

10 March 2009

Ref: Planning 19.03.09  
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, Paul Clark, S.K. Jarvis, Michael Paterson, Deepak Sangha and Martin Stears-Handscomb).

You are invited to attend a

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

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

on

**THURSDAY, 19 MARCH 2009, at 7.30p.m.**

Yours sincerely,



David Miley  
Democratic Services Manager

**AGENDA**  
**PART I**

<b>ITEM</b>	<b>PAGE</b>
<b>1. APOLOGIES FOR ABSENCE</b>	-
<b>2. MINUTES</b> To take as read and approve as a true record the Minutes of the meeting of this Committee held on 19 February 2009.	-
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether the item(s) raised will be considered.	-
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest can speak on the item, but must leave the room before the debate and vote.	-
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
<b>6. PLANNING APPLICATIONS</b> REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	-
<b>6.1 08/02229/ 1 - LAND OFF CADE CLOSE, LETCHWORTH GARDEN CITY, SG6.</b> <b>RESIDENTIAL DEVELOPMENT OF 60 UNITS COMPRISING OF 11 X 1 BEDROOM FLATS; 31 X 2 BEDROOM FLATS; 5 X 2 BEDROOM HOUSES AND 13 X 3 BEDROOM HOUSES (HOUSING MIX: 23% MARKET HOUSING; 23 % AFFORDABLE FOR RENT AND 54% SHARED EQUITY), 10 GARAGE SPACES AND 90 ASSOCIATED CAR PARKING SPACES, LANDSCAPING AND CHILDREN'S PLAY AREA (INCLUDING PLAY EQUIPMENT); VEHICULAR ACCESS OFF TALBOT WAY, CYCLE AND BIN STORAGE AREAS AND ASSOCIATED INFRASTRUCTURE.</b>	<b>99</b>
<b>6.2 08/02230/ 1 - FORMER CONVENT OF PROVIDENCE, LIMEKILN LANE, BALDOCK, SG7 6PG.</b> <b>RESIDENTIAL DEVELOPMENT OF FORMER CONVENT SITE WITH 29 RESIDENTIAL UNITS COMPRISING 3 X 1 BEDROOM FLATS, 3 X 2 BEDROOM FLATS, 2 X 2 BEDROOM HOUSES; 3 X 3 BEDROOM HOUSES, 1 X 4 BEDROOM HOUSE AND 17 X 5 BEDROOM HOUSES (HOUSING MIX: 69% MARKET HOUSING; 21% AFFORDABLE FOR RENT AND 10% SHARED EQUITY). ASSOCIATED LANDSCAPING, MAIN VEHICULAR ACCESS ONTO LIMEKILN LANE; 3 UNITS WITH DIRECT VEHICULAR ACCESS ONTO LIMEKILN LANE AND 3 UNITS WITH DIRECT VEHICULAR ACCESS ONTO PROVIDENCE WAY, 35 GARAGE SPACES AND 12 CAR PARKING SPACES, BIN &amp; CYCLE STORE AND</b>	<b>119</b>

**ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING CONVENT BUILDINGS (AS AMENDED BY PLANS RECEIVED 6 FEBRUARY 2009).**

- |      |  |    |
|------|--|----|
| 6.3  | 09/00002/ 1 - 27 HEATHFIELD, ROYSTON, SG8 5BN.<br>ERECTION OF DETACHED 5 BEDROOM DWELLING FOLLOWING DEMOLITION OF EXISTING DWELLING.   | 1  |
| 6.4  | 08/03015/ 1 - 27 HEATHFIELD, ROYSTON, SG8 5BN.<br>OUTLINE PLANNING PERMISSION FOR TWO DETACHED DWELLINGS WITH LINKED GARAGES (APPEARANCE, LANDSCAPING AND SCALE RESERVED MATTERS) FOLLOWING DEMOLITION OF EXISTING BUNGALOW.   | 13 |
| 6.5  | 09/00170/ 1 - 3 ANGEL PAVEMENT, ROYSTON, SG8 9AS.<br>CHANGE OF USE OF GROUND FLOOR UNIT FROM ELECTRICAL GOODS SHOWROOM (CLASS A1) TO NEWSPAPER SALES OFFICE (SUI GENERIS USE).   | 23 |
| 6.6  | 09/00102/ 1 - 2 ANGEL PAVEMENT, ROYSTON, SG8 9AS.<br>FIRST FLOOR REAR EXTENSION. CHANGE OF USE OF SHOP (CLASS A1) TO THERAPY AND FITNESS CENTRE (CLASS D1).  | 31 |
| 6.7  | 08/03029/ 1 - ROCKELLS FARM, GREEN END, SANDON, BUNTINGFORD, SG9 0RG.<br>ERECTION OF ONE FOUR BEDROOM ECO DWELLING. THREE EQUESTRIAN/LIVERY BUILDINGS AND ASSOCIATED FACILITIES FOLLOWING DEMOLITION OF EXISTING FARM BUILDINGS. CHANGE OF USE OF AGRICULTURAL LAND TO EQUINE CENTRE AND SMALLHOLDING.   | 39 |
| 6.8  | 08/02926/ 1 - LAND TO NORTH AND WEST OF PUTTERIDGE BURY ESTATE ROAD, PUTTERIDGE PARK, OFFLEY, LU2 8HJ.<br>CHANGE OF USE OF AGRICULTURAL LAND TO PLAYING FIELDS AND ASSOCIATED LANDSCAPE AREAS.   | 49 |
| 6.9  | 08/02969/ 1HH - PARSONAGE FARM, KINGS WALDEN, HITCHIN, SG4 8LF.<br>TWO STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF SINGLE STOREY SIDE EXTENSION. SINGLE STOREY REAR LINK TO EXISTING BARN FOLLOWING DEMOLITION OF TWO STOREY FLAT ROOF REAR PROJECTION (AS AMENDED BY PLAN RECEIVED 13.2.09).  | 57 |
| 6.10 | 08/02970/ 1LB - PARSONAGE FARM, KINGS WALDEN, HITCHIN, SG4 8LF.<br>TWO STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF SINGLE STOREY SIDE EXTENSION. SINGLE STOREY REAR LINK TO EXISTING BARN FOLLOWING DEMOLITION OF TWO STOREY FLAT ROOF REAR PROJECTION. ENCLOSURE OF REAR ENTRANCE LOBBY, REPLACEMENT OF EXISTING KITCHEN WINDOW, INTERNAL DOOR ALTERATIONS AND INSERTION OF THREE SETS OF FRENCH WINDOWS AND ONE WINDOW INTO OUTBUILDING. DEMOLITION OF REAR CHIMNEY STACK AND CHIMNEY FLUE TO REAR ROOF SLOPE (AS AMENDED BY PLAN RECEIVED 13.2.09). | 63 |
| 6.11 | 08/02064/ 1 - PART OF ALLEYFIELD ADJACENT TO, CHAMBERS LANE, ICKLEFORD, HITCHIN.<br>CHANGE OF USE OF AGRICULTURAL LAND TO BURIAL GROUND (CEMETERY) WITH ACCESS VIA EXISTING SPORTS CLUB ENTRANCE, OFF CHAMBERS LANE, ICKLEFORD (VARIATION OF PLANNING REF 08/00161/1 GRANTED PERMISSION 25/04/08).   | 69 |

6.12	<b>09/00276/ 1TD - LAND AT JUNCTION OF SOUTHFIELDS AND EASTERN WAY, LETCHWORTH. SWAP-OUT OF 9M LAMP POST WITH 12.5M DUAL PURPOSE TELECOMMUNICATIONS LAMP POST WITH INTEGRATED ANTENNA AND ASSOCIATED RADIO EQUIPMENT CABINET.</b>	77 [Report to follow]
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**For the remainder of the Civic Year 2008-2009 and the Civic Year 2009-2010, the Planning Control Committee will meet on the following dates:**

- Thursday, 16 April 2009**
- Thursday, 23 April 2009 (Special Meeting – Weston Wind turbines)**
- Thursday, 14 May 2009**
- Thursday, 18 June 2009**
- Thursday, 16 July 2009**
- Thursday, 13 August 2009**
- Thursday, 10 September 2009**
- Thursday, 8 October 2009**
- Thursday, 12 November 2009**
- Thursday, 17 December 2009**
- Monday, 18 January 2010**
- Thursday, 11 February 2010**
- Thursday, 11 March 2010**
- Thursday, 15 April 2010**

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**Planning Control Committee - 19 March 2009**

**REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL**

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

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

**AGENDA INDEX**

<b>ITEM:</b>	<b>REF NO:</b>	<b>LOCATION:DESCRIPTION</b>	<b>CONTACT OFFICER:</b>	<b>PAGE:</b>
6.1.	08/02229/ 1	Land off Cade Close, Letchworth Garden City, SG6 Residential development of 60 units comprising of 11 x 1 bedroom flats; 31 x 2 bedroom flats; 5 x 2 bedroom houses and 13 x 3 bedroom houses (housing mix: 23% market housing; 23 % affordable for rent and 54% shared equity), 10 garage spaces and 90 associated car parking spaces, landscaping and children's play area (including play equipment); vehicular access off Talbot Way, cycle and bin storage areas and associated infrastructure.	Simon Ellis 01462 474264	99
6.2.	08/02230/ 1	Former Convent Of Providence, Limekiln Lane, Baldock, SG7 6PG Residential development of former convent site with 29 residential units comprising 3 x 1 bedroom flats, 3 x 2 bedroom flats, 2 x 2 bedroom houses; 3 x 3 bedroom houses, 1 x 4 bedroom house and 17 x 5 bedroom houses (housing mix: 69% market housing; 21% affordable for rent and 10% shared equity). Associated landscaping, main vehicular access onto Limekiln Lane; 3 units with direct vehicular access onto Limekiln Lane and 3 units with direct vehicular access onto Providence Way, 35 garage	Simon Ellis 01462 474264	119

		spaces and 12 car parking spaces, bin & cycle store and associated infrastructure following demolition of existing convent buildings (as amended by plans received 6 February 2009).		
6.3.	09/00002/ 1	27 Heathfield, Royston, SG8 5BN Erection of detached 5 bedroom dwelling following demolition of existing dwelling (as clarified by plans received 06/02/09).	Naomi Reynard 01462 474318	1
6.4.	08/03015/ 1	27 Heathfield, Royston, SG8 5BN Outline planning permission for two detached dwellings with linked garages (appearance, landscaping and scale reserved matters) following demolition of existing bungalow	Naomi Reynard 01462 474318	13
6.5.	09/00170/ 1	3 Angel Pavement, Royston, SG8 9AS Change of use of ground floor unit from electrical goods showroom (Class A1) to Newspaper sales office (Sui generis use)	Naomi Reynard 01462 474318	23
6.6.	09/00102/ 1	2 Angel Pavement, Royston, SG8 9AS First floor rear extension. Change of use of shop (Class A1) to Therapy and Fitness Centre (Class D1)	Naomi Reynard 01462 474318	31
6.7.	08/03029/ 1	Rockells Farm, Green End, Sandon, Buntingford, SG9 0RG Erection of one four bedroom eco dwelling. Three equestrian/livery buildings and associated facilities following demolition of existing farm buildings. Change of use of agricultural land to equine centre and smallholding	Richard Tiffin 01462 474522	39
6.8.	08/02926/ 1	Land to north and west of Putteridge Bury estate road, Putteridge Park, Offley, LU2 8HJ Change of use of agricultural land to playing fields and associated landscape areas.	John Chapman 01462 474516	49
6.9.	08/02970/ 1LB	Parsonage Farm, Kings Walden, Hitchin, SG4 8LF Two storey side extension following demolition of single storey side extension. Single storey rear link to existing barn following demolition of two storey	John Chapman 01462 474516	57

		flat roof rear projection. Enclosure of rear entrance lobby, replacement of existing kitchen window, internal door alterations and insertion of three sets of french windows and one window into outbuilding. Demolition of rear chimney stack and chimney flue to rear roof slope (as amended by plan received 13.2.09).		
6.10.	<b>08/02969/ 1HH</b>	Parsonage Farm, Kings Walden, Hitchin, SG4 8LF Two storey side extension following demolition of single storey side extension. Single storey rear link to existing barn following demolition of two storey flat roof rear projection (as amended by plan received 13.2.09).	<b>John Chapman 01462 474516</b>	<b>63</b>
6.11.	<b>08/02064/ 1</b>	Part Of Alleyfield Adjacent To, Chambers Lane, Ickleford, Hitchin Change of use of agricultural land to burial ground (cemetery) with access via existing Sports Club entrance, off Chambers Lane, Ickleford (variation of planning ref 08/00161/1 granted permission 25/04/08)	<b>Tom Rea 01462 474565</b>	<b>69</b>
6.12.	<b>09/00276/ 1TD</b>	Land at Junction of Southfields and Eastern Way, Letchworth Swap-out of 9m lamp post with 12.5m dual purpose telecommunications lamp post with integrated antenna and associated radio equipment cabinet.	<b>Chris Carter 01462 474477</b>	<b>77 [Report To Follow]</b>

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<b>ITEM NO:</b> 6.1	<u>Location:</u>	<b>Land off Cade Close, Letchworth Garden City, SG6</b>
	<u>Applicant:</u>	<b>Mr N Wright North Hertfordshire Homes</b>
	<u>Proposal:</u>	<b>Residential development of 60 units comprising of 11 x 1 bedroom flats; 31 x 2 bedroom flats; 5 x 2 bedroom houses and 13 x 3 bedroom houses (housing mix: 23% market housing; 23 % affordable for rent and 54% shared equity), 10 garage spaces and 90 associated car parking spaces, landscaping and children's play area (including play equipment); vehicular access off Talbot Way, cycle and bin storage areas and associated infrastructure.</b>
	<u>Ref.No:</u>	<b>08/02229/ 1</b>
	<u>Officer:</u>	<b>Simon Ellis</b>

**Date of expiry of statutory period :** 12 January 2009

**Reason for Delay**

Negotiations with applicant to overcome technical highway objections and to agree the heads of terms of a Section 106 Obligation.

**Reason for Referral to Committee**

The site area at 1.3ha requires that this planning application for residential development must be determined by the Committee under the Council's scheme of delegation.

**1. Relevant History**

- 1.1 The first planning application for residential development on this site was submitted in 2006 (ref. 06/01836/1). As a result of problems encountered with various protected species on the site and the lack of an archaeological evaluation to accompany the planning application, it was withdrawn.
- 1.2 The applicant then undertook some remediation work to relocate the protected species found on the site and also commissioned an archaeological evaluation of the of the locality. Following this a revised planning application was submitted for the following development proposal:
- 1.3 **Residential development of 56 no. units comprising of 10 no. one bedroom flats, 28 no. two bedroom flats, 9 no. two bedroom houses, 9 no. three bedroom houses and associated infrastructure (housing mix, 25% affordable for rent, 50% shared equity and 25% market housing); Community centre, children's play area and vehicular access off Talbot Way (outline application: scale, appearance and landscaping of the site reserved).**

- 1.4 Members may recall that this planning application was reported to the Planning Control Committee meeting held on 17 September 2007. At this meeting Members resolved to grant planning permission subject to the applicant entering the necessary Section 106 Obligation with the Council to deliver the affordable housing set out in the application and all necessary financial contributions and subject to the resolution of further archaeological evaluations of the site.
- 1.5 Since this decision and at the time of writing the Section 106 Obligation associated with this 2007 planning application has still not been completed and therefore formal outline planning permission for this scheme has not been granted. However, the archaeological evaluation of the site has been completed to the satisfaction of Hertfordshire County Council (Archaeological Service). Whilst the full implications of this earlier Planning Control Committee decision will be discussed more fully under the Key Issues section of the report, it is clearly a decision that has significant weight in the determination of the current planning application, the subject of this report.

## **2. Policies**

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

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'  
Planning Policy Guidance note (PPG) 2 'Green Belts'  
Planning Policy Statement (PPS) 3 'Housing'  
Planning Policy Statement (PPS) 7 'Sustainable Development in Rural Areas'  
Planning Policy Statement (PPS) 9 'Biodiversity and Geological Conservation'  
Planning Policy Guidance note (PPG) 16 'Archaeology and Planning'

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

Policy H1 'Regional Housing Provision 2001 to 2021'  
Policy H2 'Affordable Housing'  
Policy ENV3 'Biodiversity and Earth Heritage'  
Policy ENV4 'Agricultural Land and Soils'  
Policy ENV7 'Quality in the Built Environment'

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

Policy 2 'Green Belt'  
Policy 14 'Nature Conservation'  
Policy 16 'Areas of Archaeological Significance and other Archaeological Areas'  
Policy 26 'Housing Proposals'  
Policy 29 'Rural Housing Needs'  
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:**

'Vehicle Parking Provision at New Development'  
'Planning Obligations Supplementary Planning Document'

### **3. Representations**

#### **3.1 Natural England:**

No objection to the proposed development provided the mitigation measures set out in the applicant's supporting documents which accompanied the application are secured through the means of a suitably worded planning condition. Note that since the protected reptile species were relocated from the site (common lizards), the reptile protective fencing around the perimeter needs to have been effective otherwise the protected species may have re-established a presence on the site **(see recommended condition nos. 11 and 17)**.

#### **3.2 Hertfordshire County Council (Biological Records Service):**

Also note the results of the ecological survey and species relocation exercise and confirm that this has been successful and has overcome their ecological objections to the previous scheme. Therefore no objections to the current proposal but recommend that a suitably worded condition be imposed which prevents trees and shrub clearance during March to August, to prevent harm to nesting birds. Also recommend that, where possible, existing hedgerows around the site are maintained and integrated within the development scheme **(see recommended condition nos. 4, 5, 6, 11 and 17)**.

#### **3.3 Environment Agency:**

Raised an objection to the planning application as originally submitted as it was not accompanied by a requisite Flood Risk Assessment (FRA). The applicant has responded to this objection and submitted an FRA which has been forwarded to the Environment Agency. At the time of writing the Environment Agency have not responded to the FRA. An update on progress in relation to this matter will be reported at the Committee by means of an oral presentation.

#### **3.4 Hertfordshire County Council (Development Unit):**

Recommend a condition requiring a construction waste minimisation strategy for this development project **(see recommended condition no. 14)**.

#### **3.5 Hertfordshire County Council (Archaeological Service):**

Has reviewed the desk based archaeological evaluation of the site and the trial trench evaluation which was undertaken in association with the previous planning application for residential development on this site. The results of the evaluation suggest that the site does not contain archaeological remains which are worthy of preservation in situ. As a consequence HCC (Archaeological Service) have removed their in principle objection to residential development on this site. They now recommend that should Members be minded to grant planning permission for this current scheme, the standard archaeological survey condition is imposed **(see recommended condition no. 16)**.

#### **3.6 Hertfordshire County Council (Highways):**

Originally objected to the planning application as submitted on the basis that suitable access and turning areas had not been provided to enable the very large NHDC waste collection vehicles to enter the site, collect domestic refuse and recycling and leave the site in a forward gear. Following discussion between HCC Highway Engineers and the applicant's transport consultant this issue has been resolved to the satisfaction of the Highway Authority which has required some slight changes to the scheme in relation to the width of access and highway alignment. On this basis the Highway Authority have removed their objections to the scheme and recommend various standard highway conditions which are set out below under the recommendation section of the report **(see recommended condition nos. 8, 9 and informative no. 1)**.

- 3.7 **Hertfordshire County Council (Planning Obligations Manager):**  
Require the following elements within a Section 106 Obligation associated with this development proposal: Contributions towards Youth Services - £1,114; Childcare Services - £4,421 and Library Services - £7,483 and fire hydrant provision across the development site.
- 3.8 **Parks and Countryside Department (NHDC):**  
Identifies a deficiency in allotment provision in this locality and has identified capacity for an additional 20 plots on the adjoining allotment land close to this site. This provision can be delivered for £3,000 which could be paid for by the developers of this scheme which can be secured through a Section 106 Obligation. **Officer note - given the already considerable contributions required from this development scheme, the fact that the proposal is for largely affordable housing and the expensive archaeological and ecological surveys and mitigation that has already been carried out before any development can go ahead at all I recommend that the £3,000 allotment provision be deducted from the Pitch Sport contribution associated with this scheme (in accordance with the adopted SPD) which amounts to £16,143.22, therefore reducing this contribution to £13,143.22. The applicant has agreed to this approach within a Section 106 Obligation. Whilst the SPD identifies possible allotment contributions it states that this must be negotiated on a site by site basis and there is no formula for identifying demand generated from new development and what that provision should be, hence my recommendation to split this provision from a pre-required contribution towards Pitch Sport Provision.**
- 3.9 **Housing Development Liaison Officer:**  
Under the East of England Plan and PPS3 a 35% proportion of affordable housing is a target that the Council would negotiate to achieve on all housing development schemes. Under this current proposal a total provision of 77% affordable housing is set out, albeit much of this would be shared ownership. To accord with the 65/35% affordable housing for rent/other tenure split (as set out in the adopted SPD on Planning Obligations) for a total of 35% overall affordable housing on this site, 14 units of the 60 total would need to be affordable housing for rent. Of these 14 units current identified housing needs would dictate the following break down: 4 no. one bedroom flats; 4 no. two bedroom houses and 6 no. three bedroom houses. At 14 units the Housing Development Liaison Officer observes that this is the same level of affordable housing for rent as would be required under normal circumstances (i.e. 35% affordable housing across the scheme). This break down for the affordable rental element of the scheme has been put to the applicant and they have agreed that it be incorporated within a Section 106 Obligation.  
As for the shared ownership element of the scheme (which amounts 32 of the 60 total units) the Housing Development Liaison Officer is flexible as to how this is made up, a mixture of one and two bedroom flats would be acceptable, as is proposed within the scheme (under normal circumstances this scheme would require 7 units of shared ownership together with 14 units as affordable housing of rent). An additional 25 no. shared ownership accommodation will be of benefit to overall affordable housing provision in the District.
- 3.10 **Housing and Environmental Health Services (Contaminated Land):**  
No objections, recommends the standard three stage contaminated land condition **(see recommended condition no. 9)**.
- 3.11 **Letchworth Garden City Council:**  
No objections: But the Committee expressed regret at the removal of the previously proposed community hall, which the Committee feel would be beneficial to the community. The Committee nevertheless congratulated the applicants on the environmental sustainability of the application.

