REFERENCE 06/00319/1 GRANTED ON 21.04.06	3
6.2 08/01129/ 1 - GARDEN HOUSE, 42 BANCROFT, HITCHIN, SG5 1DD CHANGE OF USE AND INTERNAL AND EXTERNAL ALTERATIONS OF OFFICE BUILDING (CLASS A2) TO PROVIDE 14 SELF-CONTAINED TWO BEDROOM FLATS WITH ASSOCIATED PARKING (VARIATION OF PLANNING PERMISSION 07/01152/1 GRANTED 13/08/07)	7
6.3 08/01085/ 1 - 27 HEATHFIELD, ROYSTON, SG8 5BN ERECTION OF DETACHED 5 BEDROOM DWELLING FOLLOWING DEMOLITION OF EXISTING DWELLING (AS AMENDED BY PLANS RECEIVED 05/08/2008)	15

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6.4 08/01289/ 1 - LAND AT FORMER SKILL CENTRE, PIXMORE AVENUE, LETCHWORTH GARDEN CITY DEVELOPMENT OF 29 NO. RESIDENTIAL FLATS AND ASSOCIATED VEHICLE PARKING AND INFRASTRUCTURE. CONSISTING OF THE FOLLOWING MIX: 13 NO. ONE BEDROOM APARTMENTS AND 16 NO. TWO BEDROOM APARTMENTS (8 OF WHICH AS AFFORDABLE HOUSING) BY CONVERSION AND ADAPTATION OF BUILDINGS APPROVED BY PLANNING PERMISSION NO 06/00832/1 AND 07/02994/1 FOR 250 DWELLINGS. CONVERSION OF 2 NO. APPROVED FOUR BEDROOM DWELLINGS TO 2 NO. THREE BEDROOM AFFORDABLE DWELLINGS.	25
6.5 08/01053/ 1 - HOGSNORTON COTTAGE, SALLY DEARDS LANE, CODICOTE, AL6 9UE DETACHED BUILDING FOR USE AS GRANNY ANNEXE ANCILLARY TO DWELLING	51
6.6 08/01253/ 1 - BURLEIGH HOUSE, 41 & 43 LETCHWORTH ROAD, BALDOCK, SG7 6AA PROPOSED EXTENSIONS AND ALTERATIONS TO EXISTING CARE HOME INCREASING THE NUMBER OF BEDROOMS ON SITE FROM 19 TO 45; ADDITIONAL CAR PARKING (TOTAL 15 SPACES), CYCLE STORAGE AND ANCILLARY DEVELOPMENT FOLLOWING DEMOLITION OF EXISTING EXTENSIONS AT NO. 41 AND DEMOLITION OF NO. 43 LETCHWORTH ROAD.	57
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In the Civic Year 2008-2009 The Planning Control Committee will meet on the following dates:

2008

**Thursday 16 October
Thursday 13 November
Thursday 18 December**

2009

**Thursday 15 January
Thursday 19 February
Thursday 19 March
Thursday 16 April**

**Planning Control Committee
18 September 2008**

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

6

TITLE OF REPORT: PLANNING APPLICATIONS

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

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

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

AGENDA INDEX

ITEM:	REF NO:	LOCATION:DESCRIPTION	CONTACT OFFICER:	PAGE:
1.	08/01699/ 1	Unit 35, Churchyard, Hitchin, SG5 1DW Change of use of premises from Class A1 (retail) to Class A3 (food & drink) without regard to temporary permission for change of use for 3 year period granted under planning reference 06/00319/1 granted on 21.04.06	Tom Rea 01462 474565	3
2.	08/01129/ 1	Garden House, 42 Bancroft, Hitchin, SG5 1DD Change of use and internal and external alterations of office building (Class A2) to provide 14 self-contained two bedroom flats with associated parking (variation of planning permission 07/01152/1 granted 13/08/07)	Tom Rea 01462 474565	7
3.	08/01085/ 1	27 Heathfield, Royston, SG8 5BN Erection of detached 5 bedroom dwelling following demolition of existing dwelling (as amended by plans received 05/08/2008)	Naomi Reynard 01462 474318	15
4.	08/01289/ 1	Land at Former Skill Centre, Pixmore Avenue, Letchworth Garden City Development of 29 no. residential flats and associated vehicle parking and infrastructure. Consisting of the following mix: 13 no. one bedroom apartments	Simon Ellis 01462 474264	25

		and 16 no. two bedroom apartments (8 of which as affordable housing) by conversion and adaptation of buildings approved by planning permission no 06/00832/1 and 07/02994/1 for 250 dwellings. Conversion of 2 no. approved four bedroom dwellings to 2 no. three bedroom affordable dwellings.		
5.	08/01053/ 1	Hogsnorton Cottage, Sally Deards Lane, Codicote, AL6 9UE Detached building for use as granny annexe ancillary to dwelling	Kate Poyser 01462 474244	51
6.	08/01253/ 1	Burleigh House, 41 & 43 Letchworth Road, Baldock, SG7 6AA Proposed extensions and alterations to existing care home increasing the number of bedrooms on site from 19 to 45; additional car parking (total 15 spaces), cycle storage, refuse storage and ancillary development following demolition of existing extensions at no. 41 and demolition of no. 43 Letchworth Road (as amended by plans received on 3 September 2008).	Kirstie Hough 01462 474311	57

ITEM NO: 6.1	<u>Location:</u>	Unit 35, Churchyard, Hitchin, SG5 1DW
	<u>Applicant:</u>	Hammersmatch Builders Ltd
	<u>Proposal:</u>	Change of use of premises from Class A1 (retail) to Class A3 (food & drink) without regard to temporary permission for change of use for 3 year period granted under planning reference 06/00319/1 granted on 21.04.06
	<u>Ref.No:</u>	08/01699/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 22 September 2008

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

The application requires Committee consideration as the premises are ground leased from the District Council.

1. Relevant History

- 1.1 Permission granted in February 2004 by the Hitchin Committee, contrary to officer recommendation, for the change of use from Class A1 (retail) to Class A3 (food and drink) for a temporary period of 3 years. (application ref: 03/02042/1)
- 1.2 Permission granted in April 2006 by the Hitchin Committee, contrary to officer recommendation, for the change of use from Class A1 (retail) to Class A3 (food and drink) for a further temporary period of 3 years (24.02.07 to 24.02.10). (application ref: 06/00319/1).

2. Policies and other relevant guidance

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations**
Policy 43: Shopping Areas in Town Centres
- 2.2 **Hitchin Town Centre Strategy 2004**
Policy 8: Shopping uses

3. Representations

- 3.1 **Environmental Health officer:** Any comments will be reported at the meeting
- 3.2 **Planning Policy Projects Manager:** Considers that the application will be contrary to shopping frontage policy both in saved policies and in the emerging development policies in the Local Development Framework

- 3.3 **Site Notice/Adjoining occupiers:** Representations have been received from the **Hitchin Initiative** commenting that to enable investment in the area there needs to be some security of tenure and that this can only be provided through a permanent consent to A3 use. Comment that the area cannot be considered prime retail frontage and given the empty number of units in the town this application should be supported.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises a corner unit on Churchgate/Churchyard Walk adjacent to the market area. The unit has previously been used for purposes within Class A3 (food and drink) since February 2004 however the unit is presently vacant.

4.2 Proposal

- 4.2.1 The applicant seeks a permanent consent for A3 use. The application is not accompanied by a supporting statement but it is understood from the applicants agents that the current temporary permission which expires in February 2010 is not considered viable for any tenant to invest in the premises.

4.3 Key Issues

- 4.3.1 The shop unit is located within the primary shopping frontage area as designated in the current District Local Plan No. 2 with Alterations and therefore the proposal requires consideration against Policy 43 of the District Local Plan which seeks to resist the loss of retail floorspace within the Shopping Core of the town.

- 4.3.2 The unit possesses a significant frontage at ground floor level in a location covered by the Local Plan Shopping Frontage Policy. The change to a A3 usage in this location without any accompanying exceptional circumstances being put forward is unacceptable in policy terms.

- 4.3.3 Further to the above, Policy 8 of the Hitchin Town Centre Strategy (2004) is specific about protecting the retail frontage in the town. Policy 8 states:

'The Council will support shopping within the town centre, and refuse non-shopping proposals within primary shopping frontages. The mix of uses will be reviewed regularly to ensure the continued vitality and viability of the town centre. (Policies 42 and 43)'

- 4.3.4 As part of the Local Development Framework the Council has also produced in September 2007 a Development Policies Preferred Options Paper following public consultation. Policy 27 of the document includes the application site as an area which should be retained as a primary shopping area. Whilst this document cannot be given material weight at present it does reflect the Council's continuing desire to protect and maintain the primary retail function of Hitchin Town Centre.

- 4.3.5 In discussions with the applicants agent officers have advised that the Council would not object to a temporary change of use permission linked to the current lease on the application unit which expires in April 2011. Alternatively, the applicants could seek an extension of the current temporary planning permission at a time closer to the expiry of the permission (February 2010).

4.4 **Conclusion**

- 4.4.1 The application fails to meet the provisions of Policy 43 of the Local Plan and Policy 8 of the Hitchin Town Centre Strategy 2004 and does not present, in my opinion, any exceptional circumstances to justify a relaxation of the policies to allow a permanent permission for A3 (food and drink) use within this shopping frontage.

5. Legal Implications

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

6. Recommendation

- 6.1 That permission be **REFUSED** for the following reasons:

1. The application premises lie within a Shopping Frontage area as defined in the North Hertfordshire District Local Plan No 2 with Alterations, wherein the Local Planning Authority will normally only permit development proposals for retail uses on the ground floor in accordance with the provisions of Policy 43 of the Plan. The proposed permanent use for Class A3 purposes would result in the loss of retail floorspace within the town centre, contrary to the provisions of this policy and in the view of the Local Planning Authority the application exhibits no exceptional circumstances to justify the presumption against the loss of retail floorspace being overridden. The proposal would also be contrary to Policy 8 of the Hitchin Town Centre Strategy 2004.

ITEM NO: <u>2</u>	<u>Location:</u>	Garden House, 42 Bancroft, Hitchin, SG5 1DD
	<u>Applicant:</u>	Regal Court Homes LTD
	<u>Proposal:</u>	Change of use and internal and external alterations of office building (Class A2) to provide 14 self-contained two bedroom flats with associated parking (variation of planning permission 07/01152/1 granted 13/08/07) (as amplified by drawing no. WD 13 B)
	<u>Ref.No:</u>	08/01129/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 22 September 2008

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

Development the subject of this application has commenced and therefore some of the works are presently unauthorised.

1. Relevant History

- 1.1 Application ref: 07/01152/1 for the change of use and alteration of office building (Class A2) to provide 14 self-contained flats comprising 3 one- bedroom flats and 11 two-bedroom flats with associated parking, granted permission 13/8/08.
- 1.2 Application ref: 07/02436/1 for the approval of details of design and external appearance of refuse bin store and cycle storage buildings (in accordance with condition 3 of planning permission 07/01152/1 granted 13/08/07, granted permission 15/1/08

2. Policies

- 2.1 **East of England Plan 2008**
Policy H1: Regional Housing Provision 2001 to 2021
- 2.2 **North Hertfordshire District Local Plan No. 2 with Alterations**
Policy 8: Development in Towns
Policy 21: Landscape and Open Space Patterns in Towns
Policy 26: Housing Proposals
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and Standards

3. Representations

- 3.1 **Hertfordshire Highways:** Recommends a condition
- 3.2 **Environmental Health Officer:** Any comments will be reported at the meeting
- 3.3 **Conservation officer:** No comments to make.
- 3.4 **Site Notice/Adjoining occupiers:** A letter has been received from the **Silver Court Residents Company Limited** raising the following concerns:
- Increase in size of door and window openings will result in loss of privacy to Silver Court residents
 - Introduction of balconies would also result in loss of privacy
 - Enlarged openings will result in more noise disturbance to Silver Court residents
 - Overlooking of Silver Court properties from french door openings on front elevation
 - Objection to dark stained cladding on south elevation
 - Concern at future of Robina tree
 - Concern at additional changes and that the developer has started work without full permission.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The office building the subject of this application was erected in the mid 1970s and continued in such use until about a two years ago, since when it has remained vacant until the recent commencement of conversion works . It is located at the rear of numbers 41-44 Bancroft with vehicular access via a large archway between the frontage properties. To the north are former commercial buildings which have been converted to residential use. At the rear, are the grounds and buildings of the Hitchin Boys School and on the south side is the courtyard of terraced houses known as Silver Court. The properties on the Bancroft frontage are in use as offices and as a pharmacy and have service areas immediately to their rears.
- 4.1.2 The building has a 'T' shaped plan form and is essentially two storeys in height but provides, in effect three floors of accommodation, the upper floor being contained in a semi-mansard type roof with rooflight windows. The ground floor accommodation is limited to the front of the building and provides access and stairs to the upper floors and storage space. The remainder of the ground area is open and provides 20 car parking spaces with access via an arch at the front.