- 3.12 **Response to Statutory Site Notice, Press Notice and Neighbour Notifications:**  
In response to neighbour consultations there have been no letters of outright objection to this scheme. The occupiers of no. **23 Cade Close** welcome the scheme and look forward to the provision of more affordable housing in the area, while the occupiers of no. **12 Green Lane** request that the Council exercise careful control over construction hours and activity to minimise noise and disturbance. Correspondence have also been received from an unknown address outlining no objection in principle but expressing concern in relation to traffic impact and the need to ensure adequate car parking within the site. The strongest points of concern were set out in letters from the occupiers of '**Avalon**', **Green Lane** and **109 Norton Road**. Their grounds of concern can be summarised as follows:

\* Opposed to any pedestrian access from this development onto the public footpath which runs along the northern boundary of the site.

\* If access needs to be gained from the development onto this footpath it must not be urbanised through the use of street lighting or hard surfacing and certainly motorcycle access must be prohibited.

## **4. Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site has an area of 1.3ha, it is a broadly flat, square space covered in trees and shrubs. The site is a disused allotment garden area.
- 4.1.2 The Trembaths Nursing home is located to the south west of the site. A public footpath runs across the north western boundary of the application site and beyond this footpath are the back gardens of residential properties which front Norton Way. These houses enjoy large back gardens and the rear of the dwellings themselves are positioned approximately 60m from the footpath. The application site is bordered to the north east by open countryside and the residential estate of Cade Close is located to the south east of this square site.
- 4.1.3 The application site is located outside the established urban area of Letchworth Garden City although it is bound by existing development on three of its four sides. There has been no previous development on the site and it therefore qualifies as "green field" land for the purposes of determining planning applications.

### **4.2 Proposal**

- 4.2.1 Full planning permission is sought for the development of 60 dwellings; a children's play area; 100 car parking spaces (10 of which would be garages); cycle and refuse storage areas; hard and soft landscaping and vehicular access drives, with the main access off Talbot Way and associated infrastructure.
- 4.2.2 The proposed residential accommodation comprises the following mix: 11 no. one bedroom flats; 31 no. two bedroom flats; 5 no. two bedroom houses and 13 no. three bedroom houses. The applicant is a Registered Social Landlord (RSL) and the proposed development is for 14 no. affordable houses for rent, 32 no. shared ownership units and 14 no. open market units. Following discussion with our Housing Needs officers the applicant has agreed that the break down of the 14 no. affordable houses rent would be in accordance with their requirements from an analysis of the housing needs register as follows: 4 no. one bedroom flats, 4 no. two bedroom houses and 6 no. three bedroom houses. This then alters the original proposals slightly to leave the remaining housing mix as follows: 6 no. one bedroom flats and 26 no. two bedroom flats as shared ownership accommodation and 7 no. three bedroom houses and 7 no. two bedroom flats as open market accommodation. In terms of proportions this equates to 23% open market housing, 23% affordable housing for rent and 54% shared ownership (overall 77% affordable housing).

#### 4.2.3 Tour of the Scheme

The layout of the scheme is similar to the proposals set out in the recent outline planning application for residential development on this site, referred to above. Vehicular and pedestrian access would be gained from the south west corner of the site off Talbot Way. The following paragraphs will briefly describe the development in the form of a tour around the scheme starting in the far south west corner.

- 4.2.4 The main access road would take a turn towards the north east facing towards the centre of the scheme entering what the applicant describes as a 'home zone', providing fluidity of design and access to residential properties on either side. To the west of this driveway would be the proposed block A which would be a two and half storey building consisting of 2 no. two bedroom flats each on the ground and first floor and 1 no. two bedroom flat on the second floor. Block B would be on the opposite side of this road entrance and would be in the form of a mirror image of Block A providing the same level of accommodation. Both blocks have been designed to appear as buildings that 'turn the corner' framing the main public entrance to the overall development scheme. Secure communal car parking, refuse and cycle storage areas are designed for each block integrated amongst a comprehensive hard and soft landscaping scheme.
- 4.2.5 Apartment block C is proposed towards the centre of the site, part of a square cluster of buildings around the proposed public open space and a children's play area at the heart of the scheme. Block C would form the south western boundary of this square and consists of a three storey building with 2 no. one bedroom apartments each on the ground and first floor and 1 no. one bedroom apartment on the second floor. A large communal cycle storage facility serving the needs of many residents in this scheme is proposed on the southern flank of this building providing convenient access for cyclists onto Talbot Way. A secure refuse storage area is proposed on the opposite flank of the building, tucked away from the main street scene.
- 4.2.6 The south eastern side of the central square is proposed apartment block D. This would consist of 2 no. two bedroom flats and 2 no. one bedroom flats on the ground and first floor respectively and 1 no. two bedroom apartment on the second floor. Two discreet refuse storage areas are proposed to the front of this block, with easy access onto the main driveway.
- 4.2.7 Staying within the central square of development and turning around the corner, on the north east side of the square would be apartment block E. This would consist of 3 no. two bedroom apartments and 1 no. one bedroom apartment on the ground and first floors respectively and in this case no second floor accommodation, facing as it would towards the north east rural boundary of the site, towards the allotment gardens beyond. This block would again benefit from very discreet refuse storage areas at the front of the buildings, which would open onto a very well landscaped frontage to form a soft rural edge to the development.
- 4.2.8 The far north western boundary of the central square would be framed by a "U" shaped apartment block F. This block would consist of 4 no. two bedroom apartments on the ground and first floor and 2 no. two bedroom apartments on the second floor. This block would be slightly more separated from the central square than the other blocks described above as residents would enjoy their own semi-private garden spaces adjoining the public footpath which runs across the north western boundary of the site. Discreet refuse storage areas are proposed on either side of this block and secure cycle storage facilities immediately to the north east.

- 4.2.9 The tour of the site now turns to the edges of the development proposal, starting with the south western boundary of the site adjoining the Trembaths Nursing Home. A terrace of 5 no. two bedroom houses are proposed on this part of the site with private rear gardens (including a garden she each) and individual cycle and refuse storage areas to the front of each unit.
- 4.2.10 On the south eastern boundary of the site, adjoining Cade Close, a longer row of four groups of linked semi-detached three bedroom houses are proposed. These units would enjoy their own private driveways and attached garages, larger south west facing private rear gardens and front refuse storage areas. As these units are much larger three bedroom dwellings with private garages the scheme does not include any clearly identifiable cycle storage areas for these units. This completes the tour of the scheme designed by one firm of architects for the applicant.
- 4.2.11 There remains in each of the north west and north east corners of the site two late editions to this scheme, the winners of the recent Garden Cities of Tomorrow design competition held by Letchworth Garden City Heritage Foundation. In the far north east corner of the site the proposal includes a pair of two bedroom semi-detached houses, of different but complementary design to the main body of the scheme. This element of the scheme includes a long sloping pitched roof on the southern side of the building and includes many innovative sustainable development solutions which will be described as part of the whole scheme in the next section of this part of the report.
- 4.2.12 The final element of the scheme has been designed by another firm of architects, again competition winners for the Garden Cities of Tomorrow and this is a group of 3 no. two bedroom houses. This element of the scheme is slightly more unusual in appearance with a pitched roof structure and the longer of the two pitches sloping away to the north eastern boundary of the site.
- 4.2.13 Hard and soft landscaping are designed to integrate amongst buildings with a network of footpaths across the scheme and a clear pedestrian link to the existing public footpath which runs across the north east boundary of the site. The development would centre around a large area of public open space (1000sqm approx.) which would include a small equipped children's play area and communal seating. Car parking and vehicle access areas are laced amongst the buildings with well integrated and designed hard and soft landscaping features. A total of 100 car parking spaces including 10 garages is also proposed, which leads to a total car parking provision of just under 2 spaces per dwelling for this edge of urban site.

#### 4.2.14 Materials, Finish, Landscaping and Sustainable Development Features

The applicants have submitted a number of perspective view and three dimensional image plans in order to understand the design and layout of the scheme. A model has also been submitted which will be displayed at the Committee. These images and the model demonstrate the complexity of the scheme in terms of design and form however in many ways it offers simple forms and materials. The scheme includes a simple pallet of materials, including extensive white render throughout the scheme, Accoya timber cladding and a large number green 'sedum' roof elements, some metal roofing is also proposed. The scheme also includes a limited number of distinctive architectural features, including bay windows, ballustrading, roof lights and timber louvres. The main frames of the building would be of timber construction with white render finish.

- 4.2.15 A number of different hard surface materials are also proposed throughout the site, combining to create a fluidity of movement and space around the scheme. Hard surface materials proposed include different types of gravel finish, tarmac, interlocking brick and granite sets and grasscrete. The proposed soft landscaping scheme includes the retention of the existing shrub and tree belt on the south eastern boundary bordered by the allotments and the rural area beyond. This semi-wild buffer strip would be enhanced by extensive new tree and shrub planting across the development scheme. The soft landscaping would be well integrated with buildings and street furniture.
- 4.2.16 In terms of the sustainable development features this scheme is one of the most comprehensive that could be expected. The scheme aims to achieve code for sustainable homes level 4 which exceeds current minimum standards. In terms of detail the scheme includes ground source heating pumps and extensive solar thermal panelling, materials of construction from sustainable sources, rain water harvesting measures including sedum green roofing, which also promotes biodiversity and reduces rain water run off. The sustainable development features set out in this scheme far exceed what could legitimately be demanded under current development plan policy.

### 4.3 **Key Issues**

- 4.3.1 Taking account of relevant central government guidance and development plan policies referred to above and comments received from interested parties also reported above, I consider the key issues to be addressed in the determination of this planning application are as follows:
- \* Whether housing development is acceptable in principle on this green field site outside the urban area of Letchworth Garden City.
  - \* Whether the proposed design and layout would represent an acceptable standard of design, taking account of the relationship with nearby residential properties and examining issues such as noise and traffic impact.
  - \* Whether the planning application enables contributions towards various services, to mitigate the impact of the development proposal on those services, in compliance with the Council's adopted supplementary planning guidance on Section 106 Obligations. This must include reference to the requirements of Hertfordshire County Council, District Council service needs and an analysis of the proposed affordable housing.

### 4.3.2 **The Principle of Development**

In terms of the development plan, this site is very unusual in policy terms. It is a green field site located outside the established urban area of Letchworth Garden City. However, on the North Hertfordshire District Local Plan No. 2 - with Alterations proposals map it is not designated as land within the Green Belt or the Rural Area Beyond the Green Belt. It is a site with no designation in terms of policy restraint and is allocated as allotment space. The Green Belt boundary does however run along the 110m long north eastern boundary of the site. Therefore open land beyond this site is protected as being within the Metropolitan Green Belt.

- 4.3.3 Central Government and development plan policy in general only allows for affordable housing development in rural areas, as a "rural exceptions" policy. At District level this is reflected within Policy 29 of the North Hertfordshire District Local Plan No. 2 - with Alterations which states that: *'For local rural housing needs, the Council may permit specific development proposals for special small-scale housing designated to meet a proven local need as an exception to its normal policies in the Green Belt (Policy 2) and the Rural Areas beyond the Green Belt (Policy 6) outside selected villages (Policy 7)....'* Although a green field site, outside the urban area, as mentioned above it is not within either the Green Belt or Rural Area Beyond the Green Belt designation. In this respect the Council's Policy team have defined this site as a part rural exception site/part housing windfall site. As a

consequence it has been decided that housing development is only acceptable in principle on this site if it can deliver a high proportion of affordable housing. In this respect the proposal qualifies, since Policy 29A 'Urban Housing Needs' of the North Hertfordshire District Local Plan No. 2 - with Alterations requires at least 25% and more recent Policy H2 of the East of England Plan sets out a region wide target of 35% of affordable housing, the proposal in this case proposes 77%.

- 4.3.4 More recent government guidance contained within Planning Policy Statement (PPS) 3 'Housing' seeks increased delivery of housing and suggests that within Local Development Frameworks (LDFs) planning authorities must demonstrate sufficient housing supply over five yearly periods to meet housing projections contained in regional plans. Without such demonstrable supply protected green field sites may be at risk from housing development. This new emphasis on housing delivery suggests that if there is no clear policy protection against housing development (such as Green Belt) all available sites must be considered as offering contributions towards housing delivery targets (windfalls). In my view this site, whilst not brown field, would qualify as a less damaging opportunity to contribute towards housing delivery targets than Green Belt sites or areas within the Rural Area Beyond the Green Belt.
- 4.3.5 Moreover, Members accepted this analysis when they resolved to grant outline planning permission for residential development on this site at the Planning Control Committee meeting held on 17 September 2007. At present however and as is set out above, this outline planning permission has not been formally granted so does not at this stage represent an extant planning permission for housing on this site. Whilst I strongly recommend that Members again accept the principle of housing development again there is at present no genuine fall-back position and therefore the issue of principle can technically be reviewed again.
- 4.3.6 Since the Committee decision in September 2007 the Council have produced their Land Allocations Issues and Options Paper (January 2008) as part of the LDF process. The document identifies this site as a potential land allocation for residential development and considers it to be deliverable within the next five years. Whilst the site is not at present a "preferred option" it would seem likely that it may well become a formal land allocation under the LDF. The Issues and Options paper anticipates an approximate dwelling yield on this site of 56 units.

#### 4.3.7 **Quality of Design and Layout**

I consider the key principles to consider in the design of this scheme are the proximity to the Metropolitan Green Belt and the need to maintain a "soft rural edge" to what would be the new urban boundary of the Garden City, broad Garden City Design Principles as set out in Policy 58 of the District Local Plan, general themes of logic in terms of layout and connectivity to internal and external spaces and the quality of the design and detailing of each proposed building and spaces around.

- 4.3.8 The overall development density proposed would equate to just over 46 dwellings per hectare (dph). This is above the national minimum density required by PPS3 of 30 dph and generally around average or even on the low side when considering more recent housing developments. East of England Policy ENV7 requires new housing schemes to be of the maximum possible density that is appropriate in relation to the character of the area. In my opinion the character of this edge of urban site requires a relatively low-density scheme and whilst the density here is slightly higher than that set out in the recent outline planning application for housing on this site, the overall spread and layout of buildings is very similar.

- 4.3.9 The scheme includes generous areas for meaningful planting, a large 1000+sqm children's play area in the centre of the site and a wide buffer against the Green Belt boundary on the north eastern boundary of the application site. Although a relatively small scale development the layout includes reference to Garden City Design Principles (Policy 58 of DLP) with buildings that "turn the corner", incidental areas of public open space to the front of buildings where their contribution to the quality of the public realm can be maximised, variations in building line (accent), small vistas and a sense of closure (except on the Green Belt boundary where closure would be inappropriate) and innovative 'group design' of houses in small blocks. Overall I consider that the proposed development represents a very high standard of design and layout and is appropriate for a small scale housing scheme at the very edge of the Garden City.
- 4.3.10 I am also satisfied that the proposed development would be appropriate in relation to the surrounding context (PPS1 and PPS3). The surrounding built form is a mix of housing layout and type, with higher density modern housing to the south, care home apartment blocks to the east and lower density housing on large, linear plots to the north. The architectural detailing and overall appearance of the proposed development would differ considerably from most of the surrounding buildings, largely as a result of the conspicuous sustainable development features such as solar panelling and sedum roof elements. In massing and layout terms however I consider that the scheme would integrate well with the surrounding urban grain and whilst the development would create a new identity all of its own, the character of the scheme is of a development that looks in on itself to create a new sense of place and community.
- 4.3.11 As this site is at the edge of the urban area and surrounding development does not have any readily recognisable or distinctive character this is in my opinion an ideal site for innovation in terms of design, without harming the character of the locality. In my view this scheme is very innovative and would in my judgement enhance the locality in accordance with the objectives of PPS1 and PPS3.
- 4.3.12 Access and movement across the scheme has also been well thought through, with in my opinion a well balanced mix of public spaces, footpath links across the site and connectivity to the road and public footpath network. This would be enhanced by a comprehensive and well integrated hard and soft landscaping scheme.
- 4.3.13 **Residential Amenity, Living conditions within the site and Traffic Impact**
- On the three sides of the site that adjoin existing housing development the scheme has been cleverly designed to provide buffers between the nearest housing and the site boundaries. The largest private rear gardens on the scheme adjoin the south eastern boundary of the site, closest to the residential development at Cade Close, creating an acceptable amenity buffer on this side of the site. The south western boundary adjoining the care home at Trembaths also includes a private garden buffer zone and whilst a car parking area is proposed in the very far north west corner of the site this would be located a good distance away from the main residential area of the adjoining care home and I consider that any noise impact would be very minimal in this regard. The rear gardens of the properties which adjoin the footpath to the north west are 60m deep to the rear of the residential properties fronting Norton Road. Combining this considerable distance and the landscaping buffer strip within the development itself on this boundary I am also satisfied that this relationship is acceptable.
- 4.3.14 Turning within the scheme, whilst some of the communal areas are quite tight-knit, the central square provides extensive overlooking and natural surveillance for the safe children's play area, located well away from vehicular traffic. The orientation of buildings, location of windows and space around buildings would in my opinion provide a high standard of residential amenity for future occupiers of this development scheme.

4.3.15 Turning to the traffic impact of the scheme, in my view it would be almost identical to the scheme which the Committee resolved to approve at the meeting of the Planning Control Committee held on 17 September 2007. In fact without the previously proposed community centre, the traffic impact would be slightly less in my opinion. The level of off-street car parking is if anything slightly on the high side but in general accords with our adopted Standards set out in the SPD 'Vehicle Parking Provision at New Development'. At nearly two spaces per unit there is in my opinion and in the opinion of the Highway Authority sufficient car parking within the scheme to accommodate residents and visitors which should avoid excessive overspill car parking in surrounding streets.

#### 4.3.16 **Section 106 Contributions and Affordable Housing**

Following discussions between the applicant, Hertfordshire County Council and officers agreed heads of terms for a Section 106 Obligation have been reached, which accord with the Council's adopted SPD as follows:

#### 4.3.17 Financial Contributions NHDC Services:

Community Facilities - £20,287.16 (all payments index linked from 2006);  
Leisure Services - £34,387.27;  
Pitch Sport Provision - £13,143.22 (£3,000 less than SPD requirement, see above);  
Allotment Provision - £3,000 (deducted from pitch sport contribution);  
Sustainable Transport Contributions - £32,500;  
Waste Collection and Recycling - £4,260;  
HCC Financial Contributions:  
Childcare - £6,387.27;  
Youth Provision - £1,114;  
Library Services - £7,483;  
Fire Hydrant provision across the site.

4.3.18 The Section 106 Obligation also requires a management and maintenance agreement for the upkeep and management of the proposed children's play area and all public amenity spaces across the site.

4.3.19 In relation to affordable housing, as officers consider that housing development is only acceptable in principle on this site if it includes a very high proportion of affordable housing the agreed level and mix of affordable housing also needs to be incorporated within a Section 106 Obligation as follows: 4 no. one bedroom flats, 4 no. two bedroom flats and 6 no. three bedroom houses as affordable housing for rent; 6 no. one bedroom flats and 26 no. two bedroom flats as shared ownership accommodation.

4.3.20 The applicant has agreed to all the heads of terms set out above and I recommend that should Members be minded to grant planning permission that it be subject to the delivery of a Section 106 Obligation in accordance with these elements.

#### 4.4 **Conclusion**

4.4.1 Taking account of all the factors referred to above I am satisfied that the proposed development is acceptable in principle (on the basis of the high proportion of affordable housing proposed) on this green field site. I also consider that the design and layout is of a high standard and relates well to the surrounding area and that acceptable standards of residential amenity both within and around the site would be maintained. In terms of Section 106 matters the applicant has now agreed to pay the necessary financial contributions to mitigate the impact this development proposal would have on District and County Council services to the extent that a draft Heads of Terms can be agreed.