4.2 Proposal

- 4.2.1 The application proposes a change of use and conversion of the building to, in all, 14 two bedroom flats retaining the existing 20 car parking spaces. The flats would be on the ground, first and second floors with the upper floors served by a lift and staircase. The permitted scheme proposed all the flats above ground floor level whilst this proposal provides two flats on the ground floor with the remainder on the upper floors. In addition to the approved scheme all the flats are two bedroom units as opposed to 11 two bedroom units and 3 one bedroom units.

The majority of existing rooflight openings on all elevations are to be enlarged to provide double opening rooflights whilst all the majority of existing window

openings at first floor level are to be altered to french door openings with security grills.

In terms of physical extensions to the building a new lift is installed entailing the provision of a lift shaft housing projecting 0.7m above the existing roofline together with a flat dormer extension at the rear to accommodate the staircase.

The building would be clad in larch timber cladding on all first floor elevations with the exception of the south facing elevation adjacent Silver Court whilst the ground floor elevation will be rendered. Part of the cladding has been applied to the building.

Two refuse and cycle storage buildings permitted under the previous application (07/02436/1) have been constructed along the northern boundary.

4.3 Key Issues

- 4.3.1 The principle of converting the existing building to 14 flats has been established by the existing planning permission therefore the main issues for consideration relate to the detail of the scheme and the impact on neighbouring property and the effect of the scheme on the character and appearance of the area.
- 4.3.2 An additional three bedrooms are proposed over the approved development however the increased size of the units through utilising the ground floor accommodation does not result in any additional footprint or massing to the building (other than the extensions to accommodate the lift shaft and new staircase which are relatively minor additions and do not substantially alter the form of the building).
- 4.3.3 The use of render and timber cladding would improve the external appearance of the building and reflects the use of a variety of materials including render on surrounding development including Silver Court. Cladding of the front elevation has commenced however details of the stain can be conditioned if permission is granted.
- 4.3.4 At present, there are grassed amenity areas on the north and south side of the building as well as small landscaped areas to the front. These are shown to be retained together with the existing car parking facilities. To meet the current car parking standards a maximum of 14 spaces would suffice so the 20 existing spaces would, in fact, be an over-provision but the additional spaces would meet any additional visitor parking demand.
- 4.3.5 In assessing the likely impact of the proposed conversion on the adjacent residential properties and the addition of balconies and larger window openings, I have had regard to the previous lawful office use of the building and the fact that this could have changed to other uses within Use Class B1. As with the previous scheme it is considered that residential conversion in principle would be entirely compatible in this town centre location and would not have any adverse effect on the amenities presently enjoyed by the nearby residents.

In respect of the concern expressed regarding increased overlooking of Silver Court from the larger windows proposed on the south elevation and the balcony area the applicants now propose a 900mm high metal screen which is proposed along the 3.9m high boundary wall between the development site and Silver Court. The submitted drawings (WD13B) demonstrates that there would be no overlooking of Silver Court from the balcony area. The enlarged windows within the roofspace would be 20m from the directly facing elevations of Silver Court and it is now generally acknowledged that this separation distance is acceptable and in historic town centre locations in fact quite generous. I am therefore satisfied that the provision of the screening including trees, together with the separation distance

between Garden House and Silver Court would not give rise to a significant loss of privacy.

The introduction of french doors on the proposed east elevation in lieu of the original windows is also a concern for Silver Court residents however in my opinion the provision of french doors in the absence of a balcony and restricted by security grills together with the angled relationship to Silver Court would not give rise to additional loss of privacy.

It is acknowledged that there are more window openings than the original building proposed with this scheme and the residents of Silver Court have raised a concern over noise however it is considered that any additional noise emissions would be so marginal as to be insignificant particularly bearing in mind the residential use, that there is no increase in the permitted number of flats and the town centre location where background noise levels would generally be higher than other residential locations.

- 4.3.6 The cycle and refuse stores have been constructed in accordance with the previous planning permission and their overall design form and general external finishes of both buildings are considered acceptable.

With regard to landscaping the applicants have confirmed the various areas of soft and hard landscaping and that the robina tree at the front of the site is to be retained.

- 4.3.7 In support of the application, the applicants have formally undertaken to pay planning obligation charges to HCC and this Council totalling £38,608.94 plus legal and monitoring fees. This complies with the provisions of the Council's Planning Obligations Supplementary Planning Document adopted in November.

It is unfortunate that works have commenced on the conversion scheme in advance of planning permission being granted however having assessed the details of the scheme there are no sustainable planning objections that could be raised to the development.

4.4 **Conclusion**

- 4.4.1 Whilst the application site is located within the Hitchin Conservation Area nevertheless, the proposed external alterations to the building, I suggest, have no significant effect on the character and appearance of the Area or on the residential amenities of adjoining occupiers.

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 signed Unilateral Undertaking and the following conditions:
1. 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.

2. The existing turning facility and car parking spaces shall be retained and kept permanently available for use by vehicles associated with the flats, hereby permitted.

Reason : To allow vehicles to enter and leave the site in forward gear and to ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the residents of the 14 dwellings within the development, in the interests of highway safety.

3. Before occupation of any of the apartments hereby permitted, a landscaping scheme shall be submitted to and have been approved in writing by the Local Planning Authority. The scheme shall include the following details :

- 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 scheme in the interests of the visual amenity of the locality.

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. **Details of the timber stain finish and type and colour of render to be used on all external elevations hereby approved, shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced on them. The approved materials shall be implemented on site.**

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

6. **Prior to the occupation of any of the apartments hereby approved details of the design (including materials) of the additional screening to be provided along the boundary wall with Silver Court (as indicated on drawing no. WD 13B) shall be submitted to and approved in writing by**

the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

Reason for Decision

The proposed development would not prejudice the implementation of any relevant Development Plan policies/ proposals or government advice contained in PPG 15 - Planning and the Historic Environment. Moreover, it would not have any adverse effect on the amenities of the neighbouring residential properties and the visual amenity of the locality.

ITEM NO:	<u>Location:</u>	27 Heathfield, Royston, SG8 5BN
3		
	<u>Applicant:</u>	Mr K Cooper
	<u>Proposal:</u>	Erection of detached 5 bedroom dwelling following demolition of existing dwelling (as amended by plans received 05/08/2008)
	<u>Ref.No:</u>	08/01085/ 1
	<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period : 23 July 2008

Reason for Delay

Negotiations

Reason for Referral to Committee

Town Council objection contrary to officer recommendation.

1. Relevant History

- 1.1 Planning permission was granted on 12th June 1989 for single storey side and rear extensions and provision of parking space.
- 1.2 Plans were submitted, as part of this current application, in May 2008 for an L-shaped replacement dwelling, which would front onto the west leg of Heathfield. Following site visits and receipt of consultation responses concerns with the scheme were raised with the applicant. Amended plans were received on 5th August 2008.

2. Policies

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations**
Policy 57 - Residential Guidelines and Standards
- 2.2 **East of England Plan**
Policy ENV7 - Quality in the Built Environment
- 2.3 **National Planning Guidance**
Planning Policy Statement 3 – Housing

3. Representations

- 3.1 **Highways Authority** - Raised no objections to either scheme and recommended conditions. The conditions recommended on the amended scheme are set out below.
- 3.2 **Environment Agency** - No comments received at time of writing the report. To be updated at committee meeting.

3.3 **Town Council** - Comments received raising the following objections to the originally submitted scheme:

- Design and position not in keeping with the area.
- Over-development of the site - large house on a small plot.
- Area where new access is proposed is too narrow.
- Proposed development goes right up to the building line and is positioned inappropriately to the adjacent dwelling.
- Landscaping should respect the road verge with gravel drives in keeping with the area and to protect against flooding.
- The glazed feature windows are out of character of the area and the atrium window is overpowering.

The application does not meet the requirements of Policy 57 of the District Local Plan:

- Proposed dwelling shape and physical features are out of keeping with the character of the surrounding area.
- This area has an established character and a new building should enhance the area, the design, appearance, layout and materials should be sensitive and in keeping with the surrounding area.

Comments received following consultation on the amended plans raising the following objections:

"Although some of the issues of the previous plans have been addressed members of the Planning Committee still do not support this application for the following reasons:

***It does not comply with Guidelines 1 and 2 in Policy 57,
Guideline 1 Site and Surroundings***

- ***Each site is unique and design must relate to the site.***
- ***Development proposals on sites with areas having an established character will need careful consideration as to whether they are acceptable at all.***

Guideline 2 Design and Layout

- ***The design and layout should be acceptable to most people in visual, functional and social terms whether as residents or visitors.***
- ***To achieve the highest standards of design, housing proposals should relate to and enhance their site and surroundings.***
- ***The size and design of the building does not enhance the area's character or in keeping with the streets scene in an old established area.***
- ***The proposed design is not in keeping with the dwellings in the area, the atrium look entrance does not enhance the area or in keeping with the dwellings in the area.***
- ***The proposed dwelling is over powering on the site and not visually acceptable to the residents in the area."***

3.4 **Heathfield Residents Association (c/o 4 Heathfield)** - Raised the following objections to the originally submitted scheme. This was accompanied by a petition of 49 signatures.

- The size of the development on this rather small plot and the dominant position it will have on the corner of the road, as it would be on or just in front of the building line.
- Does not fit into the general pattern of modest simple traditional designs, which give Heathfield its particular character.
- Not in keeping with the character of the road in terms of its position on the site, as well as the style. The orientation should be maintained to face north.
- Access would be on the west leg of Heathfield where the road is particularly narrow. Although Heathfield is a private road it is a road used by the public.

- They would support a suitably designed replacement dwelling.

The Residents Association raised the following objections to the amended scheme. This was accompanied by a petition of 48 signatures.

- Although many of their objections to the original proposals have been addressed, they are unable to support the amended plans.
- Proposed development is still too large and amongst other changes they consider that a reduction in roof height to match the adjacent dwelling of no. 25 is required.
- Design is out of character with adjacent properties in Heathfield. The proposed design does not relate to or enhance the site and surroundings and as such is not compliant with Policy 57 - Guidelines 1 and 2 of the District Local Plan.

3.5 Local residents/site notice and press publicity:

Letters received from the neighbours at **10, 25, 29, 31, 37, 39, 42, 44, 46, 52, 56, 62 and 64 Heathfield and 45 Baldock Road**, with the following objections to the originally submitted plans.

- Modern design not in keeping with the area and does not look domestic.
- Visually intrusive and prominent in the street scene, particularly the glazed atrium feature.
- Extensive use of glass is out of character in the area and would result in light pollution. 3D night view plans indicate light pollution.
- Object to the re-orientation.
- Over-development. The proposal is too large for a small plot.
- Roofline is considerably higher than existing bungalow, especially in relation to the bungalows opposite.
- Highway safety issues regarding the repositioning of access.
- Parking spaces are an insufficient depth. Garage labelled as garage/gym.
- Overlooking of no. 25 from the guest bedroom.
- Glazed atrium would dominate skyline as seen from no. 25.
- Overdominating and overshadowing of no. 29.
- Loss of open character, important trees and hedges and change to more hard landscaping, including a prominent solid wall on the northern boundary.
- Increased risk of flooding.
- The existing dwelling is not dilapidated or beyond economic repair.
- Could set an unwelcome precedent.

Letters received from the neighbours at **29, 31, 42, 44, 46, 52, 56 and 62 Heathfield and 45 Baldock Road** with the following objections to the amended plans:

- Contemporary design is out of character with the other properties in Heathfield, which whilst varied in design are all of a relatively subdued/sedate nature and are more modest and traditional. The proposal is out of keeping with the semi-rural ambience of the area. The proposal would harm the character and appearance of the area, contrary to Policy 57 of the District Local Plan.
- In particular consider the entrance feature on the front (north) elevation is very modern and out of place in its surroundings.
- The design gives the impression of great mass and dominance, particularly the gable end at the west end of the building.
- Dominant in the street scene due to close proximity to the road, whereas other properties of a comparable size are set back and/or screened by trees, and as the proposed front protrusion would overstep the building line.
- Given its dominant corner position the house is still too large for the small plot. The dwelling would have the largest facade on this east-west leg of Heathfield.

- Suggestion that should permission be granted that permitted development rights be removed to prevent over-development.
- Highway safety concerns, if there is any reduced visibility on this corner.
- Overlooking of no. 44 opposite.
- Concern regarding increased flooding, as a result of the development.
- Would set an unwelcome precedent.

4. Planning Considerations

4.1 Site & Surroundings

4.1.1 The property is a detached bungalow on the corner of the west and north legs of Heathfield. Heathfield is a U-shaped private road off Baldock Road. The street is made up of houses and bungalows of a variety of designs and ages spanning the twentieth century.

4.2 Proposal

4.2.1 The proposal is to replace the existing bungalow with a two storey house. The originally submitted application was for an L-shaped house with its main frontage on the west leg of Heathfield. Following site visits and receipt of consultation responses, concerns with the scheme were raised with the applicant. The scheme was subsequently amended to address those concerns. The amended scheme has reduced the footprint of the proposed dwelling so that it would be generally within the footprint of the existing bungalow and garage.

4.3 Key Issues

4.3.1 The key issues in the determination of the planning application are the impact of the proposal on the street scene, neighbouring properties and highways conditions in the vicinity of the site.

4.3.2 Principle

There is no objection in principle to the replacement of the existing bungalow with a dwelling. Planning permission is not required for the demolition of the existing property. There is not in my view any argument to be made for its retention, as it is not considered an example of high architectural quality worthy of protection. Moreover, there is, in my view, no objection in principle to the replacement of the bungalow with a two storey house. Whilst the nearby properties to the east and north are mainly bungalows and chalet bungalows the properties immediately to the west and south are two storey houses. The ridge height of the proposed dwelling would be higher than that of the adjacent bungalow with first floor roof extension, but lower than that of the two storey house to the rear.

4.3.3 Design

With regard to the objections received a key issue is the design of the proposed dwelling in the street scene. In my view there is no objection in principle to a dwelling of a contemporary design on the site. There are a wide variety of properties in Heathfield of different ages and designs. Indeed, I consider that it is the diversity of the street scene which characterises the area rather than any discernible architectural theme or style. Whilst I note that in general the properties are fairly standard and understated examples of their era, this does not preclude a more individual house being appropriate in the street scene. Indeed there are other properties in the street, which are individual in design. I asked the applicant to provide an analysis of the site and locality within the design and access statement. The analysis submitted draws attention to the variety of designs of various periods and of various sizes of dwellings in Heathfield. I agree with this analysis and would conclude that the proposal complies with Guidelines 1 and 2 of Policy 57, as it would relate to and enhance the site and the character of the surroundings.

4.3.4 **Layout**

The application has been amended so that the proposed dwelling would be on almost the same footprint as the existing dwelling. Whilst in my view there was no objection in principle to the initially proposed orientation of the dwelling, the revised layout helps address the concerns that were raised in relation to the initial scheme and there are no objections to the revised proposal.

4.3.5 **Scale and massing**

I raised concerns regarding the bulk and massing of the originally proposed house, particularly in relation to no. 29. The amended plans considerably reduce the bulk of the proposed dwelling in the following ways;

- the dwelling has been repositioned to be in approximately the same position as the existing bungalow,
- the proposed house would have a smaller footprint,
- the depth of the main part of the house has been reduced from approximately 7m to 6m the ridge height has been reduced by approximately 0.5m,
- the glazed gable feature has been redesigned to reduce the glazed area and the roof to this feature is now a hip and not a gable with no glass projecting into the roofslope.

As I requested the applicant provided an analysis of the context of the site with regard to the size of the dwelling in relation to the size of the site. The statement cites other wide dwellings extending to the extremities of the plots and asserts that this proposal is not the largest house on the smallest plot in Heathfield. However, the proposed dwelling size and mass has been reduced and relocated. In my view the proposed dwelling to plot ratio would not be out of character with others in Heathfield. Given that the proposed dwelling has involved an increase in size from the original dwelling on the site I have recommended the removal of 'permitted development' rights under Classes A and B (which cover the enlargement, improvement or other alteration of a dwellinghouse and the enlargement of a dwellinghouse consisting of an addition or alteration to the roof). This would give the Local Planning Authority control over any future extensions.

4.3.6 **Materials**

The amended proposal shows the external walls to be a smooth white rendered finish on a brick plinth and the roof would be finished in welsh grey slate with lead-work to dormer cheeks and dormer roofs. The windows and door frames would be oak stained windows and doors with oak staining to the main timbers supporting the main entrance feature. A variety of materials are used in the street and there would be no objections to these proposed materials. Indeed several other properties in the streets are white rendered. The standard condition that details/samples of materials be submitted and approved by the Local Planning Authority has been recommended below.

4.3.7 **Landscaping**

I would suggest that one of the most discernible features of Heathfield is the presence of street trees, which promote a sense of tree-lined avenues or a woodland glade. The amended scheme would not involve the removal of any trees from the site and as such this character would be maintained. The originally proposed boundary wall has been removed from the scheme and a 1.8m high close boarded fence is proposed. I can see no objection to this, as this is the boundary treatment as existing. A condition has been recommended that details of this fencing be approved in writing by the Local Planning Authority.

4.3.8 **Impact on neighbouring properties**

As a result of the re-orientation of the proposed dwelling, the proposal would not in my view have an adverse built impact on no. 29 Heathfield and the potential for overlooking of no. 25 Heathfield from the rear guest bedroom window has been removed. In my opinion the proposed dwelling would not result in a material loss of privacy to no. 44 Heathfield given that the proposal would replace an existing dwelling, the front of the building would be approximately 38m from the front of no. 44 with a road between the properties.

4.3.9 **Highways and parking issues**

The proposed house would have two parking spaces on the drive and two in the garage. This would be more than sufficient for the proposed four bedroom property. The amended plans show that the access would be in a similar position to the existing driveway. The Highways Authority raised no objection and have recommended the conditions set out below.

4.3.10 **Other issues**

There were some minor anomalies on the amended floor and site layout plans. Corrected plans have been requested at the time of writing this report.

4.4 **Conclusion**

4.4.1 Whilst I acknowledge those representations which are critical of the proposed design, I consider that the application scheme must be assessed in light of the wider context and setting of Heathfield. In my opinion the area is characterised by dwellings of a varied and diverse nature both in terms of their architectural style and age. If there is any sense of place or distinctiveness in the street scene it is perhaps represented by dwellings 'of their time' constructed with little or no deference to established neighbours or historical architectural precedent. Accordingly, I do not consider that another dwelling 'of its time' would necessarily strike a discordant note. On the contrary, it may be argued that this approach actually reinforces an established sense of distinctiveness in the Heathfield street scene.

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. The development hereby permitted shall not be brought into use until the proposed access has been reconstructed and the verge has been reinstated to the Local Planning Authority's satisfaction following consultation with Hertfordshire County Council.

Reason: In the interests of highway safety and amenity.

5. Before the access is first brought into use 2.0 metre x 2.0 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 2.0 metres into the site and 2.0 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Class A and B of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

7. Details of the appearance and position of the proposed boundary fencing shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented on site.

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

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 locality or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan, as summarised below.

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

North Hertfordshire District Local Plan No 2 with Alterations

Policy 57 - Residential Guidelines and Standards

East of England Plan

Policy ENV7 - Quality in the Built Environment

ITEM NO: 4	<u>Location:</u>	Land at Former Skill Centre, Pixmore Avenue, Letchworth Garden City
	<u>Applicant:</u>	Bellway Homes - North London
	<u>Proposal:</u>	Development of 29 no. residential flats and associated vehicle parking and infrastructure. Consisting of the following mix: 13 no. one bedroom apartments and 16 no. two bedroom apartments (8 of which as affordable housing) by conversion and adaptation of buildings approved by planning permission no 06/00832/1 and 07/02994/1 for 250 dwellings. Conversion of 2 no. approved four bedroom dwellings to 2 no. three bedroom affordable dwellings.
	<u>Ref.No:</u>	08/01289/ 1
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 19 September 2008

Reason for Delay

N/A

Reason for Referral to Committee

The application site area at over 0.5ha requires that this planning application for residential development be reported to Committee, under the Council's scheme of delegation.

1. Relevant History

- 1.1 Some Members may recall that outline planning permission for a maximum of 250 no. dwellings on this site was granted at the Letchworth Area Committee meeting held on 23 August 2006 (ref. 06/00832/1).
- 1.2 Following the Letchworth Area Committee resolution to grant outline planning permission for 250 no. dwellings on this site, the associated Section 106 Obligation was agreed between all relevant parties and eventually completed on 17 December 2007 following which formal outline planning permission was granted. The outline planning permission approved the principle of housing development on this site, it approved a maximum quantum of development of 250 no. dwellings and approved the means of access to the site (two points off Pixmore Avenue). The matters reserved for future consideration as a result of this decision were the siting, design, external appearance and the landscaping of the site.
- 1.3 Many Members will recall that the approval of reserved matters of the siting, design, external appearance and the landscaping of the site were approved at the Meeting of the Planning Control Committee held on 21 February 2008 (ref. 07/02994, Committee report attached as appendix A). Under planning law the outline planning permission and reserved matters approval referred to in this section of the report combine to form a complete planning permission for the development of 250 no. dwellings on this site.

2. Policies

- 2.1 **Central Government Policy Guidance:**
Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'
Planning Policy Statement (PPS) 3 'Housing'
Planning Policy Guidance note (PPG) 13 'Planning and Transport'
- 2.2 **East of England Plan:**
Policy H1 'Regional Housing Provision 2001 to 2021'
Policy H2 'Affordable Housing'
- 2.3 **North Hertfordshire District Local Plan No. 2 - with Alterations:**
Policy 26 'Housing Proposals'
Policy 29A 'Affordable Housing for Urban Local Needs'
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:**
Development Brief, Pixmore Avenue Letchworth (July 2001)
Vehicle Parking Provision at New Development (adopted January 2006)
Planning Obligations Supplementary Planning Document (adopted November 2006)
- 2.5 **Emerging Local Development Framework (LDF) Policy:**
Core Strategy Policy G 'Affordable Housing'

3. Representations

- 3.1 **Environment Agency:**
No objections, realise that the proposal is an adaptation of a scheme that already has planning permission subject to conditions that need to be complied with to satisfy the Environment Agency.
- 3.2 **Hertfordshire County Council (Highways):**
Considers that the traffic generated by the proposed additional 29 no. dwellings, to add to the 250 no. already approved would not have an *'unreasonable impact on the safety and operation of the adjoining highways'* and they therefore have no objections to the proposals.
- 3.3 **Hertfordshire County Council (Planning Obligations Manager):**
Require the applicant to enter a Section 106 Obligation with the Council to secure payments towards the following Hertfordshire County Council services: Secondary School provision - £2,856; Library Services - £2,985; Youth provision - £96; Childcare services - £796.
- 3.4 **Housing and Environmental Health (Pollution Control):**
Recommends the standard contaminated land condition but notes that it has already been imposed on the previous planning permission and that development cannot commence without compliance with this condition.
- 3.5 **Housing and Environmental Health (Noise):**
Considers that the proposed noise mitigation measures set out in the application are adequate and should be delivered by compliance planning conditions imposed on the previous planning permission.