## **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 no objections from the Environment Agency, subject to the applicant entering a Section 106 Obligation with the Council to secure the agreed financial contributions outlined in the report, a management and maintenance clause for the children's play area and all amenity space, to deliver the agreed affordable housing and fire hydrant provision across the site 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 shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.**

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

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

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

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

c) the location and type of any new walls, fences or other means of enclosure, all hard standing and street furniture, including children's play equipment;

d) details of any earthworks proposed;

**All hard landscaping approved in association with this condition shall be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to ensure the correct phasing of the development in the interest of public amenity.**

5. 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.

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

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

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

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

8. Prior to the commencement of the development hereby permitted all access road and junction arrangements serving the development as shown on the approved plans shall be constructed and completed in accordance with those details and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure the access is constructed to the current Highway Authority specifications and to ensure the correct phasing of development in the interests of highway safety and amenity.

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

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

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

10. Notwithstanding the provisions of Class A, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) all parking, delivery and storage associated with the construction of this development must be carried out within the application site and not on adjoining land or public highway.

Reason: In the interests of highway safety and amenity during construction.

11. Any site clearance, tree and shrub removal and ground vegetation clearance associated with this development shall not be conducted between the period 1 February to 30 August in any year.

Reason: In order to protect breeding birds, their nests, eggs and young, in the interests of wildlife protection, in accordance with the Wildlife and Countryside Act 1981.

12. (a) Construction work (based on the definition within Control of Pollution Act 1974 'erection, construction, breaking up, boring, demolition, dredging works to buildings, structures, land or roads) on the development site hereby permitted shall not commence prior to the submission to, and agreement of the Local Planning Authority of a written environmental report (Phase I) which identifies the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination which is likely to be harmful to human health, the aquatic environment, buildings, structures and local ecosystems.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then a further report (Phase II) shall be submitted to the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors (the definition of receptor shall be based on the definition contained within Table A, Annex 3 of the DETR Circular on Contaminated Land 2/2000 and also include controlled waters.

(ii) The results from the application of an appropriate risk assessment methodology, and;

(iii) A method statement that specifies the steps necessary to render any contamination harmless, and;

(iv) A contingency plan, which specifies how unanticipated pollutants will be dealt with.

No construction work (other than that necessary for the discharge of this condition) shall commence on this site until the Phase II report has been approved, in writing, by the Local Planning Authority.

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

(i) All works which form part of the agreed scheme pursuant to the discharge of condition (b), above, have been fully completed.

(ii) A remediation validation report (Phase III) confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to (but not necessarily in writing), and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

(e) All works agreed with the Local Planning Authority with regard to remediation of this shall be permanently maintained.

Reason: To safeguard that any contamination present within the site is dealt with in a manner that safeguards human health, the built and aquatic environment and local ecosystems.

13. Prior to the commencement of development full details of foul and surface water drainage facilities required in association with this development shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development.

**Reason: To ensure adequate drainage and the correct phasing of development.**

14. Waste generated during the carrying out of development shall be separated for re-use or recycling and stored on site in a manner that will not cause pollution.

Reason: In the interests of environmental protection and good practice.

15. **Prior to the commencement of development full details of measures used to comply with Code for Sustainable Homes Level 4 (as set out in the Design and Access statement associated with this planning application) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these specifications.**

**Reason: To accord with the terms of the submitted application and in the interests of sustainable development objectives.**

16. **No development associated with this planning permission shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the local planning authority and approved in writing. This condition will only be considered to be discharged when the local planning authority have received and approved archaeological reports of all the required archaeological works.**

**Reason: To ensure the appropriate archaeological evaluation of the site.**

17. **Prior to the commencement of the development hereby permitted full details of biodiversity mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be carried out in complete accordance with the approved measures and within an agreed timetable, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of ecology and bio-diversity and to accord with the requirements of Natural England.**

#### Informative

Works undertaken on the adjoining Highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publications Roads in Hertfordshire - A Guide for New Developments. Before proceeding with the proposed development, the applicant shall contact the North Hertfordshire Area Officer on 01438 757800 to obtain their permission or requirements.

#### **Reason for Decision**

In the opinion of the Local Planning Authority, the proposed development (incorporating a high proportion of affordable housing) is acceptable in principle on this site. The design and layout is of a high standard that would relate well to the character and amenities of the surrounding area. Living conditions for occupiers of the proposed development would be acceptable and highway conditions within the vicinity of the site would not be unduly affected. The proposal therefore accords with the provisions of the development plan as summarised below:

**East of England Plan:**

Policy H1 'Regional Housing Provision 2001 to 2021'

Policy H2 'Affordable Housing'

Policy ENV3 'Biodiversity and Earth Heritage'

Policy ENV4 'Agricultural Land and Soils'

Policy ENV7 'Quality in the Built Environment'

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

Policy 2 'Green Belt'

Policy 14 'Nature Conservation'

Policy 16 'Areas of Archaeological Significance and other Archaeological Areas'

Policy 26 'Housing Proposals'

Policy 29 'Rural Housing Needs'

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'

**Adopted Supplementary Planning Guidance:**

'Vehicle Parking Provision at New Development'

'Planning Obligations Supplementary Planning Document'

<b>ITEM NO:</b> <u>6.2</u>	<u>Location:</u>	<b>Former Convent Of Providence, Limekiln Lane, Baldock, SG7 6PG</b>
	<u>Applicant:</u>	<b>Barratt North London</b>
	<u>Proposal:</u>	<b>Residential development of former convent site with 29 residential units comprising 3 x 1 bedroom flats, 3 x 2 bedroom flats, 2 x 2 bedroom houses; 3 x 3 bedroom houses, 1 x 4 bedroom house and 17 x 5 bedroom houses (housing mix: 69% market housing; 21% affordable for rent and 10% intermediate affordable housing for rent). Associated landscaping, main vehicular access onto Limekiln Lane; 3 units with direct vehicular access onto Limekiln Lane and 3 units with direct vehicular access onto Providence Way, 35 garage spaces and 12 car parking spaces, bin &amp; cycle store and associated infrastructure following demolition of existing convent buildings (as amended by plans received 6 February 2009).</b>
	<u>Ref.No:</u>	<b>08/02230/ 1</b>
	<u>Officer:</u>	<b>Simon Ellis</b>

**Date of expiry of statutory period** : 26 January 2009

**Reason for Delay**

Negotiations with applicant to improve the scheme and overcome technical highway objections.

**Reason for Referral to Committee**

The site area at 0.75ha means that under the Council's scheme of delegation this planning application for residential development needs to be determined by Committee.

**1. Relevant History**

- 1.1 Members will be aware of the recent planning history relating to this site which is summarised below.
- 1.2 In 2007 a planning application for the following development was received: **Redevelopment of former convent site with 65 residential units comprising 10 x 1 bed and 30 x 2 bed flats, 8 x 2 bed; 3 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 on 18 October 2007) (our ref. 07/02053/1).**
- 1.3 This planning application was reported to the Planning Control Committee meeting held on 15 November 2007 at which Members resolved to refuse planning permission. Whilst a copy of the full decision notice in relation to this planning application is attached as appendix A, the seven reasons for refusal can be summarised as follows:

- 1.4 \* At around 86 dwellings per hectare (dph) it was considered that this development density was excessive in relation to the character and amenities of the surrounding area;  
\* The application contained a lack of justification for the comparatively low level of off-street car parking contained in the scheme;  
\* The proposed buildings were considered to be of excessive height and scale in relation to surrounding development, particularly in relation to the proposed 3-3.5 storey dwellings proposed on the Limekiln Lane boundary of the site, opposite the bungalows on the other side of this street;  
\* The design of the proposed development was considered to have excessive variety, particularly in terms of materials, which lacked coherence and related poorly to the character of the surrounding area;  
\* Due to the excessive development density it was considered that the proposal had a lack of landscaping opportunities and public open space.
- 1.5 As well as lodging an appeal against this decision the applicant also applied for planning permission for a revised scheme for the following development proposal: **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 buildings (as amended by plans received on 2 and 3 April 2008) (our ref. 07/03028/1).**
- 1.6 As can be seen from the above description the amendments to the scheme compared to the first planning application were not substantive. The revised application was reported to the Planning Control Committee meeting held on 24 April 2008 at which Members resolved to refuse planning permission. Whilst a copy of this second decision notice is attached as appendix B the five reasons for refusal of the second scheme can be summarised as follows:
- \* The scheme was considered to be excessive in terms of scale, density and building height in relation to the character of the surrounding area;
  - \* Again it was felt that the planning application contained a lack of justification for the comparatively low level of off-street car parking proposed within the scheme;
  - \* The proposed development would have been over bearing in relation to the adjoining properties along South Lodge Mews and Providence Way;
  - \* It was considered that the design and form of the proposal was inappropriate in relation to the character of the surrounding area;
  - \* The scheme contained inadequate cycle storage and refuse collection facilities, together with a lack of manoeuvring space for refuse collection vehicles.
- 1.7 Following this decision to refuse planning permission for the second scheme, the applicants lodged another appeal against this decision. In May 2008 they formally withdrew their appeal against the first refusal of planning permission and a three day Public Inquiry was held to examine the second appeal at the Council offices during July 2008. At this Inquiry and following negotiations between officers and the applicant, the Council withdrew the fifth reason for refusal of planning permission set out in appendix B.
- 1.8 On 12 August 2008 the Inspector who determined the applicant's appeal against the Council's decision to refuse planning permission for the second scheme issued her decision letter (copy attached as appendix C). The Inspector dismissed the appeal for largely similar reasons to those that the Council decided to refuse planning permission for. She did however not support the Council's case in relation to car parking provision. In this respect the Inspector supported central government policy guidance contained in PPG13 which largely allows developers to design car parking provision to whatever standard they think is appropriate, unless the local planning authority can demonstrate with evidence significant harm to the surrounding highway network as a result.

- 1.9 However, as can be seen from the Inspector's decision letter for the substantive points she supported the Council's position in relation to the inappropriate form and design of the appeal scheme and its poor relationship to surrounding residential properties.

## **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'  
Policy H2 'Affordable Housing'  
Policy ENV7 'Quality in the Built Environment'
- 2.3 **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 55 'Car Parking Standards'  
Policy 57 'Residential Guidelines and Standards'
- 2.4 **Supplementary Planning Guidance:**  
'Vehicle Parking Provision at New Development'  
'Planning Obligations Supplementary Planning Document'

## **3. Representations**

- 3.1 **Hertfordshire County Council (Highways):**  
Originally raised concerns regarding the inadequate turning area within the site to accommodate refuse vehicles. Discussions have taken place between the Highway Engineers, the applicant's consultant and NHDC's Waste Collection and Recycling Officers. As a result of these discussions amended plans have been received which provide a suitable turning facility within the scheme for refuse vehicles to enter and leave the site. This has overcome the concerns of Hertfordshire County Council (Highways) who now have no objections to the proposed development and recommend various highway conditions as set out under the recommendation. Sustainable transport contributions of £500 per car parking space are also required **(see recommend condition nos. 9-16)**.
- 3.2 **Service Manager (Waste Collection & Recycling, NHDC):**  
Considers that the amended plans demonstrate suitable refuse collection vehicle turning areas within the site. Require car parking restrictions within the scheme, in accordance with the requirements of HCC (Highways) **(see recommended condition nos. see recommended condition nos. 9-16)**.
- 3.3 **Housing and Environmental Health (Noise):**  
No objections, recommend various conditions requiring noise mitigation during construction **(recommended condition nos. 17 and 20)**.

- 3.4 **Housing Development Liaison Officer (affordable housing):**  
Clarifies that our approach is to negotiate a target of 35% affordable housing on schemes with 15 or more units (in accordance with PPS3 and Policy H2 of the East of England Plan). For this scheme of 29 units, this would mean a provision of 10 units of affordable housing (of which 65% must be affordable housing for rent and 35% can be other tenure, including shared ownership). The scheme proposes 9 units of affordable housing as follows: 3 no. one bedroom flats, 2 no. two bedroom house and 1 no. three bedroom house as affordable housing for rent and 3 no. two bedroom flats as intermediate rent (i.e. rental accommodation managed by an RSL at 70-80% private market rental value). This equates to 31% affordable housing on this scheme. However, provided a clause within a Section 106 Obligation can ensure that the intermediate rental accommodation remains as this tenure in perpetuity (unlike shared ownership which can be staircased out of affordable housing by 100% equity for the home owner under the 'right to buy'), considers that the provision of intermediate rent meets an identified housing need unlike shared ownership therefore welcomes the affordable housing offer in this scheme, even though overall it is less than 35% of the total scheme.
- 3.5 **Hertfordshire County Council (Planning Obligations Manager):**  
Require the following contributions within a Section 106 Obligation associated with this scheme:  
**Primary Education contributions - £92,863** (all payments index linked from 2006 under PUBSEC index 168);  
**Secondary Education contributions - £131,722;**  
Youth Services - £2,445;  
Childcare Services - £5,227;  
Library Services - £5,946;  
Fire hydrant provision across the development site.  
Note the relatively high level of contributions in relation to primary and secondary services. These figures do accord with the Council's SPD on Planning Obligations but are relatively high for a scheme of 29 no. dwellings on the basis of the proposed 18 no. four + bedroom houses. It is large family homes with four or more bedrooms which generate high child numbers under the Council's evidence that generate these high values. The applicant disputes the evidence relating to these figures and is currently in discussion with the County Councils Planning Obligations Manager. The results of these discussions may lead to a revision to these requirements and an update on this matter will be reported at the Meeting.
- 3.6 **Hertfordshire County Council (Archaeological Service):**  
No objections. Recommend the standard archaeological condition which is set out below (**see recommended condition no. 21**).
- 3.7 **Environment Agency:**  
No objections. Recommend the standard set of conditions relating to contaminated land and controlled waters (**see recommended condition nos. 18 and 22**).
- 3.8 **Parks and Countryside Development (NHDC):**  
Baldock has an identified deficiency in children's play space, and even though the proposed development is for a significantly lower number of dwellings than previously proposed would wish to see a small contribution of children's play equipment within the scheme and ideally any open space adopted by the Council after the completion of development.  
National Playing Field Association Standards (NPFA) require play equipment for housing schemes of greater than 50 units on sites with a greater areas than 0.8ha. The scheme in this case is well below this threshold and the applicant is not offering the provision of play equipment on the site, they do however propose an unequipped Local Area of Play (LAP) within the scheme, in accordance with NPFA standards. They also propose a management agreement for all amenity areas within a Section 106 Obligation rather than the Council adopting the space.  
Following these discussions between officers and the applicant this revised offer

(which accords with adopted Local Plan Policy 57 and NPFA standards) has been put to the Council's Parks and Countryside Development Team and they raise no objections.

**3.9 Police Architectural Liaison Officer:**

Nothing received within the consultation period, any comments to be reported orally.

**3.10 Baldock Society:**

Raise the following issues/concerns:

- \* Consider that the roof line of the proposed development along South Road, South Lodge Mews and Limekiln Lane is still too dominant in the street scene;
- \* The proposed new brick wall along the South Road frontage should be constructed of suitable reclaimed bricks in order to blend in with the existing wall;
- \* They note the improvements to the elevations compared with the previous scheme along Limekiln Lane and Providence Way;
- \* Some of the units appear to be standardised house types rather than bespoke design in keeping with the character of the surrounding area;
- \* Considers that the car parking provision remains deficient even though it probably complies with central government policy;
- \* plots 1-11 are too close to the street frontage and should be pushed back into the site;
- \* There are no off-site highway improvements mentioned which would mitigate the traffic impact of this development proposal;
- \* The Copper Beach tree should be retained in the scheme as it is protected by a Tree Preservation Order (TPO).

**3.11 Response to Statutory Site Notice, Press Notice and Neighbour Notifications:**

Neighbouring residents have been notified twice in association with this planning application. The first set of notifications were dispatched following the receipt for the planning application on 10 November 2008. In response to the original application drawings a total of 7 no. letters of objection were received from the following addresses: **57 Hillside Park, Limekiln Lane; 1 Limekiln Lane; 14 Stephenson Walk, Stotfold; 10, 12 and 22 Providence Way and 2 South Close.** The grounds of objection can be summarised as follows:

- \* The proposed development represents an excessive amount of dwellings on this site which would generate additional traffic to the detriment of highway safety and amenity, particularly in this location close to a School. The level of car parking proposed is also deficient and would lead to vehicles parking in surrounding streets adding to these problems. In particular parked cars on the surrounding streets will hinder visibility for drivers entering and leaving the site. Particularly in relation to plots 1-11 where no visitor spaces are proposed;
- \* The proposed dwellings opposite the bungalows along Limekiln Lane are still too tall;
- \* The proposal would impact on and lead to a loss of grass verge along Limekiln Lane to be replaced by a wide footpath. The proposed footpath which would replace the grass verge may encourage parents to park on the footpath when dropping off and collecting their children from the nearby school. The proposed bollards close to the vehicular access to the site are unnecessary and would hinder pedestrian movement;
- \* There is no need for the proposed raised table at the entrance to the site, close to the first bend;
- \* The proposed dwelling on plot 15 would be too close to the bungalows opposite and would overlook them;
- \* Any landscaping close to the proposed dwelling on Plot 19 must be mature but must not hinder visibility, any wall or fence must be less than 0.75m high in this location, in the interests of visibility and highway safety on this corner;

- \* The proposed building on the South Road corner has been designed as a focal point, but at virtually three storey in height the building would be too high and there is no need for focal points in this instance;
- \* There would be poor pedestrian access to the rear of the proposed affordable flats, leading to difficulties with refuse storage;
- \* Overlooking and loss of privacy to nos. 10 and 12 Providence Way.

In response to the original plans a total of five letters were received expressing comments in relation to the planning application from the following addresses: **Nos. 3, 5 and 7 Limekiln Lane; no. 7 South Lodge Mews and no. 12 Penfold Close.** The comments made can be summarised as follows:

- \* A sleeping policeman should be used to slow traffic down on Limekiln Lane;
- \* There appears to be a lack of amenity space and "drying areas" for the proposed flats;
- \* Welcome the use of bricks within the scheme, would like to see the developers start from this point which is a considerable improvement on the previous scheme;
- \* The proposal represents a fantastic improvement on the previous scheme.

3.12 The second set of neighbour notifications were sent out following the receipt of amended plans received from the applicant on 17 February 2009. The amendments to the scheme will be described in detail below but in essence the layout was altered in order to provide a suitable turning facility for refuse vehicles (this led to the proposed dwelling on plot 15 being moved closer to Limekiln Lane than previously shown), a small number of dormer windows were omitted and changed to roof lights to limit overlooking of neighbouring properties and the originally proposed "raised table" was also omitted from the scheme. In response to the amended plans a total of ten letters of objection were received, some were comments on the whole scheme and three were from addresses who had objected beforehand, **no. 1 Limekiln Lane and nos. 10, 12 and 22 Providence Way.** The new letters of objection received after the submission of amended plans were from the following addresses: **No. 5 South Close; no. 78 Providence Way; St Johns RC Primary School (commenting on the whole scheme); nos. 4 and 5 Limekiln Lane and nos. 9 and 13 South Lodge Mews and 11 Ashwell Road, Bygrave.** The grounds of objection in relation to any new issues not listed above can be summarised as follows:

- \* The proposed 5 no. two and half storey houses close to the Providence Way boundary of the site would overlook no. 10 Providence Way. A smaller number of detached houses, not a row of semi-detached houses backing onto this property would be more appropriate and less invasive of privacy. The proposed dwellings on plots 24 and 25 would not only afford overlooking opportunities into the rear garden of no. 10 Providence Way but also into the rear bedroom windows of this house. it is unclear what boundary treatment is proposed in this location.
- \* The proposed extension to the footpath close to St John's RC Primary School in replacing a grass verge could lead to additional car parking on the roadside outside the school (this objection from the School itself);
- \* The changes to the scheme set out in the amended plans now lead to the proposed dwelling on plot no. 15 moving further forward. It would be too close to the roadside now and overlook the bungalows on the opposite of Limekiln Lane;
- \* The distance between the proposed dwelling on plot no. 25 would be too close to the side elevation of no. 9 South Lodge Mews and may lead to overlooking and loss of privacy to this property.
- \* With direct vehicular access onto Providence Way from the proposed dwellings this will add to danger for children crossing the road to enter the school opposite.

In response to the amended additional comments were also received from **no. 8 South Close, no. 4 Limekiln Lane and no. 20 Providence Way**. The comments received were as follows:

- \* The scheme includes the retention of the prominent Copper Beach tree within the scheme which can become a central feature of the overall layout;
- \* Cabling should be installed in each garage to recharge battery powered vehicles and this could be secured by a planning condition.

## **4. Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site occupies the roughly 'L' shaped parcel of land adjacent to the recently developed South Lodge Mews. The site wraps around the Mews fronting South Road to the north-west, Limekiln Lane to the north-east and Providence Way to the south-east.
- 4.1.2 The site is largely open and set out as private garden / amenity space. Within its boundary the site contains the existing convent building and a modest cottage fronting South Road. A large open area abuts the rear boundary of South Lodge Mews.
- 4.1.3 The existing main access to the site is directly off Limekiln Lane.

### **4.2 Proposal**

- 4.2.1 Full planning permission is sought for the following development proposal: 29 units of residential accommodation in the following mix: 3 no. one bedroom flats, 3 no. two bedroom flats, 2 no. two bedroom houses, 3 no. three bedroom houses, 1 no. four bedroom house and 17 no. five bedroom houses. Of this proposed mix, 3 no. one bedroom flats, 2 no. two bedroom houses and 1 no. three bedroom house would be affordable housing for rent. Also, 3 no. two bedroom flats would be classified as intermediate rental accommodation (i.e. below market value rental accommodation managed by an RSL). This equates to 31% affordable housing as a proportion of the whole scheme as the remaining accommodation proposed would be open market housing.
- 4.2.2 The proposed development would also contain vehicular access off Limekiln Lane but with three separate access points to private dwellings direct of Limekiln Lane and Providence Way respectively. The scheme also includes associated car parking, garaging, cycle and refuse storage facilities, hard and soft landscaping and the creation of amenity areas. The following paragraphs under this section of the report describe the scheme in more detail.

#### **4.2.3 Tour of the Scheme**

The north western boundary of the site adjoins South Road. Close to this boundary the scheme includes the provision of a terrace of 5 no. dwellings in the form of 2 no. one and half storey two bedroom dwellings, closest to the corner of the site and 3 no. three bedroom, two and half storey dwellings. These units would be of fairly standard design with front facing pitched roof dormer windows and rear facing roof lights (for the proposed three bedroom units). The varying ridge line would however create some visual interest and break up the terrace to form a transition with the larger flat development proposed further into the scheme. Each unit would benefit from its own private garden to the rear of the dwellings facing into the site. Pedestrian access to these units would be gained from a new walkway with a shared entrance gate which would be built within the boundary wall surrounding this part of the development. Each unit would have its own entrance onto this new

communal pathway behind the existing pedestrian footpath. Immediately to the north east of these units, a new pedestrian access to the scheme as a whole is proposed from South Road.

- 4.2.4 Opposite the proposed new pedestrian access the scheme includes a two and half storey block of flats, with the following mix of accommodation 3 no. one bedroom and 3 no. two bedroom units. On the road frontage this building has been designed to 'turn the corner' into Limekiln Lane. The turning of the corner itself breaks up the frontage and provides articulation to this building. However, to add visual interest and create a focus to the corner this element of the scheme includes three storey gable features facing onto the junction of South Road and Limekiln Lane. Similarly to the terrace of dwellings described above, pedestrian access from the main road frontage into these units would be gained from another shared pathway which would be located behind the road boundary wall. A reasonable level of amenity space is proposed to rear of the flat block and a single storey addition to the flank wall of the building would contain secure cycle and refuse storage facilities.
- 4.2.5 Immediately to the south east of this block of flats would be the main vehicular and pedestrian access to the scheme. This entrance faces on to the TPO protected Copper Beach tree which would sit amongst an approx 200sqm area of public open space (300sqm when included with the open amenity space associated with the proposed flats). Behind this open space the scheme includes an 11 space car park to serve the needs to the 11 one, two and three bedroom units described above.
- 4.2.6 Opposite the proposed block of flats on the other side of the main vehicular access road into the scheme, the proposal includes a pair of five bedroom, two and half storey semi-detached dwellings. These units would be sited at a right angle to Limekiln Lane with their frontage opening onto the roadway within the scheme. The flank elevation of this building would be seen behind some soft landscaping and part of the side boundary wall of the rear garden of the proposed plot 13. There would also be an area of grass verge behind the main pedestrian footpath to soften the corner of this building. Both these units would benefit from double garages sited to the rear of their private gardens, one set opening onto Limekiln Lane and one into the driveway within the scheme.
- 4.2.7 For the remainder of the Limekiln Lane frontage the scheme includes two detached five bedroom dwellings. The two units would have chimney features, bay windows and small flat roof dormer windows on the front elevations facing Limekiln Lane to enable accommodation in the roofspace. Each unit would benefit from double garages accessing onto Limekiln Lane and private rear gardens facing into the site. The proposed dwelling on plot 15 is sited closer to Limekiln Lane than the proposed neighbouring unit at plot 14. This is as a result of the amended plans which increase the size of the vehicle turning area within the site, which because of the arrangement of buildings led to the re-siting of the proposed dwelling on plot 15 closer to Limekiln Lane. At only 2m from the road frontage opposite the bungalows on the other side of Limekiln Lane amended plans have been requested and the applicant has agreed to re-position this proposed dwelling further into the site, to align with the dwelling at plot 14, at 4m from the road frontage, an update on this matter will be reported at the meeting.
- 4.2.8 Turning south west into Providence Way the scheme takes on a similar character with 3 no. five bedroom detached houses with access onto Providence Way and 2 no. five bedroom units facing towards the roadway within the scheme. Again each unit would benefit from generous private gardens and double garages.
- 4.2.9 Plots 26, 27, 28 and 29 are in the centre of the scheme and would adjoin the south eastern corner of South Lodge Mews. Similarly to the proposed detached dwellings described above these properties would benefit from generous private gardens backing onto to the South Lodge Mews boundary of the site and detached double garages opening into the driveway within the scheme.

4.2.10 Finally, turning to the far south western boundary of the site bordering the side of no. 10 Providence Way the scheme includes two sets of five bedroom semi-detached houses with detached double garages. These units would have front and rear facing dormer windows and rooflights to enable accommodation in the roof space. In relation to the proposed dwellings on plots 24 and 25 amended plans have been received which replace the proposed rear dormer windows with rooflights. Officers considered that as these units are located approximately 12m from the side boundary of the rear garden of no. 10 Providence Way, second floor dormers would have offered an unacceptable loss of privacy to this garden area. By reverting to roof lights the opportunities for overlooking and resultant loss of privacy would therefore be reduced.

#### 4.2.11 Character of the Proposal, Materials and Finishing Details

To reflect the overall site context which is varied but largely, relatively modern housing estate development, the scheme picks up a number of architectural references from the surrounding area both in terms of scale and massing and architectural detail. The relatively tight-knit close of South Lodge Mews immediately to the west of the application site is a relatively high-density housing development in the form of a two and half storey terrace housing centring on an urban square. The properties in this courtyard are relatively tall with vertical emphasis and include pitched roof dormer windows in the roof space. The part of the proposal closest to this development is of similar character and form, with two and half storey housing and three storey flat developments on the South Road/Limekiln Lane corner. With the use of red brick and slate tiles this element of the scheme has clearly been designed with this contextual relationship in mind.

4.2.12 Most of the remainder of the scheme would be of a lower density form and layout, dominated as it would be by detached five bedroom two and half storey dwellings. Again the pallet of materials has been deliberately kept limited to reflect the surrounding area, with red brick, plain and slate tiles across the scheme. Although surrounding development is single storey to the north east and south east of the site and the scheme is largely dominated by two and half storey development, the spacing between buildings is considerable and this deliberate layout seeks to minimise the contrast in building mass by delivering a lower density layout than the surroundings, for example, plot widths are much wider than the existing bungalows on the north eastern side of Limekiln Lane. As is mentioned above, with the revised siting of the proposed dwelling on plot 15, these two and half storey detached dwellings would be sited at 4m from the road frontage to provide an appropriate space between them and the bungalows opposite.

4.2.13 On the opposite side of Providence Way to the application site is the single storey St John's School building, set in large grounds. Whilst the scheme again includes two and half storey housing facing this boundary of the site, given that this is a School building sited a good distance from Providence Way the contrast in building height would be minimised by the sheer distance between the two.

4.2.14 The neighbouring dwellings of nos. 10 and 12 Providence Way are two storey detached red brick modern homes, with relatively high ridge lines. The proposal includes two groups of two and half storey semi-detached homes facing to the side boundary of no. 10 Providence Way. In terms of design and massing the proposed houses on this side of the site have again been designed to be in keeping with the character and form of these nearby buildings.

- 4.2.15 Internally the integration of space and buildings has a logical design and layout. The main public space surrounding the protected Copper Beach tree is accessible and visible from the main pedestrian and vehicular access to the scheme which would improve and enhance the visual prominence of the surrounding tree when seen from Limekiln Lane. The tree and the associated open space would then become the focal point around which the two characters of the scheme meet in the middle. Higher density flats and houses to the north west and lower density detached and semi-detached housing to the south east.
- 4.2.16 The proposed hard surface materials includes formalised public footpaths to link the scheme to Limekiln Lane and then a shared surface arrangement within the scheme itself, including incidental areas of green space along the roadside verges where their contribution to the public realm can be maximised. Significant and well spread tree planting is proposed across the scheme, again with many new trees to the front of buildings to contribute to the public realm.
- 4.2.17 There are two main pedestrian access points to the scheme, on either side of the vehicular access off Limekiln and a pedestrian only access off South Road, linking the scheme towards the centre of Baldock, Tesco and other businesses to the north west. Once in the scheme there is no public connectivity to the Providence Way and as such the development takes the form of a loose courtyard. Given the spatial relationships with surrounding development, the roundabout in the south west corner and School building opposite Providence Way this is perhaps an appropriate design solution.
- 4.2.18 As is mentioned above to prevent the feeling of a development that turns in on itself away from the surrounding residential environment active frontages would be provided on Limekiln Lane and Providence Way by the use of detached housing facing towards and having their main access onto these surrounding streets.
- 4.2.19 The aim of this relatively long and detailed description of the scheme and how it relates to the surrounding area is intended to set the context for the Key Issues part of the report. It is hoped that it enables Members to understand the layout and design of the scheme before it can be critically evaluated in relation to development plan and national planning policy.

### 4.3 Key Issues

- 4.3.1 Before addressing the key issues in the usual way it would help to set the context by briefly addressing the recent appeal decision in relation to housing development on this site. In essence the Council's case in relation to the previous 65 no. dwelling scheme on this site, was that it was overly dense in relation to the character of the surrounding area. The demonstrably harmful consequences were, in the Council's opinion, a poor spatial relationship between the high density layout of tall housing on Limekiln Lane in relation to the bungalows opposite, a lack of landscaping and possible insufficient car parking within the scheme. Also, the overly complex variety of architectural detailing and materials lacked coherence and paid scant regard to the character of the surrounding area.
- 4.3.2 As can be read from the Inspector's decision notice attached as appendix C, the Inspector largely agreed with the Council's analysis of the scheme. She considered that whilst the relatively high density of housing proposed could be justified in principle in terms of sustainable development objectives and the need to deliver an efficient use of land for new housing, as a consequence of the high density the particular scheme would have had the demonstrable harmful impacts on the character and amenity of the surrounding area that the Council identified in its evidence at the Public Inquiry. The Inspector rejected the Council's argument in terms of levels of off-street car parking. She sided with PPG13 and argued that the Council had not been able to demonstrate with evidence that the level of off-street car parking was too low for the proposed development. Moreover, the one anomaly

within the Inspector's decision notice which will be touched on later is her analysis of affordable housing. Under Planning law Inspectors must determine planning appeals based on the policies which are applicable at the time that they make the decision, not at the time that planning permission was refused, which can sometimes a considerable time before a decision is made on appeal. After planning permission for the latest scheme was refused (24 April 2008) and before the Inspector's decision (12 August 2008) the East of England Plan was adopted (8 May 2008). Members will be aware from recent decisions of the Planning Control Committee that the adoption of the Regional Spatial Strategy (RSS) had significant implications for the affordable housing delivery. The appeal scheme included 25% affordable housing in accordance with development plan policy which was applicable at that time. The Inspector even though she would have been aware of the changed policy context (East of England Plan Policy H2 seeks a target of 35% affordable housing on all schemes), she failed to conclude or offer an opinion on this and by inference accepted a level of affordable housing of 25% for the appeal scheme. She was at least very unclear on the matter and whilst referring to Policy H2 of the East of England Plan she makes no specific criticism of the applicant's offer of 25% affordable housing. This may have been an error, which would be unsurprising since the Inspector was concluding on issues raised at the public inquiry however the appellant has logically drawn an obvious and justifiable conclusion from this that the Planning Inspectorate may have a different perspective on the status and meaning of RSS policy than this Council currently operates.

4.3.3 Notwithstanding this perhaps, rather academic point, the current scheme must be judged on its own merits, particularly as it represents a fresh start for the site and a radical departure from the appeal proposal. Therefore in my opinion the key issues to consider are as follows:

- \* Whether the proposed development is of a sufficiently high standard of design and layout in relation to the character of the surrounding area;
- \* Whether the proposal would have an acceptable relationship with surrounding residential properties and the area in general in terms of residential amenity and highway impact, for example;
- \* Whether the scheme would deliver on affordable housing targets and other Section 106 requirements in accordance with the Council's adopted SPD on Planning Obligations.

The following paragraphs of the report will address these issues under separate headings.

#### 4.3.4 **Quality of Design and Layout**

As is described in the preceding section of this report, in my mind the current planning application offers a lot more simplicity and coherence in comparison with the appeal scheme. The layout of buildings and integration of spaces has been clearly thought through and designed with a full understanding of the nature of the surrounding area. The scheme in general offers two characters and a transition between the higher density edge of town centre suburbia to the north and the lower density suburbia to the south and east. The proposed flat development is on the corner of South Road and Limekiln Lane, it offers a focal point on this corner and in my opinion would be in keeping with the character and form of surrounding development. The much lower density of detached and semi-detached two and half storey development further into the site whilst still relatively tall buildings in relation to the single storey bungalows and the School buildings on the opposite side of Providence Way are appropriate in relation to the character of the area in my opinion. In my view because of the relatively low density layout of this aspect of the scheme there is much more space between the proposed two and half storey

buildings than there was with the appeal scheme. This greater spacing enables the provision of more landscaping to soften the visual impact of the buildings and less of a feeling of enclosure, particularly along Limekiln Lane. As a result of this I consider that the proposal is appropriate in relation to the character of the area and whilst it offers a different type of housing it would be complementary to surrounding buildings rather than harmfully contrasting, in my opinion.

- 4.3.5 A point raised by the Inspector in relation to the recent appeal decision, when she did refer to the RSS (see comments above in relation to affordable housing where she neglected to) was in relation to East of England Plan Policy ENV7 'Quality in the Built Environment'. This policy builds on PPS1 and PPS3 and seeks to deliver high quality design in the built environment. One criteria of this policy states that '*in the case of housing development [new proposals should], deliver the highest possible net density appropriate to the character of the locality and public transport accessibility.*' It was this policy background which enabled the Inspector to conclude that the previous proposal (development density 85 dph) could be supported in policy terms, she then concluded that this development layout and design was inappropriate within and harmful to the character of the area. The current proposal would deliver a net development density of 39 dph, well above the PPS3 minimum of 30 dph which represents the Government's opinion of the minimum required to deliver an efficient use of land for housing. Also in relation to the density of surrounding development, mathematically, this density is broadly comparable if not slightly higher. Whether the scheme delivers the highest possible density is in my opinion a moot point. I would however venture to suggest that it would be difficult to justify a decision of rejecting this current scheme on the basis of too low a development density. This would imply that the Council considers that a residential scheme on this site should deliver more than 29 dwellings. In my view and perhaps one of the main reasons why this scheme is for 29 houses is that the developer is responding positively to public consultation, which as certainly appears (i.e. examining feedback from those who have commented) offers a general consensus that the less dwellings on this site the better. I also feel that the such a judgement would in the round be difficult to justify in landscape and townscape terms. In my view the scheme is of an appropriate density in relation to the character of the area and is of a high standard of design and layout in general.
- 4.3.6 Central government in PPS3 also require new housing to deliver an appropriate balance and mix of new homes. Whilst this scheme has a large proportion of large family homes (4+ bedrooms) it also delivers a two and three bedroom housing and one and two bedroom flats. It therefore offers a full range of accommodation on the site. Moreover, in total at 29 units, 17 of which would be five bedroom houses, such a delivery would not significantly impact on overall housing delivery in the District. For example for a scheme of 100 dwellings, if two thirds were five bedrooms this would have an overall impact on the housing market and could perhaps fall-foul of PPS3 requirements of represent a balanced housing mix. In my view the current scheme is too small and insignificant in relation to overall housing delivery for the Council to object on this basis. The Council's Strategic Housing Market Assessment does identify some albeit limited demand for five bedroom houses in the District. This scheme would go some way towards meeting some of this small level of demand. Moreover, it is in my opinion not the place of a Local Planning Authority to slavishly dictate accommodation levels for private house builders who operate within a free market and must cater for that market. We can however be more robust in terms of affordable housing, which is discussed below.
- 4.3.7 Policy 57 of the North Hertfordshire District Local Plan sets out broad guidance for the level of public open space and private garden sizes within new housing schemes. Whilst the guidance set out in this policy is rather outdated it nevertheless remains a saved Local Plan policy and therefore part of the development plan applicable to this scheme. The scheme easily delivers on the appropriate level of private amenity space (Policy 57 target 75sqm per private garden) and in terms of public open space, which in Policy 57 refers to National

Playing Field Association Standards (NPFA). For a scheme of this size NPFA standards require around 400 sqm of public open space and with the formal space at around 300sqm and a further 150sqm in informal, incidental open space, the scheme delivers on this target. As is explained above, in terms of children's play equipment the scheme does not include any equipped areas of play. Moreover, NPFA standards only require such facilities for schemes greater than 50 dwellings on sites of more than 0.8ha. The scheme is less than both of these figures, at 29 dwellings on a 0.75ha site. In my view, even though there is a recognised shortfall of play equipment provision in Baldock, it would be difficult to justify a refusal of planning permission on this basis, given that the scheme clearly complies with development plan policy on this issue.

4.3.8 Not only am I satisfied with the scheme in terms of a quantitative analysis of public and private amenity space I am also satisfied on the basis of a qualitative analysis of space, landscaping and integration with buildings. The scheme has appropriate and well designed pedestrian linkages, soft landscaping has a structure, design and coherence that would, in my opinion, enhance the public realm within the development and soften the visual and amenity impact of buildings in the surrounding locality. With the use of grass verges, shared hard surfacing and safe, accessible discreet surface car parking I consider that the scheme is of a high standard of design and layout.

#### 4.3.9 **Residential Amenity, Living Conditions in the Scheme and Traffic**

The most sensitive spatial relationships around the site are with South Lodge Mews, Limekiln Lane and nos. 10 and 12 Providence Way. These will be considered separately in this section of the report before briefly considering the living conditions for any future residents of the scheme, should Members be minded to grant planning permission. The traffic impact of the proposal will be assessed also.

4.3.10 Starting with South Lodge Mews: there are a terrace of 5 no. two and half storey dwellings with approx. 10m deep rear gardens that adjoin the north west boundary of the site on the South Road side of the scheme. These properties would back onto part of the rear garden of the first proposed dwelling on plot 1 and a 9 space row of car parking spaces. These car parking spaces would be sited 1m from the boundary of the site and the landscaping master plans indicates that this space would be strategically planted with formalised hedging and tree planting. Given this arrangement I am satisfied that the proposed development would not unduly harm the amenities currently enjoyed by the occupiers of these nearby residential properties. The proposed landscaping arrangement and overall layout of car parking would certainly, in my view, limit any noise or disturbance from traffic movements to these residents.

4.3.11 On Limekiln Lane, as is reported above, residents consider that the proposed two and half storey dwelling on plot no. 15 should be sited further into to the site, in line with its neighbour on plot 14. In order to achieve this sensible buffer of 4m between the front of the dwellings and roadside, amended plans have been requested and the applicant has agreed to adjust the position of the proposed dwelling on plot no. 15. At the time of writing the amended plans have not been received, however, an update on this important point will be reported at the Committee. In my opinion, subject to the receipt of satisfactory amended plans addressing this issue, I am satisfied that the spatial relationship between the proposed development and the bungalows along Limekiln Lane. Whilst there would be an obvious height contrast between the buildings on either side of the street a gap of over 20m would be maintained between the facing elevations and as only two new dwellings would face towards the bungalows within the scheme, considerably less than the long row of two and half storey dwellings set out in the appeal scheme, any sense of over bearing would be minimised in my judgement.