3.6 Letchworth Garden City Council:

Object to the proposed development on the following grounds: The drainage system may be incapable of coping with the run off from this high density form of development and foul water drainage systems will be strained. The scheme is overly dense and that outline planning permission for 250 dwellings should never have been granted.

3.7 Response to Statutory Site Notice, Press Notice and Neighbour Notifications:

One letter received from the occupiers of no. 85 Jackmans Place which raises the following points: Their garden runs along part of the Skills Centre site and they accept the proposed development but hope that they would not be overlooked.

4. Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site consists of a derelict group of one, two and three storey buildings (currently being demolished on site) and associated infrastructure, with a site area of nearly 5ha on land between Pixmore Avenue and Dunhams Lane, Letchworth Garden City. The site was formally used as a government training centre, including educational buildings and residential accommodation. The site is largely flat and covered by hard standing with some sporadic vegetation.

4.1.2 Broadly speaking the site is bordered by residential development to the west and south although the site borders the Baldock Road recreation ground to the south west. The site is also bordered by existing industrial uses and buildings to the north and east. Immediately to the east of the application site is a recently constructed warehouse building for Autoglym Distribution (granted planning permission by the Letchworth Area Committee at the meeting held on 19 April 2006, ref. 06/00283/1).

4.1.3 The application site does not include an area of land immediately to the east of Dunhams Lane and indeed, the site wraps around this area of land which is occupied by Apparelmaster Laundry. Taking account of this context it can be considered that the Skills Centre site forms a transition between the established residential and industrial areas of Letchworth Garden City.

4.2 Proposal

4.2.1 Full planning permission is sought for the development of 29 no. residential flats and associated car parking and infrastructure. The mix of units proposed would be 13 no. one bedroom flats and 16 no. two bedroom flats. Of the total number of new dwellings proposed 8 units would be affordable housing, 3 no. one bedroom flats as affordable housing for rent and 1 no. one bedroom flat and 4 no. two bedroom flats as shared ownership units. To add to the affordable housing element of this scheme the applicant proposes to adapt two previously approved private market four bedroom dwellings, to become three bedroom affordable houses for rent. The scheme therefore proposes 29 no. additional dwellings (8 of which as affordable housing) and two additional affordable housing units, of the 250 dwellings already approved on this site. The total proportion of affordable housing proposed therefore, as a percentage of the additional 29 no. dwellings proposed is 34.5%.

4.2.2 Whilst this proposal is a separate planning application the actual development proposed could only take place in association with the development of 250 no. dwellings already permitted on this site, referred to above (ref. 06/00832/1 and 07/02994/1), as the development consists of the adaptation of buildings already approved by this planning permission. The proposal set out in this planning application could not therefore be developed on its own.

4.2.3 To understand the development proposal, the subject of this application, it is necessary to refer to elements of the approved housing scheme for this site. Members may recall that the approved development consists largely of detached, semi-detached and terraced dwellings across most of the site with blocks of flats located around the edges of the development. The current scheme largely consists of amendments to the apartment buildings to increase the overall number of flats proposed on the site. The following paragraphs briefly describe the proposed changes.

4.2.4 **Block A - North West Corner of the site**

Within the far north western corner of the application site, the approved scheme includes a proposed development of two apartment blocks at two and half storey height. This approved part of the development would provide 12 no. apartments consisting of the following: 2 no. one bedroom and 4 no. two bedroom ground floor flats; and 6 no. three bedroom duplex units (two storey flats at first and second floor level). All 12 units are approved as private market accommodation.

4.2.5 The scheme proposed in this current planning application would adapt this building but largely only internally. The ground floor of the buildings would remain as approved, with 4 no. two bedroom flats and 2 no. one bedroom flats. The approved duplex units would however be adapted to form 6 no. two bedroom flats on the first floor and 6 no. two bedroom flats on the second floor. This leads to a total number of 18 no. flats within the revised building. The overall change proposed for block A therefore, in terms of accommodation, would be from 2 no. one bedroom flats, 4 no. two bedroom flats and 6 no. three bedroom duplex units to - 2 no. one bedroom flats and 16 no. two bedroom flats.

4.2.6 Externally this revision leads to only some slight changes to the window design of each building but not overall change to the design, scale and form of the approved buildings. To accommodate this proposed increase in overall accommodation for block A, the planning application includes a proposal for a second cycle storage to the rear of the car park, this would increase the number of cycle storage units to 18 (one per flat).

4.2.7 As for car parking allocation, the proposal does not include any additional car parking spaces but includes a re-allocation of previously approved spaces to enable one space per flat for the proposed 18 no. flats proposed within block A. This change in car parking allocation for this part of the development would lead to a reduction in visitor spaces and no reduction in the overall allocation of spaces to each unit of accommodation, as previously approved.

4.2.8 **Block B - North East Corner of the site**

Approved block B would be in the far north east corner of the application site and as approved would be a mixed two and three storey building to provide 12 no. one bedroom affordable flats for rent.

4.2.9 The proposed revisions to Block B as set out in the current planning application is to change the building to include an additional 3 no. one bedroom flats, also as affordable housing for rent. This would be achieved by adding additional bulk to the building to create a completely three storey block, rather than the previously approved part three storey, part two storey building. Both the approved plans for this block and the proposed plans will be displayed to illustrate the additional bulk proposed for this part of the development.

4.2.10 Other external changes proposed to accommodate this increase in accommodation includes an increase in the size of the proposed bin stores and another change in car parking allocation, again removing visitor spaces, to create an overall allocation of one space per flat.

4.2.11 **Blocks C and D - Western boundary close to Autoglym Warehouse**

Approved blocks C and D would be three storey buildings consisting of 20 no. flats as follows: 6 no. one bedroom, 12 no. two bedroom and 2 no. three bedroom duplex flats. The current planning application seeks to revise this building to incorporate 22 no. flats as 8 no. one bedroom and 14 no. two bedroom apartments. This would be achieved by omitting the approved duplex units and splitting them into two single flats rather than the upper floor of the previously approved 3 no. duplex units.

4.2.12 To accommodate the additional accommodation the proposal includes appropriate revisions to bin and cycle storage facilities and another re-allocation of car parking spaces, removing one visitor space to revise the layout and allocate one space for each of the 22 flats proposed.

4.2.13 **Block E - Western boundary - rear elevation facing Autoglym site**

The approved plans are for the development of 13 no. two bedroom flats within one block, all as shared ownership affordable housing provision. The current scheme seeks to increase the number of flats with an additional 4 no. two bedroom flats and 1 no. one bedroom flat, all as shared ownership affordable housing.

4.2.14 This additional accommodation can be accommodated by adding a new third storey to the rear section of the building and providing rooms in the roof space. In terms of elevations this has the effect of increasing the bulk of the building on the rear portion by adding a new third storey and providing two flat roof dormer windows on the front facing roof slope. Approved and proposed plans for this block will also be displayed at the Meeting.

4.2.15 Whilst the approved cycle stores have enough capacity to accommodate the additional accommodation, the scheme again revises the overall car parking allocation to incorporate 5 no. previously approved visitor car parking spaces to enable one space for each of the 18 units proposed within this part of the development scheme.

4.2.16 **Blocks F, G, H and I - South West corner of the site**

Now turning to the largest of the approved buildings on the site, indicated on the plans as a link of large blocks of flats, F, G, H and I, which would be three and half storeys in height. This part of the development scheme would be sited immediately to the rear of the Apparelmaster Laundry building. The break down of the 31 no. private market flats approved within this link block is as follows: 13 no. three bedroom duplex units, 13 no. two bedroom flats and 5 no. one bedroom flats.

4.2.17 In terms of the overall bulk of this block, the current application does not seek to increase the scale but by removing the approved duplex units from the equation enables the creation of 31 no. two bedroom flats and 11 no. one bedroom flats (total 42 no. flats all private market).

4.2.18 To accommodate this additional level of accommodation an additional cycle storage building is proposed to enable one cycle space per flat. Moreover, the allocation of car parking spaces is again altered, removing previously approved visitor spaces and providing an overall allocation of one space per flat.

4.2.19 **Block K - Partly retained original frontage building**

Members may recall that the approved scheme includes the retention of the frontage building facing Pixmore Avenue and its adaptation and extension to incorporate 12 no. private market flats as follows: 4 no. three bedroom duplex units,

6 no. two bedroom flats and 2 no. one bedroom flats.

- 4.2.20 Without the need for any external alterations to the approved development in relation to the proposed Block K, the current planning application seeks to alter the internal arrangements of the building to incorporate 14 private market flats, as 10 no. two bedroom and 4 no. one bedroom units.
- 4.2.21 Car parking levels would remain the same, with a re-allocation to create one space per flat whereas approved cycle storage and bin storage facilities can accommodate the additional two units proposed for this building.

4.2.22 **Changing four bedroom dwellings to three bedrooms**

The final element of the overall scheme is merely a change in the number of bedrooms of a pair of previously approved semi-detached dwellings in the northern part of the site. The revised scheme set out in this planning application seeks to alter these four bedroom private market dwellings to become three bedroom affordable houses for rent.

4.3 **Key Issues**

- 4.3.1 Given that planning permission has already been granted for 250 no. dwellings on this site and that this planning permission is still extant, it is clear that the Council accept the principle of residential development in this locality. Therefore taking account of relevant central government policy guidance, the development plan, supplementary planning guidance and relevant emerging Local Development Framework (LDF) policy and comments received from interested parties reported above, I consider the key issues to be addressed in the determination of this planning application are as follows:

* Whether the proposed physical alterations to the approved buildings and surrounding infrastructure are an acceptable standard of design, in keeping with the overall design philosophy set out in the approved scheme (planning permission no. 06/00832/1 and 07/02994/1);

* Whether the net result of the proposed development combined with the approved scheme in terms of overall levels of development, car parking provision and relationship to surrounding land uses, is acceptable in relation to the character and amenities of the site and surroundings;

* Whether the scheme proposes sufficient levels of affordable housing and whether all other necessary requirements of the Council's adopted SPD on planning obligations can be achieved by the applicant's agreement to a suitably worded Section 106 Obligation.

4.3.2 **Standard of Design and Layout**

Whilst this is a separate planning application for 29 additional residential units and not a completely revised planning application for 279 dwellings on this site, as can be seen from the description of the proposed development set out under Section 4.2 of this report it is clear that the scheme is inextricably linked with the approved proposal for 250 no. dwellings and indeed could not physically be developed on its own. Nonetheless, it is necessary to assess the impact of the scheme in terms of the physical layout and design before addressing the cumulative issues of the overall development that would result from 279 dwellings on this site, should Members be minded to grant planning permission.