- 4.3.12 Turning to perhaps the most sensitive relationship in this scheme, with nos. 10 and 12 Providence Way. The occupier of no. 10 Providence Way has clearly objected to this proposal even as amended (dormer windows removed from plots 24 and 25 replaced with roof lights). The whole side boundary of no. 10 Providence Way borders the application site, with the house itself broadly in the centre but facing flank on to the site. The main issue is privacy and whilst the rear elevations of the proposed 4 no. dwellings in this part of the scheme would face towards this property I consider the relationship to be acceptable in planning terms, for the following reasons. Firstly, because no. 10 Providence Way is side on to the site and the nearest proposed dwellings would face the flank wall of the dwelling there would be virtually no overlooking into any of the main front or rear facing windows of this property thus preserving the privacy of its occupiers. The proposed dwellings on plot nos. 22 and 23 would have views from their rear facing windows towards the side wall and front garden of this property however with back garden depths of over 10m any overlooking of the front garden (therefore more public side of the house) would be minimal. In terms of the more private rear garden, the common boundary is at present marked by a formal hedge line. The proposed dwellings on plots 24 and 25 have been deliberately sited further into the site to provide a distance of approximately 12m from the rear elevation to the side boundary of no. 10 Providence Way. Amended plans have been received which omit the previously proposed roof dormers to be replaced by rooflights, which whilst still openings in the roofspace would be clearly less invasive of privacy both in actual and perceived terms. This leaves some potential overlooking into the rear garden of no. 10 Providence Way from the first floor rear windows of the proposed dwellings on plots 24 and 25. The landscaping master plan indicates considerable buffer hedge and tree planting in this corner of the development. This can, in accordance with the suggestions set out District Local Plan Policy 57 limit any overlooking and maintain mutual privacy between occupiers. Given these factor and I recommend specifically worded conditions below requiring full details of suitable screen planting I am satisfied that the amenity relationship between the proposed development and nos. 10 and 12 Providence Way is acceptable in this instance.
- 4.3.13 Turning to the issue of living conditions for future occupiers, in my opinion the spacing between and orientation of buildings is such that the development would deliver high standards of amenity for any future occupiers of this scheme. Private gardens are generous, privacy levels and outlook from various windows would be acceptable also. In terms of the proposed residential flats these have been sited closest to the proposed formal public open space at the entrance to the scheme, this open space can therefore offer a dual benefit of private general open space and shared amenity space for the occupiers of these units.
- 4.3.14 As for traffic impact, as mentioned above, the Inspector examining the public inquiry saw no fault with a scheme for 65 dwellings in terms of traffic impact. The scheme in this case proportionately is more generous in terms of off street car parking and Members will note there are no objections to the scheme for Hertfordshire County Council (Highways). Moreover, Members will note that there are no technical highway objections to the proposed private access drives into houses on Limekiln Lane and Providence Way or even to the proposed conversion of grass verge to public footpath on the corner of Limekiln Lane and Providence Way. I note the objections from St Johns School and various residents to this aspect of the scheme. They express a concern that by converting the existing grass verge to public footpath would encourage visitors to the School to park on the pavement. I do not consider this to be a sustainable objection to the scheme. To park on a public footpath is an offence regardless of the surface of the footpath, grass or paving. I do not accept that improving the surface of an existing footpath by replacing grass with paving but maintaining the kerb line as this scheme would can be detrimental to highway safety. It may even be beneficial in that it encourages use of the footpath by pedestrians in all weathers rather walking on the carriageway to avoid a muddy grass footpath instead as at present on this corner the grass verge borders on the carriageway. It is understandable for residents to

express concern about traffic movements in and around schools especially during peak times however in my judgement this scheme provides sufficient car parking within it to prevent more cars being parked on surrounding streets and whilst there are new private vehicular access points proposed for new homes opposite the School gates the level of additional traffic movements created by these accesses would be minimal, in my judgement. Overall, in this regard I support the conclusions of the Highway Authority and conclude that there are no sustainable technical highway objections to this scheme which would have considerably less traffic impact than the previously much larger scheme, which in terms of this issue, was considered acceptable by a government appointed appeal inspector.

#### **4.3.15 Affordable Housing and Section other 106 Issues**

The reason I referred to the Inspector's report into the recent appeal on this site relating to affordable housing is that the applicant drew the understandable conclusion from this decision that despite Policy H2 of the East of England Plan, only 25% affordable housing is required from this site. The Inspector in her decision letter welcomed the proposed 17 units of affordable housing as an argument in favour of the appeal scheme (even though it only amounted to 25% of the total units proposed). When officers started negotiations with the applicant on the current scheme the applicant was of the opinion that until higher proportions of affordable housing targets at District level are set out in the Council's LDF (see emerging Policy G of the Core Strategy), East of England Plan Policy H2 (with its 35% overall region wide target) could not suddenly be used for a specific scheme as it is a region wide target not a locally applicable policy. This was their general and legitimate understanding of the policy context which was clearly not undermined by the appeal Inspector's lack of direction in this area. Officers however expressed the current position of seeking to negotiate affordable housing towards a target of 35% before the Core Strategy Policy gains material weight in the determination of planning applications.

4.3.16 Following lengthy negotiation an agreement was reached between officers, the applicant and housing needs officers in relation to this scheme. The agreed offer falls short of the 35% target at 31%. However, it offers better focussed affordable housing towards need and crucially does not include any shared ownership accommodation. The 9 no. units of affordable housing proposed (one actual unit short of 35%) are all for affordable housing for rent, managed by an RSL. Three of the nine are however for intermediate rental accommodation which is more expensive than conventional affordable housing for rent (at around 70-80% market rental costs to the tenant), nonetheless it is a recognised form of affordable housing that meets an increasingly identifiable form of housing need. Crucially, unlike shared ownership it cannot be staircased out of the affordable housing stock under the right to buy regime (whereby the occupier gains an increasing level of equity until he/she can buy the whole unit, reverting it to open market accommodation). Under the intermediate rental tenure, and as is recommended in a Section 106 Obligation should Members be minded to grant planning permission for this scheme, the intermediate rental and the conventional affordable housing for rent offered as part of this scheme would remain as part of the affordable housing stock in perpetuity (there is no current right to buy RSL rental accommodation).

4.3.17 By means of contrast and as a part of the justification for Members to accept this slightly lower provision of affordable housing it is worth noting that a scheme could deliver the following level and type of affordable housing and be in compliance with our current interpretation of the development plan and our adopted SPD. An acceptable scheme here could be for 7 units of affordable housing for rent and 3 units of shared ownership accommodation. This would amount to 35% of the overall scheme (based on the 65/35% affordable rent/other tenure split set out in the SPD). However, only 7 units would be guaranteed to remain as affordable housing in perpetuity (see staircasing argument outlined above). It could therefore be argued that the current offer at 6 units of affordable housing for rent (targeted at

identified need as recommended by housing needs officers) and 3 units of intermediate rental accommodation is superior to the alternative since all 9 units can remain within the recognised affordable housing stock in perpetuity.

4.3.18 Given these complex negotiations and liaison between the applicant, planning officers, housing needs officers and the RSL who are already in place ready to deliver the affordable housing set out in this scheme I strongly recommend that Members accept this offer of focussed and targeted affordable housing set out in this planning application. Moreover, given the Planning Inspectorate's clear uncertainty over how to deliver affordable housing in the East of England Region in Districts without recently adopted LDF policies I believe that it would be very difficult to sustain a reason for refusal of planning permission on this basis at an appeal.

4.3.19 In accordance with the Council's adopted SPD on Planning Obligations the applicant has agreed the following additional heads of terms of a Section 106 Obligation.

Financial Contributions - NHDC Services:

Leisure Services - £23,471.17;

Pitch Sport Provision - £11,018.62;

Waste Collection and Recycling - £1,789;

Informal Open Space - £12,075.20;

Play Space - £16,339.

Financial Contributions - HCC Services:

Youth Services - £2,445;

Childcare Services - £5,227;

Library Services - £5,946;

Sustainable Transport - £21,000

Secondary School - No figure agreed, update to be provided;

Primary School Services - No figure agreed, update to be provided.

Other elements:

Fire hydrant provision across the site;

Management and maintenance scheme to be agreed to cover all on site public amenity areas.

4.3.20 Subject to these contributions being set out within a Section 106 Obligation, together with the detailed affordable housing requirement set out above and the other elements also set out above I recommend that Members support these agreed heads of terms within a Section 106 Obligation associated with this scheme.

#### 4.4 **Conclusion**

4.4.1 In my opinion, as is set out in the applicant's supporting document (including a specific Statement of Community Involvement) considerable work has been done to respond to the many and varied local concerns that were expressed by residents at the recent Public Inquiry associated with the previous scheme associated with this site. The specific reasons for refusal of the previous planning permission which focussed on a basic premise that the too much development was proposed on the site, have clearly been overcome with a much more conservative scheme for residential development on this site. Looking at the scheme afresh I am also satisfied that the proposal would create a new sense of place and create a well designed new residential environment that would respect and integrate with the surrounding built environment.

4.4.2 As a result of this conclusion and taking account of all the factors outlined above I recommend that Members resolve to grant planning permission for this scheme, subject to the applicant agreeing an appropriately worded Section 106 Obligation with the Council covering all the factors outlined above and subject to the detailed conditions set out below.

## **5. Legal Implications**

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

## **6. Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the applicant entering into a Section 106 Obligation as set out in the report and subject to the submission of amended plans 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 commencement of the development hereby permitted full details of all hard and soft landscaping proposals associated with this scheme shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the following elements:**
    - a) **which, if any, of the existing vegetation is to be removed and which is to be retained;**
    - b) **what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;**
    - c) **the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;**

**d) details of any earthworks proposed;**

**e) all hard standing and street furniture.**

**All approved hard landscaping shall be completed in accordance with the approved details or particulars prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to ensure the correct phasing of development in the interests of good planning and amenity.**

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

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

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A-F of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority. This restriction only applies to the approved dwellings on plots 22, 23, 24 and 25 hereby approved.

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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class E of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority. This restriction applies to all dwellings approved within this scheme.

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.

9. Before the access road to the development is first brought into use vehicle to vehicle visibility splays of 2.4m by 40m in a south easterly direction and 2.4m by 25m in a north westerly direction, shall be provided and permanently maintained as the approved drawing number 08-1481-005 rev T. Within which there shall be taken from the intersection of the centre line of the permitted access from Limekiln Lane with the edge of the carriageway of the new access road respectively into the application site and from the intersection point along the edge of the carriageway.

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

10. Before the development is first brought into use 2m x 2m pedestrian visibility splays shall be provided and permanently maintained each side of all the new driveway accesses. They shall be measured from the point where the edges of the access way cross the highway boundary, 2m into the site and 2m along the highway boundary. Therefore forming a triangular visibility splay within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the vehicle accesses to their driveways.

11. The development hereby permitted shall not be occupied until the proposed access road has been constructed to base course level in accordance with the agreed phased construction of the development. This must be carried out the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

12. The development hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been provided as the approved drawing number 08-1481-005 rev T. the turning space shall thereafter be free from obstruction and available for use at all times.

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

13. Prior to the occupation of the development, parking spaces as shown on approved drawing number 08-1481-005 rev T shall be provided and appropriately marked out within the curtilage of the site in accordance with the agreed phased construction of the development. The parking facilities shall be kept available solely for the parking of motor vehicles and shall thereafter be permanently retained as provided thereafter.

Reason: In the interests of highway safety and amenity.

14. The access shall be 5.5m wide for at least 12m and the kerb radii shall be 6m that shall include a pram crossing complete with tactile feature, the remainder of the road layout shall be as detailed on the approved drawing number 08-1481-005 rev T.

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

15. The gradient of the access shall not be steeper than 1 in 20 for at least the first 12m from the edge of the carriageway.

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

16. Notwithstanding the details shown on the approved plans, this planning permission does not extend to include the proposed bollards on the adjoining carriageway around the main vehicular access to this scheme.

Reason: Hertfordshire Highways would not permit the insertion of bollards in this location and they are not required in the interests of highway safety.

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

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

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

18. **Prior to the commencement of development full details of foul and surface water drainage facilities required in association with this development shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development.**

**Reason: To ensure adequate drainage and the correct phasing of development.**

19. Waste generated during the carrying out of development shall be separated for re-use or recycling and stored on site in a manner that will not cause pollution.

Reason: In the interests of environmental protection and good practice.

20. All noise mitigation measures detailed in the acoustic report which accompanied this planning application shall be carried out in relation to the construction of facades facing South Road prior to the occupation of these units which shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the residential amenities of the occupiers of the proposed development.

21. **No development associated with this planning permission shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the local planning authority and approved in writing. This condition will only be considered to be discharged when the local planning authority have received and approved archaeological reports of all the required archaeological works.**

**Reason: To ensure the appropriate archaeological evaluation of the site.**

22. (a) **Construction work (based on the definition within Control of Pollution Act 1974 'erection, construction, breaking up, boring, demolition, dredging works to buildings, structures, land or roads) on the development site hereby permitted shall not commence prior to the submission to, and agreement of the Local Planning Authority of a written environmental report (Phase I) which identifies the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination which is likely to be harmful to human health, the aquatic environment, buildings, structures and local ecosystems.**

**(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then a further report (Phase II) shall be submitted to the Local Planning Authority which includes:**

**(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors (the definition of receptor shall be based on the definition contained within Table A, Annex 3 of the DETR Circular on Contaminated Land 2/2000 and also include controlled waters.**

- (ii) The results from the application of an appropriate risk assessment methodology, and;
- (iii) A method statement that specifies the steps necessary to render any contamination harmless, and;
- (iv) A contingency plan, which specifies how unanticipated pollutants will be dealt with.

No construction work (other than that necessary for the discharge of this condition) shall commence on this site until the Phase II report has been approved, in writing, by the Local Planning Authority.

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

(i) All works which form part of the agreed scheme pursuant to the discharge of condition (b), above, have been fully completed.

(ii) A remediation validation report (Phase III) confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to (but not necessarily in writing), and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

(e) All works agreed with the Local Planning Authority with regard to remediation of this site shall be permanently maintained.

**Reason:** To safeguard that any contamination present within the site is dealt with in a manner that safeguards human health, the built and aquatic environment and local ecosystems.

#### Informative

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire A Guide for New Developments. Before proceeding with the proposed development, the applicant shall contact the Development Control Team at the Herts Highways North Herts Area Office (telephone 01438 757800) to obtain their requirements on how to enter into a section 278/section 38 agreement for the associated road works as part of the development. This should be carried out prior to any development work being carried out.

#### Reason for Decision

In the opinion of the Local Planning Authority the proposed development represents a high standard of design and layout that would compliment the character of the surrounding area, preserve the amenities enjoyed by occupiers of adjoining residential properties and not harm highway conditions in the vicinity of the site to an unacceptable degree. The proposal therefore complies with the provisions of the development plan as summarised below:

**East of England Plan:**

Policy H1 'Regional Housing Provision 2001'

Policy H2 'Affordable Housing'

Policy ENV7 'Quality in the Built Environment'

**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 55 'Car Parking Standards'

Policy 57 'Residential Guidelines and Standards'

<b>ITEM NO:</b> 6.3	<u>Location:</u>	<b>27 Heathfield, Royston, SG8 5BN</b>
	<u>Applicant:</u>	<b>Mr Cooper</b>
	<u>Proposal:</u>	<b>Erection of detached 5 bedroom dwelling following demolition of existing dwelling (as clarified by plans received 06/02/09).</b>
	<u>Ref.No:</u>	<b>09/00002/ 1</b>
	<u>Officer:</u>	<b>Naomi Reynard</b>

**Date of expiry of statutory period** : 27 February 2009

**Reason for Delay**

Committee cycle

**Reason for Referral to Committee**

Councillor call in by Cllr Hill, as would like to hear the wider debate in the Planning Control Committee regarding this item.

**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, 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 5<sup>th</sup> August 2008. The application was recommended for approval by officers. Planning permission was refused by the Planning Control Committee on 23rd September 2009 for the following reasons:

***"The proposed development by reason of its excessive scale, height, inappropriate architectural detailing and prominent siting on this exposed corner plot would have an unacceptably dominant visual impact in the street scene, to the detriment of the character of the locality. The proposal therefore conflicts with Policy 26 and Guidelines 1 and 2 of Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations and Paragraph 16 of Planning Policy Statement (PPS) 3 'Housing'."***

- 1.3 There is a current application for "Outline planning permission for two detached dwellings with linked garages (appearance, landscaping and scale reserved matters) following demolition of existing bungalow." This application is also being considered at this committee meeting.

**2. Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations**
  - Policy 26 - Housing Proposals
  - Policy 55 - Car Parking Standards
  - 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** - Does not wish to restrict the grant of permission and recommended the conditions below.

3.2 **Environment Agency** - Recommended condition and informative as set out below.

3.3 **Town Council**

*"Members of the Planning Committee supported this application subject to the following conditions being imposed:*

- *Development to be commenced within 3 years from date of permission granted.*
- *The development is carried out wholly in accordance with the details specified in the application and supporting documents and plans, or with minor modifications agreed in writing by the Local Planning Authority.*
- *That details/samples of materials to be used on all external elevations and the roof shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. That approved materials shall be implemented on site.*
- *The development shall not be brought into use until the proposed access has been constructed and the verge and highway reinstated to the Local Planning Authority's satisfaction following consultation with Hertfordshire Highways and the Heathfield Residents Association.*
- *That in view of the scale of the development on the site. Permitted Development Rights are withdrawn and for any future alterations or additions to the building, specific planning permission will be required from the Local Planning Authority.*
- *Details of the appearance and position of the proposed boundary fencing shall be submitted and approved in writing by the Local Planning Authority."*

3.4 **Local residents/site notice and press publicity:**

Letters received from the neighbours at **2, 6, 30, 37, 39, 42, 44, 46, 52 and 56 Heathfield**, with the following objections:

- Reason for refusal still applies. Fails to comply with Policy 57.
- Dominance due to excessive scale, height and prominence on exposed corner plot.
- Sheer size on the Northern leg of Heathfield.
- Dominates surrounding properties.
- Detrimental impact on the neighbouring plots and the road overall.
- Overdevelopment - would still look like one of the largest houses in Heathfield on what would amount to one of the smallest plots of land.
- The new application is for a property with a floor area of 276 square metres, which is considerably larger (13 square metres) than the 263 square metre house that was refused, which does not address the impact of a large building on this exposed corner site.
- Out of character with surrounding properties. Modern architectural statement with projection of gabled first floor feature which goes out beyond the building line and dominates the surrounding properties is out of keeping with this corner of Heathfield with its low key, traditional and modest dwellings of all different ages.
- Would not add to the streetscene.

- Proposal would be better suited to a 'stand alone' type of development where there was no need to harmonise with surroundings.
- There has been no demolition for over 30 years in Heathfield. Properties have mostly been sympathetically adapted and the few houses that have been built have been embraced by their neighbours.
- The Design and Access Statement claims the existing bungalow is in a poor state of repair and is probably beyond economic repair, but would dispute this as it is being currently rented out.
- Limited consultation has taken place with local residents.
- Safeguards should be put in place to ensure that any approved development on this site is strictly in accordance with details specified in the application and that subsequent alterations are denied. Permitted development rights should be withdrawn.
- Drainage problems from the driveway.

Letter from the resident of **Carrickmoor, 52 Heathfield**, confirming that a petition has been organised by the residents of Heathfield with regard to this planning application and that two thirds of the residents object to the above plans and these signatures are enclosed. This letter was accompanied by a petition signed by 46 local residents stating:

*"I wish to register my objection to the above proposed development on the grounds of its dominance by reason of its excessive scale, height and prominence on this exposed corner plot of Heathfield."*

Letter from the resident of **4 Heathfield, Chairman of Heathfield Residents Association**, stating -

*"With reference to the 5 bedroom dwelling at 27 Heathfield, Royston, following demolition of the existing bungalow I would like to support this application so long as certain conditions are met." Detailed the same conditions as the Town Council. "While a petition was not sought on this application I believe that this has the support of the majority of the Heathfield residents subject to the above conditions."*

Letters received from the neighbours at **31 and 64 Heathfield** stating that they would support this application so long as the conditions set out above are met.

Letter received from the neighbours at **29 Heathfield** raising no objections.

Letter received from the neighbours at **25 Heathfield** with the following comments: In principle have no objections to the development of no. 27. However, do have concerns which they feel should be addressed prior to any planning permission being granted.

- The ridge height of no. 27 is too high and above no. 25. The applicant has gone some way to reduce the impact by lowering the roof over the garage but this should be further lowered to line with no. 25.
- The window to the garage/utility is directly opposite the window our study/dining room and will cause unnecessary intrusion. This window could be re-sited to the rear of the garage.

## **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. An application for a two storey house was refused by the Planning Control Committee (contrary to officer recommendation) in September 2009. Members will be aware that the applicant has appealed this decision. The key differences between this application and the previously refused application are as follows:

- Increase in floor area from 263 to 276 square metres (13 square metres).
- Variation in ridge height. Highest point of ridge reduced by approximately 0.3m.
- Variation in eaves height.
- Lowering of first floor window head heights.
- Reduction in depth of first floor windows.
- Removal of lead flat roof dormer window features.
- Addition of pitched roofed dormer windows with hipped ends finished in slate.
- Reduction in size of all windows.
- Lowering the ridge height of the entrance projection.
- Adding a hipped end to the western elevation.
- Lowering the ridge height adjacent to no. 25 by approximately 0.9m.
- Adding three trees to the western boundary.
- Adding low level planting to the front elevation.
- Varying the external materials.

## 4.3 **Key Issues**

4.3.1 The key issues in the determination of the planning application are whether the revised application has suitably addressed the reasons for refusal of the previous scheme. The attempts made by this proposal to address the reasons for refusal will be set out in the following paragraphs and the report shall conclude by commenting on the other relevant issues.