- 4.3.3 As is clear from the description of development, the main external alterations to the approved buildings relate to Block B and Block E and approved and proposed plans illustrating these changes will be displayed at the meeting. The proposed changes to Block B would increase the scale of building by adding a third storey upon a previously approved two storey part of the block. This addition to the overall mass of Block B would be visible from the main street frontage in the corner of the site. This part of the building would be sited some 10m to the rear of the front of the building and therefore set back from the street frontage by a similar distance. Given this relationship I am satisfied that the additional bulk to be added to the already approved Block B would not be visually obtrusive in the street scene, when viewed from within the overall approved development scheme. Indeed, the actual addition would not increase the maximum height of block B, part of which is already three storeys in height as shown on the approved drawings.
- 4.3.4 Similarly for Block E, the proposal includes an additional third storey above the previously approved two storey block but on the rear of the building, rather than the side. Given that this additional floor would still be lower than and behind the front section of the building (as approved) this additional bulk of the building would not be visible from within the development scheme and therefore not harmful to the character and appearance of the proposed new street scene, in my view. The proposal does however seek to introduce two flat roof dormer windows on the front elevation of the building. Given the sheer height and scale of the roof slope on this elevation, as already approved, I am satisfied that the proposed additional dormer windows would not harm the appearance of the building or undermine the design of the scheme as a whole.
- 4.3.5 All other external elements to this planning application, including new cycle and bin storage facilities are minor in scale and impact and do not in my opinion, diminish the overall quality of the design and layout of the whole development scheme.

4.3.6 **Cumulative Issues, Car Parking Provision and Amenity**

The minor external design changes to the overall development scheme already permitted on this site help to illustrate how misleading a focus on mathematical development densities can be when considering issues of design and layout. When considered within the context of the overall scheme the additional 29 units proposed would have virtually no impact on the built character, design and form of the development. Once completed it would be difficult to identify the difference between the already approved scheme and the additional proposals set out in this planning application. However, to increase the approved number of dwellings from 250 to 279 has the effect of lifting the overall mathematical density from just over 50 dwellings per hectare (dph) to 57 dph. Notwithstanding my opinion that this mathematical analysis is of little assistance for an assessment of design quality, this increase in development density is still lower than the 60 dph suggested within the Council's adopted development brief for this site as being perfectly feasible (published in 2001).

- 4.3.7 The main way in which the proposed additional 29 dwellings would be perceived is through the inevitable increase in activity in terms of vehicle movements into and out of the site, and in terms of demand for car parking spaces and other infrastructure provision within the proposal, when compared with the approved scheme.

- 4.3.8 In terms of the overall traffic impact, the applicant's have submitted a comprehensive Transport Assessment (TA) which considers the traffic impact of the proposed development on the wider highway network. Having considered the TA in combination with the TA submitted as part of the outline planning application for 250 no. dwellings on this site (re. 06/00832/1), Hertfordshire County Council (Highways) are satisfied that the additional traffic generated by the two combined development proposals would not have an unacceptable impact on the safe and free flow of traffic on the surrounding highway network. Moreover, the Highway Authority are satisfied that the previously approved vehicular access arrangements into this development scheme (two access points off Pixmore Avenue) are satisfactory to enable the safe access to vehicles in and around the development.
- 4.3.9 As is clear from the description of the development scheme set out above, the proposal does not seek to increase the overall number of car parking spaces on the development site. To compare the overall car parking levels it is necessary to consider the level of car parking approved for the 250 dwelling scheme. The approved scheme represents a car parking provision of 1 space for each of the one and two bedroom units proposed and 2 spaces for each of the 3+ bedroom units, and 31 no. visitor spaces (total spaces 420). As a result of the proposed additional 29 no. dwellings and various alterations to bedroom numbers within each unit (which includes changing many 3 bedroom duplex units to 2 bedroom flats), the ratio presented within this planning application combined with the already approved development scheme would be almost identical to the approved provision at 1 space for each one and two bedroom unit and 2 spaces for each of the 3+ bedroom units, with 20 no. visitor spaces (total spaces 420).
- 4.3.10 As was the case with the approved scheme this level of off-street car parking provision is below the maximum car parking standards set out in the Council's adopted SPD 'Vehicle Parking Provision at New Development'. The maximum standards are 1.25 spaces for one bedroom units, 1.5 spaces for two bedroom units, 2.25 spaces for three bedrooms and 3 spaces for 4+ bedrooms. Members will be aware that in accordance with PPG13 these levels must be interpreted as maximum standards and PPG13, para. 51, sub para. 2 states that Local Planning Authorities should *'not require developers to provide more [car parking] spaces than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety which cannot be resolved.'* Taking account of this very clear government policy advice and considering recent appeal decisions on this very issue, even though the overall car parking provision is below the maximum standards and slightly below the approved scheme, I am satisfied that the car parking provision for the overall scheme is in accordance with PPG13 and appropriate for the nature of the development and the surrounding highway network. Moreover, as is reported above, Hertfordshire County Council (Highways) share this opinion.
- 4.3.11 The scheme has also been altered to increase the capacity of cycle and refuse storage facilities to accommodate the additional 29 dwellings proposed and this has been achieved in my view, without compromising the quality of the layout, the design of spaces, and pedestrian areas across the development scheme.
- 4.3.12 Members will recall that when considering the previous scheme for residential development on this site, the issue of noise mitigation to protect occupiers of the proposed development from noise from industrial premises around the site was a key issue. In order to explain the potential noise impact on the proposed additional 29 units the applicant's have submitted a revised acoustic report. This has been examined by the Council's Environmental Health officers who are satisfied with the findings. Members may recall one of the most sensitive areas identified in the acoustic report submitted as part of the previous application was in the farm north east corner of the development site, close to proposed block B. Of all buildings within the scheme the current application seeks to alter the design of this building the most and as is mentioned in the description of development the scheme

includes a proposal to develop an additional third storey above the approved two storey section of the building. The rear elevation of this new third storey would back onto the industrial premises to the rear and in keeping with the approved scheme this building has been designed to have only dummy windows on the rear elevation on all floors (internal layout accommodates this without compromising living conditions in primary rooms). This design feature together with the already approved 3.5m acoustic wall on this boundary of the site would, in the opinion of the Council's Environmental Health Officers, ensure an appropriate noise climate within the development scheme and I have no reason to disagree with this analysis. All other proposed changes to the overall scheme would have minimal implications for the noise climate within the site, which would be protected by previous approved acoustic measures, in any event.

4.3.13 Taking account of these factors and concluding on this section of the report I am satisfied that when considered in combination with the approved development of 250 no. dwellings on this site, the proposed development set out in this planning application would maintain the overall high quality design and layout that was established by the approved scheme. I am also satisfied that cumulatively the car parking levels proposed are adequate, refuse and cycle storage is suitable for the whole development scheme, and the acoustic protection afforded by the previous planning permission can also protect occupiers of the proposed development set out in the current planning application.

4.3.14 **Affordable Housing and Other Section 106 Obligation Issues**

The approved scheme for 250 no. dwellings would deliver 25% affordable housing, in accordance with Policy 29A 'Affordable Housing for Urban Local Needs' of the North Hertfordshire District Local Plan No. 2 - with Alterations. Since the grant of outline planning permission the East of England Plan was adopted in May 2008. This document has now become part of the development plan and must therefore be afforded considerable weight in the determination of planning applications. Policy H2 of the document seeks an overall affordable housing target of 35% for all new housing in the East of England from the date of adoption (May 8 2008). To achieve this objective the Council have prepared a policy, contained within the Core Strategy (emerging LDF document), Policy G 'Affordable Housing', which seeks a sliding scale of affordable housing targets. For schemes of 25 or more dwellings, the target contained within Policy G is 40%.

4.3.15 The proposal in this case would deliver a total proportion of affordable housing of 34.5% of the 29 scheme development proposed (leading to an overall total of 26% of 279 dwellings). This is very close to the East of England Plan target but short of the emerging LDF policy target for a scheme of this scale. At present however, emerging LDF must be afforded less weight than the development plan, which of course also includes the old 25% target set out in saved Policy 29A of the District Local Plan. Until the LDF is approved by an appointed government inspector therefore its policies will have little relevance in the determination of planning applications. Given this rather complicated policy context, I am satisfied that in very nearly achieving the development plan target of 35% the proposed affordable housing provision set out in this scheme is acceptable, in terms of providing new affordable housing objectives.

4.3.16 With regard to the mix of affordable housing, the Council's adopted SPD on Planning Obligations seeks a tenure split of 65% affordable housing for rent and 35% shared ownership (based on percentage of the overall affordable housing provision). For this scheme the tenure split is again very close to this target at 63% affordable housing for rent and 37% shared ownership. Having discussed the proposed provision of affordable housing and the tenure split with the Housing Needs team at the Council they are satisfied with the scheme and particularly welcome the proposal for additional one bedroom flats as affordable housing for rent. Taking account of these factors I recommend that should Members be minded

to grant planning permission, the proposed affordable housing set out in the planning application be secured by the applicant agreeing a suitably worded Section 106 Obligation.

- 4.3.17 Another change in circumstances since Members of the Letchworth Area Committee resolved to grant outline planning permission for 250 no. dwellings on this site is the adoption of the SPD on Planning Obligations, referred to above. The applicant has agreed to make relevant financial contributions towards all relevant services under the terms of a new Section 106 Obligation, which together with the affordable housing provision, must form the heads of terms. At the time of writing a Section 106 Obligation is being drafted to cover all these matters and an update on progress on this issues will be reported at the meeting.
- 4.3.18 Given that the Planning Obligations SPD and the East of England Plan have changed the terms of reference for Section 106 Obligations I recommend that this planning application be the subject of a separate Section 106 Obligation which will need to be complied with by the developer as well as delivering the terms of the Section 106 Obligation which has already been agreed in relation to the outline planning permission for 250 no. dwellings on this site.

4.4 **Conclusion**

- 4.4.1 Having considered this planning application as a standalone development, so far as this is possible, and in combination with the approved scheme on this site for 250 dwellings, I am satisfied that the development would maintain the overall high standard of design and layout that would be achieved by the approved scheme. An additional 29 dwellings would obviously generate more activity and traffic movements in and around the site but I am satisfied that the this can be absorbed into the local area and the development scheme as a whole. The overall development density would remain below the level set out in the Council's adopted development brief and would be appropriate in relation to the character of the surrounding area in my judgement. Taking account of all the above factors I therefore recommend that planning permission be granted.
- 4.4.2 As is mentioned, it is not technically feasible to develop this scheme for 29 dwellings without it being integrated with the proposal for 250 dwellings on this site. Therefore all the conditions governing drainage, noise, contamination, and landscaping of the previous planning permission can indirectly be applicable to this scheme. The recommended conditions set out below reflect this overlap. Also to maintain the integrity and continuity of the development I recommended a "belt and braces" condition which would link the planning permission to the previously approved scheme on this site.

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 applicant entering a Section 106 Obligation to deliver the proposed provision of affordable housing and to secure the following financial contributions towards the following services: Community Centre Provision - £8,433.68 (all payments index linked); Leisure Services - £13,951.46; Pitch Sport Provision £6,549.56; Waste collection and recycling - £754; Secondary School Services - £2, 856; Library Services - £2,985;

Childcare Services - £796; Youth Services - £96 and fire hydrant provision and 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 first occupation of the development hereby permitted all approved car parking facilities, cycle storage spaces and refuse storage areas associated with this development shall be completed in accordance with the approved plans and thereafter retained and maintained for their specified purposes, to the satisfaction of the Local Planning Authority.

Reason: To ensure the correct phasing of development in the interests of the proper planning of the site.

5. This development hereby permitted shall only be carried out in conjunction with planning permission no. 06/00832/1 and 07/02994/1 for 250 no. dwellings on this site.

Reason: For the avoidance of doubt and in the interests of the proper planning of the site.

Reason for Decision

In the opinion of the Local Planning Authority the proposed development would maintain the high standard of design and layout achieved within planning permission no. 06/00832/1 and 07/02994/1 for 250 no. dwellings on this site. The level of car parking proposed is appropriate for the scale of development, the site can accommodate the additional activity and traffic movements, without prejudicing the character and amenities of the site or the surrounding area. The proposal therefore accords with the provisions of the development plan as summarised below:

East of England Plan:

Policy H1 'Regional Housing Provision 2001-2021'

Policy H2 'Affordable Housing'

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

Policy 8 'Development in Towns'

Policy 26 'Housing Proposals'

Policy 29A 'Affordable Housing for Urban Local Needs'

Policy 51 'Development Effects and Planning Gain'

Policy 57 'Residential Guidelines and Standards'

ITEM NO: 5	<u>Location:</u>	Hogsnorton Cottage, Sally Deards Lane, Codicote, AL6 9UE
	<u>Applicant:</u>	Mr & Mrs Payne
	<u>Proposal:</u>	Detached building for use as granny annexe ancillary to dwelling
	<u>Ref.No:</u>	08/01053/ 1
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period : 09 September 2008

Reason for Delay

Committee cycle.

Reason for Referral to Committee

Objection raised by Parish Council.

1. Relevant History

- 1.1 Planning permission has been granted for various extensions at Hogsnorton Cottage. For a two storey rear extension in January 2000 ref: 99/01632/1HH; a single storey rear extension in February 2003 ref: 02/01863/1HH and for a rear conservatory in May 2004 ref: 04/00548/1HH.

2. Policies

- 2.1 **Central Government Policy Guidance**
PPG2: Green Belts
- 2.2 **East of England Plan**
Policy SS7 - Green Belt
- 2.3 **North Hertfordshire District Local Plan No 2 with Alterations**
Policy 2 - Green Belt
Policy 33 - Relatives and Staff Accommodation
Policy 57 - Residential Guidelines and Standards

3. Representations

- 3.1 Codicote Parish Council - Objection - Not an annex, as a separate building it is inappropriate building in green belt.
- 3.2 Hertfordshire Highways - does not wish to restrict the grant of permission.
- 3.3 Local Residents - The occupier of 'Marshmallow Cottage' has no objection in principle to a granny annex, providing it does not create a separate title or interest and would not create a separate vehicular access. They would object should it prejudice any similar application they may make in the future. They are concerned the appearance should be in keeping. They are keen to minimise the degree to which they are overlooked. They would like the boundary between the two properties to be re-fenced.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 'Hogsnorton Cottage' is a semi-detached property adjoining 'Marshmallow Cottage'. There are paddocks to the north. The property lies along a lane of very loosely knit development within the Green Belt.

4.2 Proposal

- 4.2.1 The applicant wishes to provide accommodation for an aging relative and, in time, their carer. The house has been much extended to the rear, making it difficult to extend any further, so the proposal is for a self contained two bedroom bungalow at the bottom of the long garden, using existing vehicular accesses to the property. It would be L-shaped measuring a maximum of 10.10 metres by 8.40 metres. There would be a small lounge/diner/kitchen area measuring 6.00 metres by 3.85 metres, a bathroom, w.c., hall and utility room. Height to the ridge would be 3.9 metres.

4.3 Key Issues

- 4.3.1 The key issues relates to whether it is appropriate development in the Green Belt and whether the requirements of Policy 33 - Relatives and Staff Accommodation would be met. Also, whether its design would be in keeping with the character of the area and any effect it may have upon neighbouring residential amenity.
- 4.3.2 The proposal is inappropriate development in the Green Belt. However, Policy 33 does allow for relatives accommodation within the grounds of an existing dwelling if:
- (i) a genuine need can be shown; and
 - (ii) its size is small and it is physically related to the existing dwelling,
 - (iii) future occupancy is restricted, either to the purpose stated or to that

There appears to be a genuine need and the occupancy could be restricted by condition to satisfy point (iii). It is, therefore, point (ii) that now needs consideration.

- 4.3.3 The application does not propose an extension of the existing dwelling, although this matter has been looked at. The exiting house almost fills the width of the site, has a two storey rear extension across its width and a large conservatory to the rear. This leaves little opportunity to further extend the house. To the rear of the house there is a small mostly paved garden area, then a horse shoe shape of stables, followed by the larger part of the garden, where the ancillary accommodation is proposed. Whilst I would prefer to see such accommodation in the form of an extension to the house, I can see how this would be difficult to achieve.
- 4.3.4 Policy 33 requires the annex to be small in size. The size of accommodation proposed is described in paragraph 4.2.1 above. The accommodation could be provided as permitted development as it would be less than 50% of the garden and less than 4 metres high, if it was not for the fact that it would be self contained. I consider that the accommodation to be provided would not be excessive for one person and carer. I consider that the distance to the house of 64 metres is such that it would not be practical for the elderly relative to share facilities, such as the kitchen.
- 4.3.5 The annex is proposed to have two elevations in facing brick and two in dark stained timber boarding, with interlocking slate grey roof tiles. I feel the materials would reflect the timber of the stables and would suggest a subordinate building to the main house.

4.3.6 The boundary with 'Marshmallow Cottage' is mostly of an informal hedge of varying height. The annex would be approximately 55 metres from the rear elevation of this property. Considering the distance and the single storey nature of the building I consider that there would be no significant loss of residential amenity to the occupiers of 'Marshmallow Cottage'. I do not consider it necessary to require a new fence to the boundary for the proposal to be acceptable, but I can pass this request on to the applicant for the neighbours to agree any new fence themselves.

4.3.7 The property currently has two car parking spaces to the front of the property and an addition vehicular access off Hogsnorton Lane, which is an unmade road to the side and serves the stables in the rear garden. Parking spaces have not been specifically allocated to the annex, but there is sufficient existing hard surface within the application site to be able to provide it. I can, therefore see no sustainable parking/highway objection to the proposal.

4.4 **Conclusion**

4.4.1 I consider that, on balance, the proposal would be sufficiently in accordance with Policy 33 and that subject to a condition restricting occupation to that ancillary to the existing house, there would be no sustainable planning objection to raise to the proposal.

5. Legal Implications

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

6. Recommendation

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

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

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

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

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

3. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as 'Hogsnorton Cottage'.

Reason: To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties.

4. Samples of the bricks to be used on the south east and north west elevations and 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.

Reason for Decision

The proposed annex, hereby permitted, would be small ancillary accommodation to 'Hogsnorton Cottage' for which special circumstances exist to support inappropriate development in the Green Belt; it would have no adverse effect on the amenities of 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.

Central Government Policy Guidance

PPG2: Green Belts

East of England Plan

Policy SS7 - Green Belt

North Hertfordshire District Local Plan No 2 with Alterations

Policy 2 - Green Belt

Policy 33 - Relatives and Staff Accommodation

Policy 57 - Residential Guidelines and Standards

ITEM NO: 6	Location:	Burleigh House, 41 & 43 Letchworth Road, Baldock, SG7 6AA
	Applicant:	Mr Shah Manage Care Homes Limited
	Proposal:	Proposed extensions and alterations to existing care home increasing the number of bedrooms on site from 19 to 45; additional car parking (total 15 spaces), cycle storage, refuse storage and ancillary development following demolition of existing extensions at no. 41 and demolition of no. 43 Letchworth Road (as amended by plans received on 3 September 2008).
	Ref.No:	08/01253/ 1
	Officer:	Kirstie Hough

Date of expiry of statutory period : 01 September 2008

Reason for Referral to Committee

Application deferred from Committee held 21st August 2008.
Application originally called in by Councillor Ian Knighton due to difference of opinion to Officer Recommendation.

1. Relevant History

- 1.1 85/00013/1- Erection of single storey side and rear extensions to provide elderly person's home GRANTED permission on 21/02/1985
- 1.2 93/00254/1HH- Single storey side extension to existing dwelling; single storey side extension incorporating conservatory to existing elderly persons home and replacement double garage GRANTED permission on 13/05/1993
- 1.3 02/00526/1- Single storey rear extension for bedroom and conservatory GRANTED permission on 14/06/2002
- 1.4 Land at rear of 41 Letchworth Road: 04/00519/1- Outline application for erection of a two bedroom detached bungalow and single garage REFUSED on 24/03/2005.
AND
Land at rear of 43 Letchworth Road and rear of 3, 5 & 7 Hopewell Road: 04/00709/1- Outline application for erection of a two bedroom detached bungalow REFUSED on 24/03/2005
Both refused for the following reasons:

1) By reason of its proximity to a major trunk road (A1(M)) the proposed dwelling and its curtilage would experience an unacceptable acoustic climate which could not be acceptably or practicably mitigated by way of physical barriers or measures.

2) There is insufficient space within the curtilage of the site for a large vehicle to enter, turn around and leave in a forward gear. In addition, there is inadequate space on the proposed drive to allow vehicles to pass each other. Both of these deficiencies would lead to vehicles parking and reversing on to County road U296 and would therefore interfere with the safe and free flow of

all traffic on County road U296.

3) By reason of its scale relative to the plot available, the proposed dwelling would give rise to a cramped form of development at odds with the character of the area contrary to Policies 1 and 26 of the District Local Plan No2 with Alterations.

- 1.5 07/00372/1- Single storey side extension and single storey rear extension to provide additional bedrooms and en-suite facilities GRANTED permission on 13/04/2007
- 1.6 07/02673/1- Proposed extensions and alterations to existing care home increasing the number of bedrooms on site from 19 to 47; additional car parking (total 14 spaces), cycle storage and ancillary development following demolition of existing extensions at no. 41 and demolition of no. 43 Letchworth Road WITHDRAWN on 23/04/2008

2. Policies

- 2.1 Planning Policy Statement (**PPS**) 1 'Delivering Sustainable Development'
- 2.2 Planning Policy Statement (**PPS**) 3 'Housing'
- 2.3 **North Herts District Local Plan No 2 1996**
Policy 8 - Development in Towns
Policy 55 - Car Parking Standards

Supplementary Planning Document- Vehicle Parking Provision at New Development

Supplementary Planning Document- Planning Obligations

3. Representations

- 3.1 **Transport Planning and Policy Hertfordshire County Council-** Raise no concern to the application and recommend conditional permission.
- 3.2 **Environmental Health-** Recommend conditional permission.
- 3.3 **Site Notice-** No comments received.
- 3.4 **Neighbours-** Representations received from the occupiers of:
 - **No 45 Letchworth Road:** Object to the proposed development which they consider is a complete over intensification of the site and is quite obviously out of keeping with the surrounding area which is residential with character properties. Consider no. 43 is a beautiful looking residential property and demolishing this along with linking to no. 41 would completely ruin the residential scene. The proposed development would look totally commercial. Concerned that traffic flow would greatly increase due to additional staff and visitors which would increase noise and danger to pedestrians. Overall they consider that the proposal is hugely oppressive considering the proximity to their boundary and its length and height following all works.
 - **No 49 Letchworth Road:** Object to the application. They feel that there is no provision for fire services to access the site and they would see the proposed two storey extension from their rear window. They are concerned that parking provision would be inadequate and have concern about the placement of proposed lighting which may cause major disturbance. They are also concerned that the measures are

deemed necessary to ensure their safety because that indicates that the patients in the home may put them at risk. This leads them to strongly question why such a large home is being proposed in a residential area.

Since the amended plans were submitted on 3rd September 2008 following the deferral at committee, the occupiers of no. 45 have been re-notified and sent a copy of the amended plans. Any representations received during the period to respond, will be presented orally at the meeting.

- 3.5 **The Baldock Society:** Have concerns about the development and the impact upon the residential aspect of the Letchworth Road street scene. Object to the demolition of no. 43 and consider the proposal would degrade the visual aspect of this part of Baldock. They consider that a planting scheme would ensure the residential aspect and view is maintained. They are concerned about the demolition of properties for replacement by larger developments, which they feel is detrimental to the 'market town' of Baldock.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 Burleigh House (no. 41 Letchworth Road) is the last of what were inter war ribbon development houses along the Letchworth Road before the A1(M) fly-over. The detached property stands adjacent to the motorway flyover to the west with the detached property of no. 43 to the north-east. These two buildings with rear garden areas, form the site area.
- 4.1.2 The western flank boundary of the site runs adjacent to the A1(M) flyover, the rear boundary abuts an access track, while the eastern flank boundary runs parallel with the rear garden of no. 45 and thereafter abuts the rear boundaries of the semi-detached properties of 1, 3, 5 and 7 Hopewell Road to the north-east.
- 4.1.3 The site, creates a frontage of some 55m. The properties along this part of Letchworth Road are offset from the A505 and the road in front is classified as a local access road.
- 4.1.4 The original property at no. 41 has been considerably extended at single storey height, into the rear garden, part of which runs alongside the boundary with no. 43.
- 4.1.5 This site has an extant permission for a single storey side extension and single storey rear extension to provide an additional bedroom and en-suite facilities. This extends the building towards the flyover.
- 4.1.6 No. 43 has a pitched roof single storey rear projection set adjacent to the boundary with no. 41.
- 4.1.7 There is currently space for 5 vehicles to park at the front of no. 41 Letchworth Road, Burleigh House and around 4 vehicles at the front of no. 43 Letchworth Road.