### 4.3.2 **Principle**

The reasons for refusal of the previous scheme did not include objections in principle to the replacement of the existing bungalow with a dwelling. Planning permission is not required for the demolition of the existing property. 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 **Scale**

One of the reasons for refusal of the previous application was its "excessive scale". The maximum depth and width of the proposal would be the same as the refused scheme. The proposal would still be on a very similar footprint to that of the existing bungalow. However, the current scheme would have a floor area of 13 square metres greater than the refused scheme. This is because the garage would be slightly larger at ground floor level at the rear and a small two storey front protrusion is proposed to accommodate the stairs.

- 4.3.4 Notwithstanding this, the revised application has, in my view, addressed the issue of "excessive scale". The reduction in height of the overall building, the entrance projection and the two storey part incorporating the garage adjacent to no. 25 has decreased the scale of the proposal. The variation in ridge and eaves heights, introducing a hipped rather than gabled roof on the east elevation, the lowering of the first floor window head heights and reduction of the depth of the first floor windows all combine to reduce the bulk of the proposal. The scheme includes a variation of external materials which would also have the effect of breaking up the perceived mass of the proposed dwelling in a similar way to the variation in ridge and eaves heights.
- 4.3.5 Some of the objectors have commented that the proposed house would still constitute a large house on a small plot. With regard to the scale, the applicant has again 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 would not be the largest house on the smallest plot in Heathfield. In my view the proposed dwelling to plot ratio would not be out of character with others in Heathfield.
- 4.3.6 Given that the proposed dwelling would be larger than 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. There have been changes to the General Permitted Development Order since the last application was determined, which can allow for Class E buildings in the garden closer to the dwellinghouse than before. As such I have also recommended that Class E 'permitted development' rights are also removed.
- 4.3.7 **Height**  
The second reason for refusal of the previous application was its "height". In my view this issue has been satisfactorily addressed. The overall ridge height of the main building has been reduced by approximately 0.3m, the ridge height of the two storey part adjacent to no. 25 has been reduced by approximately 0.9m and the ridge height of the entrance projection has been lowered by approximately 0.6m. The revised scheme incorporates a variation in ridge and eaves heights, which help to reduce the overall perceived height of the building.
- 4.3.8 **Architectural detailing**  
The third reason for refusal was the "inappropriate architectural detailing". In my opinion the redesign of the scheme has adequately tackled this reason for refusal. The entrance feature had been a particularly contentious issue and this element of the scheme (along with the matching feature at the rear) has been reduced in height, the first floor window in the feature has been considerably reduced in size and the proposal would be finished with brickwork at first floor level. As such the impact of this feature has been reduced. The first floor windows have been reduced in size, decreasing the glazing on the property, which had given it a more "modern" feel. The lead flat roof dormer window features have been removed and replaced with more conventional pitched roof dormer windows with hipped ends finished in slate. These changes represent a more traditional approach. The proposal would also incorporate a variation of traditional materials; brickwork, white render and slate. 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.

4.3.9 Some of the representations received object to the building on the basis that it constitutes a "modern architectural statement". As commented in my previous report, 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. The applicant has again provided 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 in my view the proposal would relate successfully to the streetscene. The amended scheme has adopted a more traditional approach to the design than the previous scheme and as such the appearance of the building is less assertive.

#### 4.3.10 **Siting on corner plot**

The fourth reason for refusal was the "prominent siting on this exposed corner plot". Clearly, the property is still in the same position. However, the reduction in height and scale, achieved in the ways set out above, has reduced the prominence of the house on the corner. In particular the alteration of the roof on the western end from a gable to a hip has reduced the dominance of the building on this corner site. The application would further reduce the prominence of the building by the addition of three trees to the western boundary and the addition of low level planting to the front elevation.

#### 4.3.11 **Overall visual impact**

It was for the four reasons set out above that the dwelling was considered to have "an unacceptably dominant visual impact in the streetscene". In my view the endeavours to address the scale, height, architectural detailing and prominence have combined to produce a building that would have an acceptable visual impact in the streetscene.

#### 4.3.12 **Policies**

Guidelines 1 and 2 of Policy 57 (Residential Guidelines and Standards) of the District Local Plan were referred to in the reason for refusal of the previous scheme. For the reasons set out above, in my view this proposal would comply with Policy 57, as it would relate to and enhance the site and the character of the surroundings. In my opinion the proposal would also comply with Policy 26 (Housing Proposals) of the District Local Plan, as the proposal would be acceptable in the location within the environment and character of the existing area. Paragraph 16 of Planning Policy Statement 3 (Housing) was also referred to in the reasons for refusal of the previous scheme. In my view this revised scheme would comply with this guidance. The proposal would be well integrated with and would complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. In my view the proposal would create and enhance a distinctive character that relates well to the surroundings.

#### 4.3.13 **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, indeed it proposes three additional trees on the eastern side and as such this character would be maintained. The tree report and Design and Access Statement explain that the Walnut tree adjacent to no. 25 is in a poor state and in the fullness of time this tree may need to be removed and the applicant has said they would replace the tree with a similar species. In my view this tree is not worthy of protection by a tree preservation order. Landscaping conditions have been recommended. A 1.8m high close boarded fence is proposed and I can see

no objection to this, as this is the boundary treatment as existing. The details of the appearance and position of the proposed boundary fencing would need to be submitted to and approved in writing by the Local Planning Authority, as part of the Landscaping condition.

#### **4.3.14 Impact on neighbouring properties**

With regard to the representations received, the proposal would not have any adverse built impact on no. 25 Heathfield. In my view the proposed garage/utility room would not result in a material loss of privacy to no. 25, given that a fence would be maintained along the boundary. Indeed, a fence could always be retained along this boundary up to 2m in height, without requiring planning permission.

#### **4.3.15 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 five 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 they have recommended the conditions set out below. I have not recommended that the verge and highway be reinstated to the Local Planning Authority's satisfaction following consultation with the Heathfield Residents Association, as well as Hertfordshire Highways, as this would not be a reasonable condition.

#### **4.3.16 Other issues**

There were some very minor anomalies on the plans. Corrected plans were received on 6th February 2009. Issues have been raised by neighbours regarding drainage. The Environment Agency were consulted on this application and recommended the condition and informative below.

### **4.4 Conclusion**

4.4.1 In conclusion, in my view the redesigned proposal has satisfactorily addressed the reasons for refusal of the previous scheme for the reasons set out above. The issue of scale has been successfully resolved, the height of the proposal has been reduced and a more traditional approach has been adopted with the architectural detailing. Whilst the siting of the proposal would be the same as the previous scheme, in my view the reduction in height and scale, achieved in the ways set out above, has successfully reduced the prominence of the house on the corner. Whilst I acknowledge those representations which are still 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, B and E 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. Before any work hereby approved is commenced landscape details shall be submitted to and approved in writing by the Local Planning Authority which shall include the following :
- 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 appearance and position of the proposed boundary fencing
  - d) the location and type of any hardscaping proposed
  - e) details of any earthworks proposed

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

8. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of 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.

9. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

10. The development permitted by this planning permission shall only be carried out in accordance with the approved non-mains drainage assessment including the following specific mitigation measures detailed therein:
- 1. Soakaways to be constructed to BS6297:2007
  - 2. No connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any ditch or watercourse.
  - 3. No siting of the septic tank within 50 metres or upslope of any well, spring or borehole used for private water supply.

Reasons: To prevent pollution of the water environment.

### **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 26 - Housing Proposals

Policy 57 - Residential Guidelines and Standards

**East of England Plan**

Policy ENV7 - Quality in the Built Environment

**Environment Agency Informative**

The maximum acceptable depth for soakaways is two metres below existing ground level.

The applicant should ensure that the existing septic tank is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.

Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage effluent into controlled waters (including groundwaters). Guidance and application forms can be found at <http://www.environment-agency.gov.uk/subjects/waterquality/> or by telephoning (08708) 506506.

<b>ITEM NO:</b> 6.4	<u>Location:</u>	<b>27 Heathfield, Royston, SG8 5BN</b>
	<u>Applicant:</u>	<b>Mr Cooper</b>
	<u>Proposal:</u>	<b>Outline planning permission for two detached dwellings with linked garages (appearance, landscaping and scale reserved matters) following demolition of existing bungalow</b>
	<u>Ref.No:</u>	<b>08/03015/ 1</b>
	<u>Officer:</u>	<b>Naomi Reynard</b>

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

**Reason for Delay**

Committee cycle and submission of Unilateral Undertaking

**Reason for Referral to Committee**

Recommended reasons for refusal do not address all the objections raised by Royston Town Council.

**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, 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 5<sup>th</sup> August 2008. The application was recommended for approval by officers. Planning permission was refused by the Planning Control Committee on 23rd September 2009 for the following reasons:

*"The proposed development by reason of its excessive scale, height, inappropriate architectural detailing and prominent siting on this exposed corner plot would have an unacceptably dominant visual impact in the street scene, to the detriment of the character of the locality. The proposal therefore conflicts with Policy 26 and Guidelines 1 and 2 of Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations and Paragraph 16 of Planning Policy Statement (PPS) 3 'Housing'."*

This application is currently the subject of a planning appeal.

- 1.3 There is a current application for "Erection of detached 5 bedroom dwelling following demolition of existing dwelling." This application is also being considered at this committee meeting.

**2. Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations**
  - Policy 26 - Housing Proposals
  - Policy 55 - Car Parking Standards
  - 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** - Does not wish to restrict the grant of permission. Recommended conditions as set out below.

3.2 **Environment Agency** - Recommended condition and informative as set out below.

3.3 **Town Council** – *“Members of the Planning Committee objected to this application for the following reasons:*

- *Over-development of the site.*
- *Out of character with the type of dwellings currently in the established area and contrary to objectives set out in Policy 57 – guideline 1 – Site and Surroundings of the District Local Plan No. 2 with Alterations.*
- *Development would not add value to the street scene but will detract from the general appearance of Heathfield.*
- *This area has an established character and any new building should enhance the area, the design, and appearance, should be sensitive and in keeping with the surrounding area.”*

3.4 **Local residents/site notice and press publicity:**

Letters received from the neighbours at **25, 29, 31, 37, 42, 44, 46, 52, 56, 64 Heathfield** with the following objections:

- Over-development of this prominent corner site.
- Out of character with the type of dwellings currently in Heathfield and would be contrary to Policy 57 in the Local Plan.
- The site is too small to properly support two dwellings.
- Would not be in keeping with the immediate area or generally with Heathfield, where there are no such similar linked properties; even where plots have been subdivided the dwellings remain substantial detached dwellings.
- More extensive than the previous proposal, which failed by reason of size and prominence which would have an unacceptably dominant visual impact in the streetscene and conflicted with the Local Plan.
- The gross area of 325 square metres, compares with an area of 276 square metres for the proposed house in application ref. 09/00002/1 (which was rejected by the Planning Committee on the grounds of scale and mass) and 180 square metres for the existing bungalow. This is a very large increase on the overall development of the site and fails to comply with the guidelines in Policy 57 – Guideline 1 of the Local Plan.
- The proposal would occupy about 40% of the ground area. While there are bungalow type properties that approximate to this proportion it is out of keeping in the area to have two storey buildings on such a small ground area and located in an exposed position.
- The proposals sit very uncomfortably with the surroundings in terms of built form, scale, siting and area.
- Roof lines are too high.
- Outside the established building line at the north and west.
- The north west corner of the property would lie only 5.2m from the road, thus the design would not relate to the site and would be contrary to Policy 57 of the Local Plan and raises road safety issues.

- Mass and bulk of the proposed houses on a relatively small corner site, which would be over-powering to its neighbours and dominate this corner of Heathfield.
- No. 27A too close to no. 25 and would cause highly detrimental outlook from four windows of no. 25 and would tower over their property.
- Insufficient parking provision would increase traffic problems on this already dangerous corner of Heathfield and a pair of driveways opposite no. 44's driveway would likely result in frequent obstructions.
- Question whether it is possible to design satisfactory dwellings comprising of a total of eight bedrooms. Any such proposal would be totally out of character with the type of dwelling currently in Heathfield and as such would be contrary to the objectives set out in Policy 57 – Guideline 1 of the Local Plan.
- Applicant's letter submitted with application 09/00002/1 states that "The site not only supports the proposal for a single house, but it is hard to imagine another form of development which could be more appropriate."
- Design and Access Statement submitted with application 09/00002/1 mentioned the proposed design being influenced by the build line of adjacent properties, which seems to have been ignored on this proposal.
- Question whether the drainage requirements for two four bedroom houses on a small plot would be satisfactorily met by septic drainage. The opinion of the local drainage authority should be obtained.
- Likely increase in drainage and flooding issues.
- There has been no demolition for over 30 years in Heathfield. Properties have mostly been sympathetically adapted and the few houses that have been built have been embraced by their neighbours.
- The Design and Access Statement claims the existing bungalow is in a poor state of repair and is probably beyond economic repair, but would dispute this as it is currently being rented out.
- The developer did not consult with the local community.

Letter from the resident of **4 Heathfield, Chairman of Heathfield Residents Association** stating *"I would like to object most strongly to this application"* and raising the following objections:

- Over-development and out of keeping with the other dwellings in the immediate area and within Heathfield. No linked houses in Heathfield.
- Considerably larger footprint than the existing bungalow and extend outside the defined building line to the west and front of the proposed development. With small rear gardens and lack of parking spaces on-site the proposal is clearly an over-development.
- Out-of-character with the type of dwelling currently in Heathfield, which contravenes Guideline 1 of Policy 57 in the Local Plan.
- Question whether the drainage requirements for two four bedroom houses on a small plot would be satisfactorily met by septic drainage. The opinion of the local drainage authority should be sought.

#### **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 two four-bedroom dwellings. The proposed houses would be detached, but linked by their garages. The application is for outline planning permission. Outline applications allow for a decision on the general principles of how a site can be developed. In this case the reserved matters are appearance, landscaping and scale. As set out in Circular 1/2006 the applicant has provided information on the use and amount of development. Given that layout and access are not reserved matters, the applicant has provided detailed information on these elements of the scheme, which can be considered as part of this application. The applicant is also required to include information on scale parameters (an indication of the upper and lower limits for height, width and length of each building within the site boundary). The plans just show one scale parameter and as such this will be taken as the upper limit of height, width and length of the buildings.

## 4.3 **Key Issues**

- 4.3.1 The key issues in the determination of the planning application are the impact of the use, amount, scale and layout of the proposal on the street scene, neighbouring properties and highways conditions in the vicinity of the site. I have also summarised the response of this proposal to address the reasons for refusal of the previous scheme for one replacement dwelling.

### 4.3.2 **Use**

In my opinion there is no objection to the redevelopment of this site. Planning permission is not required for the demolition of the existing property. 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.

- 4.3.3 In my view there is also no objection in principle to the replacement of the existing bungalow with two dwellings. Whilst I note the objections to the principle of the proposal, in my view the site could accommodate two dwellings. Indeed, other sites in Heathfield have been successfully sub-divided.

### 4.3.4 **Amount**

The footprint of the proposed dwellings (325 square metres) would be larger than the footprint of the existing bungalow (180 square metres) and the footprint of both the five bedroom house that was refused (263 square metres) and the proposed house which is also being considered at this committee meeting (276 square metres). As set out below I do have concerns about the amount of development close to the corner. However, in my view this amount of development would be acceptable in principle, given the size of the plot and the configuration of other properties in the street. The building to plot ratio has been referred to in the representations. The Design and Access Statement includes an analysis of some of the existing properties in Heathfield, giving approximate plot areas and rear garden areas, along with an ordnance plan, aerial photograph and supplementary photographs. Whilst the plot sizes would be at the smaller end in relation to others in the street, in my view, the proposal would not constitute an over-development of the site. The amenity space proposed for each dwelling would be well above the guideline of 75 square metres set out in Policy 57 – Residential Guidelines and Standards.

### 4.3.5 **Scale parameters**

The application only shows one scale parameter, which will be taken to be the maximum scale parameter. In my view there is no objection in principle to this scale of development on the site. However, I have concerns about the scale of the development close to the corner, as set out below.

#### 4.3.6 **Design and Layout**

Heathfield is characterised by individual detached properties and there are not any linked properties in the road. However, in my view the fact that the proposed houses would be linked by their garages, would not harm the character of the area, given the catholic nature of the streetscene.

#### 4.3.7 **Response to refusal of previous application**

In September 2008, planning permission was refused for the erection of a detached 5 bedroom dwelling following the demolition of the existing dwelling. The reasons for refusal were *"its excessive scale, height, inappropriate, architectural detailing and prominent siting on this exposed corner plot"*. Whilst this current application is a proposal for two dwellings on the site, it has nevertheless addressed some of the objections raised to the previous scheme for a five bedroom dwelling. The size of the proposed building mass would be greater than the refused scheme. Notwithstanding this, the revised application has, in my view, addressed the issue of "excessive scale". The variation in ridge and eaves heights, introducing hipped ends to the western elevation and adjacent to no. 25, the lowering of the first floor window head heights and reduction of the depth of the first floor windows all combine to reduce the bulk of the proposal. In my view this application has satisfactorily addressed the issue of height. Whilst the maximum ridge height of the proposal would be similar to that on the previous scheme, the revised proposal incorporates a variation in ridge and eaves heights, which help to reduce the overall perceived height of the building. Whilst indicative elevations have been shown on the drawings, appearance of the proposed dwellings is a reserved matter. Nevertheless the issue of architectural detailing has been addressed by the applicant by the adoption of a more traditional approach to the design.

#### 4.3.8 **Siting**

Having concluded as above, I do have concerns about the siting of the proposal on the plot. I do not consider that this revised scheme adequately addresses the issue of prominent siting on the corner. As such the layout of the proposed houses is, in my view, unacceptable. Whilst it would have a hipped roof (rather than a gable roof) the two storey element of proposed house 27B would be approximately 2.5m closer to the western boundary than the existing bungalow and the refused scheme. The side wall of the existing bungalow and the refused dwelling were roughly in line with the front wall of the garage at no. 29. This proposal would include a two storey element approximately 2.5m wide and 9m deep beyond this line. I am concerned that when viewed from the road this element of the scheme would be unacceptably prominent on the corner and would constitute an imposing feature. The additional trees along this boundary would not be sufficient to reduce the impact of this elevation and it may be difficult for the trees to thrive in this limited space.

#### 4.3.9 **Access**

The Highways Authority have been consulted on this application and have raised no objections to the proposal. The Supplementary Planning Document: Vehicle Parking Provision at New Development gives a maximum parking standard of 3 spaces for 4 bedroom dwelling. However, given the location of the property within Royston and on a road where there does not appear to be a parking problem, I would not wish to raise objections to the scheme on the grounds of parking provision. Notwithstanding the comments in the representations regarding garage usage; garages are included as spaces in the aforementioned Supplementary Planning Document.

#### 4.3.10 **Policies**

Guidelines 1 and 2 of Policy 57 (Residential Guidelines and Standards) were referred to in the reason for refusal of the previous scheme. For the reasons set out above, in my view in most respects this proposal would comply with Policy 57, as it would generally relate to and enhance the site and the character of the surroundings. However, the bulk of the two storey element adjacent to the corner would be prominent in the streetscene, and as such the layout and design of the development would not relate successfully to that site's physical shape, and existing features, and the character of the surroundings. Similarly, the proposal would largely comply with Policy 26 (Housing Proposals), however the prominent two storey element close to the corner would mean that the proposal would not be acceptable in that location within the environment and character of the existing area. Paragraph 16 of Planning Policy Statement 3 was also referred to in the reasons for refusal of the previous scheme. In my view this revised scheme would generally comply with this guidance. However, due to the prominence of the two storey element on the corner in my view the proposal would not be well integrated with and would complement the neighbouring buildings and the local area more generally in terms of scale and density.

#### 4.3.11 **Impact on neighbouring properties**

In my view the proposed dwellings would not have any adverse impact on the residential amenities of the neighbouring properties. The proposed building would be approximately 2.9m closer to no. 25 at two storey level than the refused dwelling and the existing bungalow, however the proposal would still be approximately 3.5m off the boundary with no. 25 and would only extend approximately 0.3m deeper than the rear wall of no. 25. There are windows in the side elevation of no. 25, but none of these windows are the only windows serving principal rooms. In my view the proposal would not result in a material loss of light to no. 25 or be unduly dominant in the aspect currently enjoyed by this property. The proposal would not result in a material loss of privacy to either no. 25 or no. 29 given the relationship between the properties.

#### 4.3.12 **Landscaping**

Whilst landscaping has been shown on the drawings, landscaping is a reserved matter.

#### 4.3.13 **Drainage**

Issues have been raised by neighbours regarding drainage. The Environment Agency were consulted on this application and recommended the condition and informative below.

#### 4.3.14 **Unilateral Undertaking**

There is one outstanding matter relating to the Unilateral Undertaking. The formula for the calculation of contributions for outline applications needs to be annexed to the Unilateral Undertaking. This will be requested and an update will be provided on this matter at the committee meeting. The calculations for the Unilateral Undertaking are correct.