4.2 Proposal

- 4.2.1 The application was previously deferred at Central Committee, for the applicant and agent to amend the design of the proposed frontage building, to take into account the side bedroom window at no. 45.
- 4.2.2 This application now before us, seeks permission for extensions and alterations to the existing care home to increase the number of bedrooms on site from 19 to 45, with additional car parking (total 15 spaces), cycle storage, refuse storage and ancillary development following demolition of the existing extensions at no. 41 and

demolition of no. 43 Letchworth Road.

- 4.2.3 The scheme involves a first floor side extension, two storey rear extension (of 5.7m projection) and a single storey front extension to no. 41, pitched roof and flat roof (one featuring a green roof) single storey rear extensions (which include the extant 2007 permission so this could not be constructed separately), a 21m long pitched roofed single storey rear extension (previously a two storey flat roofed addition which the applicant requested to amend) set 16m away from the flank boundary with no. 45 and an open courtyard area of 17.5m long by 14m wide, set adjacent to the boundary with no. 45.
- 4.2.4 The replacement building at no. 43 would match no. 41 for roof height, presenting a hipped roof on the eastern flank (adjacent to no. 45) and a gable on the western flank (adjacent to no. 41). The building presents two rendered projecting gable features on the front elevation, comprising of brickwork construction and a slate roof.
- 4.2.5 A central glazed and timber clad section would link the two buildings together at two storey height.
- 4.2.6 Materials would be a mixture of brick work to match existing at no. 41, painted render, timber cladding, slate roofs.
- 4.2.7 The car parking area for 15 cars would be provided primarily adjacent to the front boundary, with a circular turning area. Cycle parking provision would provide 6 cycle spaces.
- 4.2.8 The applicants have informed in the Design and Access Statement submitted as part of the application, that the intention is to extend and upgrade the existing premises at no. 41 to incorporate the site of no. 43 and provide a single residential home for the elderly. For over 20 years Burleigh House has been operational as a Residential Home and since they took over the business 3 years ago, occupancy levels have been over 95%, a result of the strong demand for high quality residential care within Hertfordshire. In particular, they have recorded a high increase in the number of requests to accommodate Dementia patients, which cannot currently be catered for in the existing premises. Government reports have demonstrated that the number of people suffering from dementia will grow from current 700,000 individuals, to almost 1 million in 13 years time and to more than 1.7 million by the middle of the century. Reports have shown a need to provide more and better services to cater for the growing dementia care requirements.
- 4.2.9 The applicant has discussed needs for the County specifically with Hertfordshire County Council, who deem the scale of work proposed as advantageous and necessary to meet both the current and future demand for care within the County.
- 4.2.10 The following are taken from the Design and Access Statement submitted with the application:
- 'Further the proposed scheme would enable the flexibility to offer different types of care within the Home in the future, so it can respond to Council demand. For example, if in future the Council requires more nursing or special-needs care rather than dementia care, it will be possible to cordon off one section of the building to cater for this new requirement. The level of amenities on offer, lounge space, specialist dementia lighting rooms etc. can also be facilitated based on current build.'*
- 'Further, the design and scale has taken into consideration Care Standards as stated by the Commission for Social Care Inspection (CSCI), to ensure that the plans give significance to the recommended design of such a Home and to comply with all required regulations, e.g. minimum room sizes, adequate communal areas etc..'*

4.2.11 The growing need for Social Care accommodation is further detailed in the Design and Access Statement and the Addendum to the Design and Access Statement, submitted with the amended plans.

4.3 Key Issues

4.3.1 The key considerations in my view in this case are:

- The principle of the use in this location
- The principle of demolition of the dwelling at no. 43
- The impact of the development in the street scene
- Any material impact upon neighbouring residential properties
- The impact of the adjacent motorway in terms of noise impact for the future occupiers
- The impact upon the adjacent highway network and acceptability of car parking proposed

Principle of C2 use and demolition of no. 43

4.3.2 Dealing first with the principle of a C2 use in this location. The site lies on the western side of the town of Baldock, in close proximity to Letchworth. The site is located within a residential area of Baldock which can be accessed by modes of transport other than the car.

4.3.3 A specific planning permission is not required for the demolition of no. 43, as this is permitted development under Part 31 of The Town and Country Planning (General Permitted Development) Order 1995. The demolition of this dwelling is therefore not something over which the planning authority has control.

4.3.4 Given the C2 (Residential Institutions) use proposed for the site at no. 43 would, by its very nature maintain a residential use on the site, no concern is raised to the proposed use, within this residential area.

Design and Appearance

4.3.5 With regard to the visual appearance of the development, the scheme will undoubtedly, create a different street scene to that existing. This will be primarily as a consequence of the replacement building at no. 43 and the link addition between the two buildings.

4.3.6 The design of the development has acknowledged the street scene by retaining the appearance of two separate buildings, at a scale commensurate with the existing dwellinghouses along the road. The glazed and timber boarded link creates a large residential home, but through the use of materials and form has attempted to retain a visual distinction between the two frontage buildings.

4.3.7 The proposed replacement building for no. 43 is of significantly different character to the existing dwelling. The design of this building has taken features from no. 41 and interpreted these in a modern way. Although it is acknowledged that this may not be the most desirable design, the function of the building somewhat determines the form of building required. The design would create a brick and slate building which I consider to be acceptable within this street scene.

4.3.8 With regard to the footprint proposed, this would cover a significant proportion of the site area. However, this is essentially a replication of the current situation in the smaller site of no. 41, which has considerable additions that cover a large proportion of that site.

- 4.3.9 It is the case that such extensive additions would not be considered appropriate for residential (C3) dwellinghouses in this area, due to the impact upon the character of the properties and overall layout of the residential area. However, given the use proposed at no. 43 is C2 as an extension of that at no. 41, the approach to development of the site must be considered in terms of this use, rather than the building being purely C3 residential, where people live together as a single household. The outside amenity area provided for the residents would be an improved environment to the current amenity area and would be of sufficient size for the residents requirements.
- 4.3.10 With regard to the design of the rear additions, the proposed two storey element is set directly behind the existing building no. 41 and is of a flat roofed design. Such a design may have been unacceptable in other circumstances, e.g. as an extension to a single dwelling contrary to Policy 28 of the DLP. However, the position of this addition within the site, directly behind the rear of the building at no. 41 and set directly adjacent to the replacement building at no. 43 with the presence of the adjacent bridge, preclude in my view any serious or prejudicial impact in the street scene. The design is one which provides the required internal space to meet the growing need for sheltered accommodation, whilst minimising the bulk of the addition and its impact on the character of the area.
- 4.3.11 The single storey elements feature flat and pitched roofs. Given the modern design approach, the ability to create a green roof and the position of the majority of the additions adjacent to the A1(M) flyover, the design of these additions is acceptable in my view.
- 4.3.12 In order to ensure that appropriate soft landscaping would be provided to enhance the appearance of the completed development and the visual amenity of the locality, landscaping conditions could be attached to any permission, to ensure that an appropriate scheme is provided and maintained on site, should Members be minded to grant planning permission. Such conditions are recommended below.
- 4.3.13 Although it is acknowledged that the development would alter the street scene along this part of Letchworth Road, in my view the design does acknowledge the street scene in the form of development proposed and within the constraints of the practical needs of the residential home. As such, no objection is raised to the proposed development as it is not considered that it would have such a materially detrimental impact upon the area, as to warrant a refusal of permission.

Impact on adjacent residential properties

- 4.3.14 Turning now to any impact upon the nearby residential properties, the possible impacts are the effect of the structures themselves in terms of dominance or loss of sunlight/ daylight and any overlooking (loss of privacy). The closest dwelling to the site is no. 45 Letchworth Road which is sited to the north-east of the site. This adjacent property has a two storey rear extension set adjacent to the boundary with no. 43.
- 4.3.15 Looking first at possible dominance or loss of light, the replacement building would be set closer to the boundary with no. 45 (2m away from the boundary and adjacent to the flank elevation of no. 45) and would extend as far as the two storey rear extension of this adjacent property. There is a flank window in the side elevation of no. 45 which serves a bedroom and is the only light source to this room.
- 4.3.16 Although it is primarily the front and rear aspects of dwellings which are protected (these being the main window walls of dwellings) and bedrooms are not considered to be principal rooms for which sunlight/ daylight is of significant concern, given that

this is the only window serving this room, this should be considered in this case. In light of this, the scheme has been amended to feature a hipped roof on the north-eastern flank of the proposed building, in place of the originally proposed south-eastern gable.

- 4.3.17 This amendment would remove a bulk of development away from the flank window and means that no development, measured in a vertical section perpendicular to the wall, from the centre of the window would be positioned within an angle of more than 25° to the horizontal. Therefore the diffuse daylighting of the room would not be adversely affected. This is as set out in the Building Research Establishment Report: Site layout planning for daylight and sunlight, where the calculation is actually stated for use on a main window wall, which in this case is the front and rear elevations. However the amendment would also ensure in this case, that the flank bedroom window is not affected by a material loss of daylight.
- 4.3.18 A courtyard area would be provided for 17.5m distance along the boundary with no. 45 and half way across the rear boundary of no. 1 Hopewell Road. Thereafter for a distance of 11.3m, a single storey green roofed addition would sit behind the rear boundary of this property and the adjacent no. 3 Hopewell Road. This addition would be 2.8m high at the north-western end, (rising to 3.4m as the addition extends towards the flyover). There would be a distance of 20m between the addition and the rear of properties along Hopewell Road. The vegetated flank boundary of no. 45 currently acts as a screen between the properties and this would assist in reducing the visual impact of the addition. The green roof would also soften the appearance of the proposal.
- 4.3.19 The single storey pitched roof element extending at a right angle to nos. 41 and 43 and set fairly centrally within the site would be 5.5m high and set 15m away from the boundary with no. 45 and approximately 36m away from the rear of no. 1 Hopewell Road. It is not considered that this element would have a detrimental impact upon light currently received by the neighbouring properties, nor would the development proposed as a whole.
- 4.3.20 With regard to privacy, the main area from which overlooking could arise, would be from the windows proposed on the flank elevation of the replacement building, in relation to the flank bedroom window at no. 45. These proposed windows are detailed as being obscure glazed, to prevent any material overlooking and this could be a condition, should permission be granted.
- 4.3.21 The other windows incorporated into the scheme at first floor level face down the rear garden or if on the flank elevations, are at ground floor height which would not give rise to material overlooking. Given that the design incorporates windows which would not directly face the adjacent properties, as well as incorporating obscure glazing on the flank elevation, I am of the view that the development would cause no material loss of privacy for the nearby residential properties.