### 4.4 **Conclusion**

- 4.4.1 In conclusion, whilst in principle I do not have any objections to raise to the replacement of the existing dwelling with two houses, on balance I would recommend refusal of the proposal due to the prominence of the two storey element near the corner of the road.

## **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 **REFUSED** for the following reasons:

1. By reason of the proximity of the two storey element to the corner of the road, the proposal would be unacceptably visually prominent in the streetscene and as such would strike an incongruous note in the street scene. As such the proposal would fail to comply with Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations and Planning Policy Statement 3 (Housing).

<b>ITEM NO:</b> 6.5	<u>Location:</u>	<b>3 Angel Pavement, Royston, SG8 9AS</b>
	<u>Applicant:</u>	<b>Archant Regional Ltd</b>
	<u>Proposal:</u>	<b>Change of use of ground floor unit from electrical goods showroom (Class A1) to Newspaper sales office (Sui generis use)</b>
	<u>Ref.No:</u>	<b>09/00170/ 1</b>
	<u>Officer:</u>	<b>Naomi Reynard</b>

**Date of expiry of statutory period** : 03 April 2009

**Reason for Delay**

Negotiations

**Reason for Referral to Committee**

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

**1. Relevant History**

- 1.1 Planning permission was granted on 19<sup>th</sup> September 2007 for the change of use from commercial storage unit to one 1 bedroom residential unit on first floor with roof terrace garden. External changes including alterations to shopfront.

**2. Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations**  
 Policy 8 - Development in Towns  
 Policy 43 – Shopping Areas in Town Centres  
 Policy 55 - Car Parking Standards
- 2.2 **Supplementary Planning Documents**  
 Royston Town Centre Strategy (June 2008)  
 Vehicle Parking Provision at New Developments (January 2006)
- 2.3 **National Planning Guidance**  
 Planning Policy Statement 6 – Planning for Town Centres  
 Planning Policy Statement 15 – Planning and the historic environment

**3. Representations**

- 3.1 **Planning Policy** - On balance consider that, notwithstanding the policy constraints in the Saved Local Plan Policy 43, and in light of the guidance set out in the Royston Town Centre Strategy, a case could be made for granting this application, as long as you are content that retail remains the predominant use and any such permission included a condition that the unit shall only be used as a newspaper sales office and not be changed to another use without planning permission.
- 3.2 **Environmental Health** - No objections.

- 3.3 **Royston Town Council** - No objections.
- 3.4 **Neighbours/Site Publicity** – No comments received

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

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

- 4.1.1 The property is situated within Angel Pavement, which is shopping arcade linking the High Street with Market Hill. The application site is nearer the High Street end of Angel Pavement. The building is currently empty. The property has planning permission for a flat at first floor level. However, this permission has never been implemented. It lies within a Shopping Frontages area as shown on the North Hertfordshire District Local Plan No. 2 with Alterations. It is near the edge of this area. When I carried out my site visit in February 2009, 4 out of the 16 units were empty, there was a café operating without planning permission in another unit and 1 Angel Pavement was being converted into an restaurant/cafe following a recent appeal decision. The inactive frontage occupied by Peacocks at the High Street end of the arcade and the significant proportion of empty properties do not make for an inviting or vital retailing environment.

##### **4.2 Proposal**

- 4.2.1 The proposal is for the change of use the ground floor to a newspaper sales office. The proposed use would be for a newspaper sales office for the Royston Crow. The unit would have a front desk to deal with the retail sales of photographs, the paper itself, advertising space, births, marriages & deaths announcements, Hertfordshire Life and reader holidays. In addition the paper will advertise, support and promote local events. Behind the front desk there would be a couple of desks for town based reporters.

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

- 4.3.1 The key issues in this case centre on a consideration of Policy 43 (Shopping Areas in Town Centres) of the District Local Plan in light of Planning Policy Statement 6 (Planning for Town Centres), the Royston Town Centre Strategy and a recent appeal decision at 1 Angel Pavement.
- 4.3.2 Policy 43 states that ***“within town centre Shopping Areas, the Council will permit development proposals...within Shopping Frontages, normally only if the proposal is for a retail use on the ground floor (A1 Use Class)”***. The supportive text in paragraph 3.5.1 states that: ***“Exceptionally, the addition of a restaurant or similar use (A3 Class) within this core may add to its attractiveness.”*** Clearly the proposed use would fail to comply with this policy.
- 4.3.3 Planning Policy Statement 6 (Planning for Town Centres) states that: ***“The Government’s key objective for town centres is to promote their vitality and viability by...promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.”***
- 4.3.4 The Royston Town Centre Strategy (published June 2008) states that Angel Pavement ***“projects a negative image to the health of the overall Town Centre”*** and it identifies it as an ***“opportunity site”***. These opportunity sites are relatively large sites that are not seen as fulfilling their potential or contributing to the quality of the townscape and the character and appearance of the conservation area. In paragraph 7.22 the Town Centre Strategy states:

***“There is scope to provide an attractive pedestrian arcade with active frontages. Restaurant and café users could be considered towards Market Place that will help to improve the vibrancy of the centre and the pedestrian link between the Market Place and High Street. The predominant use of the arcade should be retained primarily for retail uses.”***

In paragraph 7.24 The Town Centre Strategy goes on to explain:

***“While the emerging Development Policies identifies the existing site within the Primary Shopping frontage, this is subject to further consideration as the Development Policies DPD moves towards Submission Stage. In particular, landowners have suggested re-classifying Angel Pavement as secondary rather than primary shopping frontage. Such a designation would still resist the complete loss of shops from Angel Pavement, but would allow a greater proportion of other complementary uses. Consideration on whether to treat Angel Pavement as primary or secondary will be carried out in the Development Policies and not this document. If the Development Policies do reclassify the parade as secondary shopping frontage, the units which front the High Street should stay primary shopping frontage and the remainder of the site could be considered for a more diverse range of complementary uses whilst ensuring that retail remains the predominant use and accords with the policies in the emerging Development Policies DPD.”***

- 4.3.5 A further material consideration in the determination of this application is the recent appeal decision at 1 Angel Pavement. Planning permission was refused in January 2008 for change of use of ground and first floor from Class A1 (shop) to Class A3 (restaurant/café). The applicant appealed the decision and the appeal was allowed in September 2008. An appeal was dismissed in July 2006 for the change of use of 1 Angel Pavement to an A2 Use (Financial and Professional Services). However, the Inspector for the most recent appeal commented that at the time of the previous appeal that a discount retailer was operating from the appeal premises and Angel Pavement had a high occupancy rate, which is not now the case. Whilst acknowledging the Town Centre Strategy, the Inspector concluded as follows:

***“In the above particular circumstances I consider that it is in the wider interests of trading here and within the spirit of national guidance to allow the greater flexibility sought by the appellant in advance of the Development Policies DPD. The change of use could be permitted without harming the vitality and viability of the centre or setting an undesirable precedent for the Policy 43 frontage more generally.”***

- 4.3.6 In my view this use would generate footfall to the area and would most certainly act as a “destination” and as such would increase the vitality and viability of the area. This use is an exceptional case as it has a retail element and would act as a community facility. The proposed use is also for an established local business. In particular the proposed use would increase daytime footfall to Angel Pavement, the application form stating that the opening hours of the newspaper sales office would be between 9am and 5.30pm Monday to Friday. I do not consider it reasonable to restrict these opening hours, given the town centre location and the lack of residential properties nearby.
- 4.3.7 In my view this use would be sui generis, thus the unit could not be changed to another use without first obtaining a specific planning permission. Thus, the informative below has been recommended.

4.3.8 It is not generally regarded as good planning practice to revise policies through the determination of applications. However, should Members grant both this application and the application at no. 2 Angel Pavement, which is also being considered at this committee meeting, I acknowledge that it may be difficult to resist other non-retail uses in Angel Pavement. However, each case would be taken on its own merits and the Town Centre Strategy states that “***The predominant use of the arcade should be retained primarily for retail uses.***” Future policies in the Development Plan Document will also provide a framework for future decision making. It is considered that at this time, it would be pragmatic to be more flexible in considering proposed uses in Angel Pavement that will generate footfall, given the current relatively poor trading environment of this arcade. Should planning permission be granted, I am of the view that this would not precipitate changes of use away from retail in shopping frontages elsewhere in the town centre. Indeed, in the appeal decision for 1 Angel Pavement the Inspector states: “***These premises appear to me to be distinguishable from those in the High Street more generally.***”

4.3.9 The property only has one allocated car parking space, however given its sustainable town centre location close to public car parks and public transport links, there would be no objection to the proposal on grounds of parking provision.

#### **4.4 Conclusion**

4.4.1 In conclusion, I would concur with the view reached by the Inspector in relation to 1 Angel Pavement that in the above particular circumstances I consider that it is in the wider interests of trading here and within the spirit of national guidance to allow the greater flexibility sought by the applicant in advance of the Development Policies Development Plan Document. Accordingly, I conclude that the proposed change of use could be permitted without harming the vitality and viability of the centre or setting an undesirable precedent for the Policy 43 frontage more generally.

#### **5. Legal Implications**

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

#### **6. Recommendation**

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

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

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

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

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

### **Reason for Decision**

The change of use, hereby permitted, would not harm the vitality and viability of the centre or set an undesirable precedent for the Policy 43 shopping frontage more generally and, as such complies with Planning Policy Statement 6 (Planning for Town Centres). The change of use, hereby permitted would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan, as summarised below.

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

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

Policy 8 - Development in Towns

Policy 55 - Car Parking Standards

### **Informative**

The use, hereby permitted, would be a 'sui generis' use. As such, 3 Angel Pavement (ground floor unit) shall only be used for a newspaper sales office and shall not be changed to another use without first obtaining a specific planning permission from the Local Planning Authority.

<b>ITEM NO:</b> 6.6	<u>Location:</u>	<b>2 Angel Pavement, Royston, SG8 9AS</b>
	<u>Applicant:</u>	<b>Mr C Infanti</b>
	<u>Proposal:</u>	<b>First floor rear extension. Change of use of shop (Class A1) to Therapy and Fitness Centre (Class D1)</b>
	<u>Ref.No:</u>	<b>09/00102/ 1</b>
	<u>Officer:</u>	<b>Naomi Reynard</b>

**Date of expiry of statutory period** : 18 March 2009

**Reason for Delay**

Negotiations

**Reason for Referral to Committee**

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

**1. Relevant History**

- 1.1 Planning permission was granted on 27th November 2007 for the change of use from commercial storage unit to one 1 bedroom residential unit on first floor with roof terrace garden. External changes including alterations to shopfront.

**2. Policies**

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

Policy 8 - Development in Towns  
Policy 43 – Shopping Areas in Town Centres  
Policy 55 - Car Parking Standards

**2.2 Supplementary Planning Documents**

Royston Town Centre Strategy (June 2008)  
Vehicle Parking Provision at New Developments (January 2006)

**2.3 National Planning Guidance**

Planning Policy Statement 6 – Planning for Town Centres  
Planning Policy Statement 15 – Planning and the historic environment

**3. Representations**

- 3.1 **Planning Policy** - On balance consider that, notwithstanding the policy constraints in the Saved Local Plan Policy 43, and the guidance set out in the Royston Town Centre Strategy, a case could be made for granting this application and that the predominant use of the arcade should be retained primarily for retail use. The proposal meets a key Government objective (identified in Planning Policy Statement 6 - Planning for Town Centres) of enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community.

- 3.2 **Environmental Health** - No objections.

3.3 **Royston Town Council** - No objections.

3.4 **Neighbours/Site Publicity** – No comments received.

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

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

4.1.1 The property is situated within Angel Pavement, which is shopping arcade linking the High Street with Market Hill. The application site is nearer the High Street end of Angel Pavement. The building is currently empty. The property has planning permission for a flat at first floor level. However, this permission has never been implemented. It lies within a Shopping Frontages area as shown on the North Hertfordshire District Local Plan No. 2 with Alterations. It is near the edge of this area. When I carried out my site visit in February 2009, 4 out of the 16 units were empty, there was a café operating without planning permission in another unit and 1 Angel Pavement was being converted into an restaurant/cafe following a recent appeal decision. The inactive frontage occupied by Peacocks at the High Street end of the arcade and the significant proportion of empty properties do not make for an inviting or vital retailing environment.

##### **4.2 Proposal**

4.2.1 The proposal is for the change of use the ground floor and first floor to a therapy and fitness centre for sports injuries, which falls within the D1 Use Class – non-residential institutions. The proposal would also involve a first floor rear extension. The agent provided the following description of the proposed injury clinic:

1. *"Diagnosis and Physiotherapy on sport related injuries.*
  2. *Fitness testing using treadmill and exercise bike with software connected to measure exact fitness.*
  3. *Personal training using treadmill, bike and fitness room.*
  4. *Sports massage therapy for injured and tired muscles.*
  5. *Flotation room with Epsom salts (magnesium sulphate) for accelerated healing of injuries and deep relaxation.*
- There will be no tanning or beautifying methods offered."*

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

4.3.1 The key issues in this case centre on a consideration of Policy 43 (Shopping Areas in Town Centres) of the District Local Plan in light of Planning Policy Guidance 6 (Planning for Town Centres), the Royston Town Centre Strategy and a recent appeal decision at 1 Angel Pavement.

4.3.2 Policy 43 states that ***"within town centre Shopping Areas, the Council will permit development proposals...within Shopping Frontages, normally only if the proposal is for a retail use on the ground floor (A1 Use Class)"***. The supportive text in paragraph 3.5.1 states that: ***"Exceptionally, the addition of a restaurant or similar use (A3 Class) within this core may add to its attractiveness."*** Clearly the proposed use would fail to comply with this policy.

4.3.3 Planning Policy Guidance 6 (Planning for Town Centres) states that: ***"The Government's key objective for town centres is to promote their vitality and viability by...promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all."***

- 4.3.4 The Royston Town Centre Strategy (published June 2008) states that Angel Pavement **“projects a negative image to the health of the overall Town Centre”** and it identifies it as an **“opportunity site”**. These opportunity sites are relatively large sites that are not seen as fulfilling their potential or contributing to the quality of the townscape and the character and appearance of the conservation area. In paragraph 7.22 the Town Centre Strategy states:

**“There is scope to provide an attractive pedestrian arcade with active frontages. Restaurant and café users could be considered towards Market Place that will help to improve the vibrancy of the centre and the pedestrian link between the Market Place and High Street. The predominant use of the arcade should be retained primarily for retail uses.”**

In paragraph 7.24 The Town Centre Strategy goes on to explain:

**“While the emerging Development Policies identifies the existing site within the Primary Shopping frontage, this is subject to further consideration as the Development Policies DPD moves towards Submission Stage. In particular, landowners have suggested re-classifying Angel Pavement as secondary rather than primary shopping frontage. Such a designation would still resist the complete loss of shops from Angel Pavement, but would allow a greater proportion of other complementary uses. Consideration on whether to treat Angel Pavement as primary or secondary will be carried out in the Development Policies and not this document. If the Development Policies do reclassify the parade as secondary shopping frontage, the units which front the High Street should stay primary shopping frontage and the remainder of the site could be considered for a more diverse range of complementary uses whilst ensuring that retail remains the predominant use and accords with the policies in the emerging Development Policies DPD.”**

- 4.3.5 A further material consideration in the determination of this application is the recent appeal decision at 1 Angel Pavement. Planning permission was refused in January 2008 for change of use of ground and first floor from Class A1 (shop) to Class A3 (restaurant/café). The applicant appealed the decision and the appeal was allowed in September 2008. An appeal was dismissed in July 2006 for the change of use of 1 Angel Pavement to an A2 Use (Financial and Professional Services). However, the Inspector for the most recent appeal commented that at the time of the previous appeal that a discount retailer was operating from the appeal premises and Angel Pavement had a high occupancy rate, which is not now the case. Whilst acknowledging the Town Centre Strategy, the Inspector concluded as follows:

**“In the above particular circumstances I consider that it is in the wider interests of trading here and within the spirit of national guidance to allow the greater flexibility sought by the appellant in advance of the Development Policies DPD. The change of use could be permitted without harming the vitality and viability of the centre or setting an undesirable precedent for the Policy 43 frontage more generally.”**

- 4.3.6 In my view the proposed use for a therapy and fitness centre would act as a “destination” and therefore generate footfall, improving the vitality and viability of this part of the town centre. The Town Centre Strategy and the recent appeal decision at 1 Angel Pavement both lend some support to non-retail uses in Angel Pavement, which would increase the vitality and viability of this area, which is undoubtedly in need of improvement. In particular the proposed use would increase daytime footfall to Angel Pavement, the application form stating that the opening hours of the therapy and fitness centre would be between 9am and 5.30pm Monday to Saturday. I do not consider it reasonable to restrict these opening hours, given the town centre location and the lack of residential properties nearby.

- 4.3.7 The grant of planning permission here would allow the building to be used for any use, which falls in the D1 category. This covers non-residential institutions, which include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls, law courts, non-residential education and training centres. The unit would be too small to be practically used for most of these uses in any case, but D1 uses would generate footfall. Thus, in my view it would not be reasonable to restrict the use to that which they have applied for (therapy and fitness centre).
- 4.3.8 It is not generally regarded as good planning practice to revise policies through the determination of applications. However, should Members grant both this application and the application at no. 3 Angel Pavement, which is also being considered at this committee meeting, I acknowledge that it may be difficult to resist other non-retail uses in Angel Pavement. However, each case would be taken on its own merits and the Town Centre Strategy states that “**The predominant use of the arcade should be retained primarily for retail uses.**” Future policies in the Development Plan Document will also provide a framework for future decision making. It is considered that at this time, it would be pragmatic to be more flexible in considering proposed uses in Angel Pavement that will generate footfall, given the current relatively poor trading environment of this arcade. Should planning permission be granted, I am of the view that this would not precipitate changes of use away from retail in shopping frontages elsewhere in the town centre. Indeed, in the appeal decision for 1 Angel Pavement the Inspector states: “**These premises appear to me to be distinguishable from those in the High Street more generally.**”
- 4.3.9 The proposed first floor rear extension would have a flat roof, however would be no higher than the existing building and would be sympathetic in design to the existing building. Whilst the property is in a Conservation Area, the proposed extension would not be highly visible from public views and would not harm the character and appearance of the Conservation Area. The proposed extension would not have any adverse impact on neighbouring properties. Whilst planning permission has also been granted for change of use of first floor to residential with roof terrace garden at 3 Angel Pavement, this permission has not been implemented and there would be no windows serving principal rooms in the rear elevation should it be carried out.
- 4.3.10 The property does not have any allocated car parking spaces, however given its sustainable town centre location close to public car parks and public transport links, there would be no objection to the proposal on grounds of parking provision.

#### **4.4 Conclusion**

- 4.4.1 In conclusion, I would concur with the view reached by the Inspector in relation to 1 Angel Pavement that in the above particular circumstances I consider that it is in the wider interests of trading here and within the spirit of national guidance to allow the greater flexibility sought by the applicant in advance of the Development Policies Development Plan Document. Accordingly, I conclude that the proposed change of use could be permitted without harming the vitality and viability of the centre or setting an undesirable precedent for the Policy 43 frontage more generally. There are also no objections to raise to the proposed first floor rear extension.

## **5. Legal Implications**

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

## **6. Recommendation**

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

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

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

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

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

### **Reason for Decision**

The change of use, hereby permitted, would not harm the vitality and viability of the centre or set an undesirable precedent for the Policy 43 shopping frontage more generally and, as such complies with Planning Policy Statement 6 (Planning for Town Centres). The change of use and extension, 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 8 - Development in Towns

Policy 55 - Car Parking Standards

<b>ITEM NO:</b> 6.7	<u>Location:</u>	<b>Rockells Farm, Green End, Sandon, Buntingford, SG9 ORG</b>
	<u>Applicant:</u>	<b>Mr and Mrs P Wright</b>
	<u>Proposal:</u>	<b>Erection of one four bedroom eco dwelling. Three equestrian/livery buildings and associated facilities following demolition of existing farm buildings. Change of use of agricultural land to equine centre and smallholding</b>
	<u>Ref.No:</u>	<b>08/03029/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

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

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

Site area exceeds 1 hectare

#### **1. Relevant History**

1.1 None

#### **2. Policies**

- 2.1 District Local Plan No 2 - Policy 6 Rural Area beyond the Green Belt
- 2.2 District Local Plan No 2 - Policy 14 Nature Conservation  
District Local Plan No 2 - Policy 16 Archaeological Areas
- 2.3 District Local Plan No 2 - Policy 51 - Development Effects and Planning Gain (SPD Planning Obligations )
- 2.4 East of England Plan - Policy SS1,ENV2, ENV3, ENV5
- 2.5 PPS 7 - Sustainable Development in Rural Areas  
PPS 9 - Biodiversity and Geological Conservation  
PPG 16 - Archaeology and Planning  
PPS 23 - Planning and Pollution Control  
PPS 25 - Development and Flood Risk

#### **3. Representations**

- 3.1 **Herts Biological Records Centre** - objects on the grounds that no survey has been carried out to ascertain the presence of bats.
- 3.2 **Herts County Council** (archaeology) - objects on the grounds that the applicant should provide further information pertaining to the impact of this development before any determination.
- 3.3 **Hertfordshire Highways** - Objects on the grounds of non-demonstration of an adequate access, on-site manoeuvrability and visibility splays.