Environmental Health Issues and Residential Amenity of Care Home Residents

- 4.3.22 With regard to the adjacent A1(M) flyover and the noise this creates, a previous application for a residential dwelling in the rear garden area of no. 41 attracted a reason for refusal relating to the environment which would have been created due to the proximity of any dwellinghouse this close to a major trunk road. The proposed dwelling would have been within metres of the hard shoulder of a motorway with only the installation of a solid barrier adjacent to the embankment viewed as a way of reducing impact of the noise generated by the volume of traffic. This would have led to a wholly unacceptable form of development - a bungalow with virtually no amenity space shaded by an embankment and barrier many metres above. *It was therefore considered that a suitable and useable outside amenity area was not satisfactorily provided.*

- 4.3.23 However the situation is significantly different for the scheme now proposed. The rear garden area of the care home is currently positioned adjacent to and under the flyover, given its position at the rear of the existing building.
- 4.3.24 The proposed courtyard however, would create an outside amenity area to the south-east of the building, which would provide an improved environment further away from the road. The area would be afforded more protection from the noise of the A1(M) by having the building set in between.
- 4.3.25 With regard to the internal environment, the building currently occupies the position adjacent to the A1(M) flyover (as well as having an extant permission to further extend adjacent to the flyover, which is included as part of this scheme).
- 4.3.26 The majority of bedrooms proposed would be located further away from the flyover than the current building. It is therefore most likely that satisfactory internal noise levels could be achieved in the room proposed by appropriate glazing and ventilation specifications. Environmental Health require assurance that satisfactory sound levels in the new rooms will be maintained given the proximity of the motorway, so a condition is recommended to this affect, alongside a condition for dust mitigation during demolition and construction.
- 4.3.27 It was therefore the environment of the external amenity area which was of concern when dwellings were previously refused permission in the rear gardens of nos. 41 and 43. However as discussed above, this is markedly different situation, given the existing amenity space would be relocated from the rear area of the garden to the south-eastern part of the site and on the other side of the building, so would be afforded greater protected from the noise generated by the flyover.

Highway Issues and Parking Provision

- 4.3.28 With regard to any impact upon the adjacent highway network, Hertfordshire County Council have raised no objection to the proposal, which they consider would have no significant implications for the safe and efficient operation of the adjoining highway network.
- 4.3.29 The following points have been raised by Hertfordshire County Council:
- The property is located along Letchworth Road this section of Letchworth Road is offset from the A505 and is classified as a local access road subject to a speed limit of 30 mph.
 - The drive and proposed turning areas have sufficient room for vehicles using the proposal to enter and exit the development in forward gear.
 - Vehicular visibility will not be altered by the development proposed. The trip rates according to TRICS data base indicates that the trip generation of a nursing home is low and consequently the existing access to serve the new proposal is not considered to attract a significantly higher level of traffic than that previously generated.
 - The proposed development includes 15 parking spaces. This level of parking provision is acceptable for a nursing home in this locality.
 - The location of the refuse enclosure has not been identified on the submitted drawing, this should be located within 10m of the road. This is in order to provide adequate refuse facilities within working distance of the adjacent highway in the interests of highway safety on the adjacent highway a planning condition has been recommend to cover this issue.
 - Hertfordshire County Council as Highway Authority consider that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the above

conditions.

- 4.3.30 In terms of car parking, bedrooms are subject to a 0.25 space per bedroom standard (SPD). This equates to 11 spaces for the bedrooms proposed plus staff parking. Given the nature of the use and ability to access the site via other modes of transport, it is considered unlikely that all of the spaces would be filled at one time, so this level of parking is deemed acceptable and complies with Policy.

Planning Obligations

- 4.3.31 The application is accompanied by a Unilateral Undertaking pledging a contribution of £12, 040, in line with the SPD on Planning Obligations. The administration of the UU is ongoing at the time of writing this report. An update on progress will be reported at the committee.

4.4 Conclusion

- 4.4.1 The existing dwelling at no. 43 can be demolished without requiring a specific planning permission from the Local Authority. Part of the site is currently occupied by a Nursing Home and including the adjacent residential site to expand the existing C2 use, is considered to be acceptable, given the sustainable location, the continued residential use in this residential area and the ever increasing need for such forms of accommodation and care.

- 4.4.2 With regard to impact of the scheme on the neighbouring properties in terms of dominance, light and privacy, the rear additions are single storey so present no windows at first floor height on the north-eastern flank elevation and the additions would be sited in an acceptable position in relation to the neighbouring dwellings. Along with the roof amendment, obscure glazing condition for the flank windows and the modest height of the single storey additions which project into the rear garden area, all of these factors lead me to conclude that there would not be a dominant impact or loss of light or privacy to the neighbouring buildings, caused by the proposed development. It is therefore overall considered that the residential amenities of nearby residential properties would not be materially affected by the proposal.

- 4.4.3 With regard to impact upon the street scene, although the link and proposed replacement building would modify the existing street scene it is not considered that the proposed development would have such an unacceptable impact upon the street scene and character of the area to warrant a refusal of permission, following discussion with Officers after the previous scheme was withdrawn.

- 4.4.4 Overall, providing a signed and dated Unilateral Undertaking is submitted in line with the SPD, there appear to be no material reasons to refuse permission for this proposal, which does not conflict with Policy in the District Local Plan and would have no materially detrimental impact upon the character of the area, amenities of the neighbouring residential properties or highway conditions, but would provide a required form of accommodation and care for the area.

5. Legal Implications

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

6. Recommendation

- 6.1 Providing a signed and dated Unilateral Undertaking is submitted in line with the
PLANNING CONTROL (18.09.08)

SPD on Planning Obligations, that planning permission be **GRANTED** with 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 development, a noise mitigation scheme designed to minimize the impact of Road Traffic Noise from the adjacent A1(M) shall be submitted to the Local Planning Authority (LPA) for approval. [The standard to be achieved is a maximum of 30 dB(A)(nighttime) in the proposed bedrooms]. The development shall not commence until there is a scheme approved by the LPA and approved measures are fully implemented in accordance with the scheme. Once implemented, the scheme of measures shall be maintained in accordance with approved details.**

Reason: To protect the residential amenities of future occupiers of the development.

5. **Prior to the commencement of development, a scheme designed to minimize the impact from the site dust during demolition and construction activities shall be submitted to the LPA for approval. Demolition and construction activities shall not commence until there is a scheme approved by the LPA, and approved measures are fully implemented in accordance with the approved details.**

Reason: To minimise the potential for dust nuisance.

6. **Prior to the commencement of development, a lighting scheme for any proposed external lighting to serve the proposal hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in accordance with the approved details.**

Reason: To safeguard the residential amenities of the adjoining properties.

7. Notwithstanding the details in the approved plan PL-GA-01B, prior to the first occupation of any part of the development hereby granted permission, details of the refuse storage area shall be submitted to and approved in writing by the

Local Planning Authority. The approved details shall be completed to the satisfaction of the Authority, and permanently maintained thereafter to the Authority's satisfaction.

Reason: In order to provide adequate refuse facilities within working distance of the highway and in the interests of the visual amenities of the area.

8. No part of the development shall be occupied until the parking spaces and turning areas as shown on PL-GA-01 have been provided and appropriately marked out within the curtilage of the site. The parking facilities shall be kept available solely for the parking of motor vehicles and shall therefore be permanently retained as provided thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles associated with the new development.

9. **Notwithstanding the details in the approved plan PL-GA-01, a fully detailed BS5837 compliant landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, either before commencement or works on site, or within 1 month of the commencement of development on site. The landscaping works shall be implemented in accordance with the approved details.**

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

10. **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.

11. The windows at ground and first floor level on the north-eastern flank elevation of the new frontage building hereby permitted, shall be permanently glazed with obscure glass and fixed shut.

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

Reason for Decision

The development hereby permitted would have no materially detrimental impact upon the character or appearance of the area, neighbouring properties, highway conditions or the visual amenity of the locality, and as such, complies with the relevant provisions of the development plan as summarised below.

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

North Hertfordshire District Local Plan No 2 with Alterations

Policy 8 - Development in Towns

Policy 55 - Car Parking Standards

Supplementary Planning Document- Vehicle Parking Provision at New Development

Supplementary Planning Document- Planning Obligations

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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7

TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

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

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PLANNING CONTROL COMMITTEE

DATE: 18 September 2009

PLANNING APPEAL DECISIONS

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Barrat North London	Redevelopment of former convent site with 65 residential units comprising 16 x 1 bed and 29 x 2 bed flats; 4 x 2 bed; 2 x 3 bed and 14 x 4 bed houses. Associated landscaping, access and parking following demolition of existing convent buildings (as amended by plans received 02 and 03 April 2008)	Former Convent Of Providence, Limekiln Lane, Baldock, SG7 6PG	07/03028/1	Appeal Dismissed on 12 August 2008	Committee	The Inspector concluded that the proposed development would harm the character and appearance of the surrounding area and would be detrimental to the living conditions of nearby and future occupiers.
Shanly Homes	Creation of additional residential units in third floor roofspace of previously permitted block of flats comprising 8 x one-bedroom apartments together with 7 additional parking spaces and associated amenities (as amended by plan no. 942-PLN-200 received 7.2.08)	Roma Laboratories, Cadwell Lane, Hitchin	07/02537/1	Appeal Allowed on 21 August 2008	Committee	The Inspector concluded that the proposed development would not cause any significant harm to the living conditions of the occupiers of the proposed or existing dwellings with regard to car parking or to highway safety. The Inspector also stated that there would be minimal harm to the living conditions of the occupiers of the existing or proposed dwellings due to a lack of amenity space.

PLANNING CONTROL COMMITTEE**DATE: 18 September 2008****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
KGT Investment Co Ltd	26 August 2008	Two storey and single storey extensions following partial demolition and alterations to existing building to create 2 retail units and 2 one bedroom flats (as amended by plans received 10.08/07)	Rear Of, 93 Bancroft, Hitchin	07/00389/1	Written Representations
KGT Investment Co Ltd	26 August 2008	Two storey and single storey extensions following partial demolition and alterations to existing building to create 2 retail units and 2 one bedroom flats (as amended by plans received 10.08.07)	Rear Of, 93 Bancroft, Hitchin	07/00391/1LB	Written Representations
Mr A D Uzzell	2 September 2008	Erection of 2 bedroom chalet style bungalow	Land adjacent to Libre View, Bell Lane, Nuthampstead, SG8 8ND	07/02954/1	Written Representations

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

8

TITLE OF REPORT: PLANNING ENFORCEMENT CASELOAD AND MONITORING

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

Please refer to attached reports.

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Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
Old Forge, Church Lane, GRAVELEY	Enforcement Notice served in 2001		July-08				Further evidence has been gathered in respect of unauthorised use for car sales. Preparation of enforcement notice.
Lower Titmore Farm LOWER TITMORE GREEN	Unauthorised works to Listed Building	25-Jan-07	28-Nov-07				Planning / listed building consent application Received.
land at Green Farm BENDISH	EN vehicular access, Prosecution adverts	24-Aug-06	05-Sep-06				06/2538/1 granted, Enforcement Notice for unauthorised access held in abeyance. County Council being chased for a response.
r/o Hillcrest House Bedford Rd HOLWELL	EN caravan, containers, shed	18-Jan-07	07-Feb-07	20-Mar-07	20-Mar-07	5 months 20-sep-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. Preparation of further legal action.
Slip End Service Station, SLIP END	S215 Notice	11-June-07	20-June-07				Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Site untidy again, ownership of site to be clarified, and letter sent to owner.
3 Sun Street, Baldock	Unauthorised works to listed building						Letter sent to owner advising that prosecution held in abeyance if a Planning / listed building consent application is received by 12.09.08.
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.		24/04/2008				Site survey of previous and new land levels of site to be undertaken on 22 September. Legal advice being sought, Notice to be served.

The Old Rectory, Graveley	Wilful damage to tree in conservation area	20/11/2007	20/11/2007				Letter to be sent to developer to seek agreement for new specimen tree to be planted, in replacement of tree removed.
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Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for 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.
41 Bygrave Rd BALDOCK	Breach of Condition Notice annexe to self contained unit	19-Mar-07	28-Mar-07	01-May-07	01-May-07	01-Aug-07	07/357/1EUD refused, to Legal for Breach of Condition Notice 28.3.07, served 30/4/07. On going monitoring for compliance.
Green Lane, HITCHIN	S215 Notice	11-June-07	20-June-07			16-Nov-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.
Unit 22, Baldock Industrial Estate, Baldock	Prosecution unauthorised advertisement – display of balloon.	05-Oct-07	05-Oct-07				Monitoring of advert ongoing.