- 3.4 **Sandon Parish Council** - No objection but raises concerns about potential conflict between cars and horses due to the narrowness of the local roads.
- 3.5 **Environmental Health** - Objects on the grounds that insufficient information has been provided to adequately determine the existence of contamination or to demonstrate that the risk it may pose to human health will be acceptable.
- 3.6 **Herts and Middlesex Wildlife Trust** - No objection subject to conditions
- 3.7 **Environment Agency** - Objects on the grounds that:
- no flood risk assessment has been provided and that the risk is unknown
  - no adequate risk assessment in relation to nature conservation
  - no adequate buffer from the Sandon Tributary
- 3.8 **Herts County Council Countryside Access Officer** - Sandon public footpath 018 bisects the site but no objection is raised provided the applicant liaises with the Access Officer.
- 3.9 **CPRE** - Objects on policy grounds.
- 3.10 **The Rambler Association** - No objection subject to liaison with Herts County Council Access Officer
- 3.11 **Therfield PC** - No objection
- 3.12 **Local Residents** - The occupiers of the following properties in the local area - Hall Garden House, Cedar House, East View, Walnut Farm, Millstead, Harrowdene, Rose Cottage, Green End Farm, The Carriers, Willowdene, Hyde Hall, The Linards, Notley Green, Garden House, Blagrove, Dowsetts, Tichney have all objected for the following range of reasons:
- danger to pedestrians and horse riders
  - excessive traffic on poor roads which are liable to flooding
  - inadequate car parking and turning facilities
  - wind turbine would be harmful to the character of the area
  - increased noise and loss of privacy
  - inappropriate design of buildings in rural area
  - such intensive equestrian use inappropriate in rural area beyond the Green Belt
  - buildings not capable of conversion
  - unsustainable
  - dangerous access
  - little mention of the agricultural activities identified for the site
  - contrary to PPS 7 and local planning policies including poorly made case in functional and financial terms.
  - dwelling not 'exceptional' in PPS 7 terms
  - not viable
  - menage would be excessively intrusive
  - adverse impact on biodiversity including bats and newts
  - the 'Eco' case not made.

The occupiers of The Hoops, Killogs and The Cottage have supported the proposal on the basis that it would serve the needs of a long standing local resident and tidy the site as well as bringing economic benefits to the area. The introduction of more horse traffic would not have a detrimental impact.

- 3.13 **County Land Agent** - That the proposal must accord with the advice in PPS 7 annex A and that a case for one or more competent staff on-site may be made. However, the advice in the annexe requires that financial viability must be proven to support a new dwelling.

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

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

- 4.1.1 Rockells Dairy Farm is located in the hamlet of Green End, Sandon. The existing farm complex includes a modest red brick Victorian farmhouse and an extensive range of dilapidated farm buildings. The farm stands almost at the roadside near the junction of the Sandon road with Beckfield Lane

##### **4.2 Proposal**

- 4.2.1 The proposal seeks permission to re-develop the site (excluding the existing farmhouse) as a small holding with livestock and a livery. The operation would be serviced by three single storey stable / utility buildings measuring some 35m by 9.5m and 6.4m to the ridge. These would be arranged in a parallel terrace with the 35m elevation of the first building facing the road. At the north eastern extremity the last of four new buildings would be a four bed dwelling measuring 27m by 9.5m and 7.2m to ridge. This would be constructed in a similar utilitarian style to the barns. The application states the uses of the barns a being 1.support and storage barn. 2. Main stables 3. Plant room and stables. The stables / buildings are specified in steel with timber cladding and profile steel roofing. A menage is shown to the south east of the site.
- 4.2.2 The scheme is shown to include a wind turbine but no specific details are given for this other than mention in a supporting 'sustain ability statement' containing a number of useful but non-specific ways in which the proposal may be 'greened'. This being the case the inclusion of the turbine must be assumed as illustrative and could be the subject of a condition should permission be granted.
- 4.2.3 The scheme emphasises its 'eco' credentials by showing, illustratively, how carbon savings would be achieved. The Design and Access statement list a number of innovations including the wind turbine, photo voltaic panels, passive ventilation, biomass boiler and rainwater harvesting.
- 4.2.4 The scheme sets out the use of the associated 24 ha of former farmland as being for grazing and small-holder farming.

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

- 4.3.1 This application has been impressively supported by a range of documentation explaining matters ranging from the sustainable technologies which may be employed to the merits of the physical design. However, this proposal must first be set against the relevant policy framework in order to establish its appropriateness as a matter of principle. Accordingly, this report is set out by the following headings:

- Principle and scale of development
- Highway issues
- Design and Landscape
- Biodiversity
- Other Matters
- Conclusion

#### 4.3.2 Principle and scale of Development

The applicant quotes a range of central Government advice in support of the application. However, it is PPS 7 which must be the principal guiding advice. In terms of equine related activity such as this, PPS 7 is broadly supportive and advocates a plan led approach which acknowledges environmental quality and the character of the countryside. In relation to new housing, the PPS is clear that this should only be allowed where an established functional and financial case has been made. The PPS further advises that these tests, particularly the financial viability test, should be proven over time (normally three years) by the provision of temporary accommodation on the site. This scheme would appear to ignore this requirement by proposing a substantial new dwelling from the outset, together with an unproven equine business. Moreover, the farm complex currently includes a substantial farm dwelling which, while it would appear to have been annexed from the proposal, would satisfy the requirement for an on-site dwelling. On this basis I must conclude that the proposal is at odds with the advice in PPS 7 (annex A) and that the new dwelling element can not be supported. This view is also shared by the County Council agricultural advisor.

4.3.3 The applicant makes a sound case for the sustainable nature of such development both in terms its benefits to the local economy, the appearance of the area and the application of eco technologies. I find little in this broad eulogy to disagree with save to suggest that the economic benefits may be overstated. This said I do have concerns about the scale of the development given the unproven viability of the scheme. The applicants argument that the proposal would tidy the site is material but in my view can be attributed little weight.

4.3.4 The applicant does invoke the allowance in PPS 7 for buildings of an exceptional nature in the rural area. However, the PPS is clear on the degree to which such buildings must exceed the ordinary:

***"Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground breaking..."***

(PPS 7, para 11)

I would suggest that while the dwelling proposed is innovative it is far from ground breaking.

#### 4.3.5 Highway issues

The County Highway Authority has been consulted and maintains concerns relating to on-site large vehicle manoeuvrability, inappropriate visibility splays and entrance kerb radii. I share these concerns. The road network in the vicinity of the farm is narrow and prone to flooding (see 'Other Matters' and Env Agency comments) common with many parts of the rural highway network. While it must be acknowledged that a working farm or indeed other rural enterprises have to accommodate large vehicles, and sometimes in significant volume, I would be concerned that little attention appears to have been given to safe access and egress. Moreover, there is the question of traffic volumes associated specifically with this proposal. In this regard I did ask the applicant to provide estimated details of volumes in and out of the site. This has been done and set out as follows as a daily total flow:

	WEEKDAY		WEEKEND	
	inbound	outbound	inbound	outbound
residential	10	10	8	8
equestrian	20	20	17	17

I do not have any reason to disagree with these estimated flows other than to observe that the applicant indicates that two horses would be kept for the enjoyment of the occupiers of the new dwelling and 8 for commercial equestrian purposes. This could be conditioned as a maximum if permission were to be granted and would not, in my view, be excessive compared with other rural enterprises should the applicant demonstrate safe access and egress to and from the site. This said it is noted that the buildings shown in the proposal would be capable of accommodating more than 10 horses. Furthermore, the applicant indicates that he would keep other livestock and there is no clear indication as to what this would be and how and where this would be accommodated.

#### 4.3.6 Design and Landscape

It is clear that the applicant has given some thought to the design of scheme, specifically in the light of Government policy requirements to consider climate change and sustainable building technologies. The architects stated design aim is to create more visual permeability and reduce building mass by 'simplifying' geometry into a more vernacular form. While it is encouraging to note that design has been considered to this level I have to disagree with the view that the layout or, indeed, the buildings would be vernacular in form. The application proposes four regimented barn like structures which would, in my view, give the appearance of an industrial form of agricultural operation such as is common with poultry farming. The uniformity of the layout and the large unrelieved appearance of the buildings would be incongruous in my opinion and while it is acknowledged that the existing site is unsightly, I consider that this site represents an opportunity to enhance the rural character of the area in line with the pronouncements of the East of England Plan.

4.3.7 The Council's landscape officer has been consulted and has expressed concerns about the proximity of the hard surface and turning area to the existing farmhouse and the lack of opportunity for landscaping such that would assist in integrating the proposal into the landscape. I consider that this may not be such a problem if the existing farmhouse were to be part of the scheme. However, its annexation as proposed would create an awkward juxtaposition in my view.

#### 4.3.8 Biodiversity

Representations have been received from the Herts and Middlesex Wildlife Trust and the HBRC. The Trust expresses concern that the adjacent Notley Green Common and Notley Lane wildlife sites be afforded protection from development on this site and to this recommend conditions should permission be granted. Trust also requests the attachment of an Informative. I consider both these requests reasonable should permission be granted.

4.3.9 The HBRC comments on the presence of bats and advises that planning permission should not be granted until a site survey and mitigation strategy (if required) has been submitted to and approved by the Planning Authority. In light of the recommendation on other matters, the absence of a such a survey should, in my view, be an integral part of the reason for refusal.

#### 4.3.10 Other matters

The Environment Agency has recommended refusal on the basis that no flood risk assessment has been provided. Those who know the area will be aware that flooding is a problem on the road near the Beckfield Lane junction and I consider that the absence of an FRA is again a reason for refusal. Similarly, the Council Environmental Health team has requested information on the existence or otherwise of contamination. Similarly, the absence of such information is grounds for refusing planning permission.

4.3.11 The County Council's archaeologist has recommended that pre-determination work needs to be done on the presence or otherwise of archaeological record prior to planning permission being granted. At the time of writing this report the applicant had provided the County Council with a 'Desk Based Assessment'. However, in the absence of any further feedback from the County on this matter I must advise that this be a further grounds for refusal. Clearly, if this situation changes I will update the Committee appropriately.

4.3.12 The application was accompanied by a planning obligation which, at the time of writing this report remained incomplete.

#### 4.4 Conclusion

4.4.1 The re-use of this site for equestrian purposes may be wholly acceptable and in line with national, regional and local policy pronouncements. Such uses are generally regarded as appropriate in the rural area and retain associated land holdings as open in nature and sympathetic to the character of the countryside. If this proposal were to make use of the existing dwelling at Rockells and propose the erection of a more limited range of sympathetically designed and arranged buildings, together with addressing the range of outstanding issues highlighted above, it may be possible to consider another recommendation. However, this is not the case and the submission fails when measured against National Policy guidance and in terms of the supporting information supplied.

### 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 **REFUSED** for the following reasons:

1. The proposed equine enterprise has yet to be established on the site and as such there is no financial information presented such that would demonstrate the long term viability of the new business and justify the associated new dwelling in an area of rural restraint. Accordingly, the proposal is contrary to the advice in PPS 7 Annex A and Policy 6 of the District Local Plan No 2 with Alterations.

2. The proposed equestrian buildings by reason of their scale, layout, design and the unproven viability of the proposed enterprise, are considered inappropriate, unsustainable and alien to the general character of the countryside in this part of the rural area beyond the Green Belt, contrary to the advice in PPS 7, Policy ENV2 of the East of England Plan and Policy 6 of the District Local Plan with Alterations.
3. In the Council's view the applicant has failed to make a case that the proposed dwelling is ground breaking, outstanding or exceptional. It is therefore considered that it would fail to comply with the exception for new dwellings set out in paragraph 11 of PPS 7.
4. The applicant has failed to demonstrate that the proposed new access and on-site turning area would be safe and capable of facilitating safe access and egress to and from the County Highway.
5. The applicant has failed to provide sufficient information such that would satisfy the Local Planning Authority that the development would not have an adverse impact on the archaeological record contrary to the advice in PPG16 and Policy 16 of the District Local Plan No 2 with Alterations.
6. The applicant has failed to provide sufficient information such that would satisfy the Local Planning Authority that the development would not have an adverse impact on presence of a protected species (bats) and nature conservation generally contrary to the advice in PPS 9 and Policy 14 of the District Local Plan No 2 with Alterations.
7. The applicant has failed to submit a Flood Risk Assessment (FRA) such that would satisfy the Local Planning Authority that the development would not have an adverse impact on the risk of flooding in the locality. Accordingly, the proposal is deemed contrary to the advice in PPS25.
8. The applicant has failed to provide an adequate buffer zone with the Sandon Tributary such that would ensure that the proposal would not have a negative impact on biodiversity in the area and the presence of natural networks and linked habitat corridors contrary to the advice in PPS9 and Policy 14 of the District Local Plan No2 with Alterations.
9. The applicant has failed to submit a Phase 1 Environmental Risk Assessment report such that would adequately determine the presence of contamination or to demonstrate that the risk to human health would be acceptable. Accordingly the proposal is deemed contrary to the advice in PPS 23.

<b>ITEM NO:</b> 6.8	<u>Location:</u>	<b>Land to north and west of Putteridge Bury estate road, Putteridge Park, Offley, LU2 8HJ</b>
	<u>Applicant:</u>	<b>Mr T Pearson Luton Borough Council</b>
	<u>Proposal:</u>	<b>Change of use of agricultural land to playing fields and associated landscape areas.</b>
	<u>Ref.No:</u>	<b>08/02926/ 1</b>
	<u>Officer:</u>	<b>John Chapman</b>

**Date of expiry of statutory period** : 13 March 2009

**Reason for Delay** (if applicable)

Committee Cycle

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

The site area exceeds 1 hectare

## **1. Relevant History**

- 1.1 Permission granted (app no E/5108 - 72) in May 1973 for school playing fields on the western part of the application site. The approved plan indicates the site would have extended to 500 feet (152 metres) in width and over 927 feet (280 metres) in depth and had an overall site area of 10 acres (4.05 hectares). However, it should be noted that this permission was granted prior to Putteridge Bury Park and Garden being registered by English Heritage as being of special interest, which occurred over 14 years later.

Permission granted in 1974 for the school playing fields, located to the south of the walled Historic Park and Garden, which are presently used by Putteridge High School.

## **2. Policies**

### **2.1 Government Policy Advice.**

PPG 2 - Green Belts.  
 PPS 7 - Sustainable Development in Rural Areas.  
 PPS9 - Biodiversity and Geological Conservation.  
 PPG 15 - Planning and the Historic Environment.  
 PPG 17 - Planning for Open Space, Sport and Recreation.  
 PPG 24 - Planning and Noise.

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

Policy 2 - Green Belt.  
 Policy 14 - Nature Conservation.  
 Policy 19 - Historic Parks and Gardens.  
 Policy 39 - Leisure Uses.

### **3. Representations**

- 3.1 **Offley Parish Council** - " objects to this planning application. They consider it an incorrect use of the green belt and encroachment onto Hertfordshire countryside by Luton Borough Council. "
- 3.2 **Lilley Parish Council** - " object to the proposal as there would be an increase in traffic as it is likely to be used for the community as well as the school and this would have a big impact on the rural area. "
- 3.3 **The Garden History Society** - " The Garden History Society objects most strongly to this proposal. Playing fields are of a very different appearance to ornamental parkland, usually involving the introduction of a new type of grass or at least mowing regime and other features such as markings, new planting, fencing, lighting, storage and access. Their introduction within the setting of a historic landscape must therefore be considered very seriously. In this case, these proposed playing fields would be actually within the Registered boundary of Putteridge Bury's designed landscape and therefore there is no doubt that they would fundamentally and detrimentally alter this important historic asset. We appreciate that the area is currently inappropriately managed as agricultural land (it was planted with broad beans when we visited in 2008) but this problem will not be helped by a change of use to playing fields. The Garden History Society urges you to reject this most ill-advised parcelling-off of an intrinsic part of Putteridge Bury. "
- 3.4 **The Hertfordshire Gardens Trust** - " We are strongly opposed to this development in what is a park of national significance.....The original appearance was of course ornamental parkland and whilst this has undergone change over the years so that today there is unfortunately a considerable degree of farmland, to now turn it into an area with functional grass, fencing - including spiked metal fencing - storage structures and permanent access routes would introduce features within the registered boundary which would destroy forever this nationally important historic asset. "
- 3.5 **Herts CC (Head of Transportation Policy and Planning)** - " The applicant has stated that there is no additional parking spaces associated with this development consequently there would be no increase to the traffic generation and vehicle movements. Therefore Hertfordshire County Council as Highway Authority considers that the proposed development does not significantly affect any of the surrounding highway network in terms of vehicle movements and does not wish to restrict the grant of permission on highway grounds. "
- 3.6 **Sport England** - " The proposal would address the schools need for accessible playing fields in view of the fact that all of the schools natural turf pitches are currently provided on a detached playing field about 0.5km to the south of the school off Selsey Drive. In Sport England's experience, detached school playing fields are generally undesirable as the delivery of a schools PE curriculum can be adversely affected by the loss of teaching time associated with pupils travelling to a detached site and the safety implications associated with off-site travel. School's with detached playing fields generally deliver more of their PE curriculum in indoor spaces or outdoor all weather surfaces on the school's main site rather than detached natural turf playing fields, which are more suitable for many of the most popular sports due to the problems that detached playing fields can present. The school's justification for providing new playing fields adjoining the school site in appendix 3 of the submitted design and access statement is considered to be sound.....Planning Policy Objective 7 of Sport England's Planning for Sport and Active Recreation: Objectives and Opportunities document (September 2005),

supports the development of new facilities that will secure opportunities to take part in sport. As the proposal would clearly meet this objective, Sport England would support the principle of this planning application. I can advise that the Football Association has also confirmed its support for the principle of the development, due to the need for additional community football pitch provision in Luton. "

3.7 **Natural England** - " no comment."

3.8 **Hertfordshire Biological Records Centre** - "The LPA should fulfil its **duty** on biodiversity issues under Section 40(1) of the *Natural Environment & Rural Communities Act 2006*, Regulation 3(4) of *The Conservation (Natural Habitats &c. Regulations 1994* and Section 74 of the *Countryside & Rights of Way Act 2000* to ensure that the potential impact of development on species and habitats of **principal importance** (BAP) is addressed.

If your Council choose to grant planning permission, the applicant should be informed that this does not absolve them from complying with the relevant law protecting species of wild birds.

We recommend that the following are attached as conditions:

1. All works, including vehicle movements, materials and waste, are kept strictly within the curtilage of the proposed development site.
2. Cultivation of the proposed playing field should only be conducted during the autumn-winter months (September-February) to protect breeding birds."

3.9 **Environmental Health** - to be reported.

3.10 **Local residents/Site/Press Notice publicity** - the occupiers of 1, 2, 3, 7, 9, 11, 12, 15 & 16, as well as the owner of 4, Home Farm Court ; 2, 3, 4, 6 & 8, West Lodge, 1 Garden Cottage, The Garden House, Calders Cottage and 104 Mangrove Lodge, Putteridge Park ; " Chatsworth " and " Rosemary ", Mangrove Road, Cockernhoe ; " Byfields ", East St and 33, West St, Lilley ; 9, Middleton Road, 2, Rogate Road, 7 Collingtree and 57, Wigmore Lane, Luton ; and 21, Maidensfield, Welwyn Garden City have objected to this application on the following grounds:

- Development is contrary to Green Belt policy
- Development is contrary to the development plan and totally unsuitable in a historic park and garden.
- Concerns over access to the site by pedestrians, cars and coaches, together with increased traffic the use would generate.
- The area designated "Carrier Access to Parkland" would create a secluded area for joy riders and unwanted, antisocial visitors to congregate.
- Harmful effect of development on setting of listed buildings at Home Farm Court.
- The rural character of the locality would be urbanised.
- Luton Borough Council should not develop on Hertfordshire land.
- Concern that the removal of agricultural status from this land would leave it vulnerable to future development of a kind even more disruptive and destructive than that currently proposed.
- This is yet another attempt by Luton Borough Council to annexe this part of North Herts to enable it to achieve its longer term plan for 5000+ houses plus a by - pass.
- Fencing of the site is inappropriate.
- Litter, lighting and public safety problems.

- This application does not take into account the impact that hundreds of screaming children will have on the environment, wildlife and also neighbouring residents.
- Impact of development upon wildlife.
- Putteridge High School has a playing field only 500 metres away, which is not far. This gives the children good exercise which they do not get enough of these days.
- Why does Putteridge High School need another sportsfield when they already have one ?
- If planning permission is granted for this change of use what is intended for the current playing field ?
- Misleading statements and errors with submitted application.

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

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

4.1.1 The application site consists of an area of land used for agricultural purposes with a small woodland at its north eastern corner. To the south of the woodland and extending roughly on an east - west axis across the middle of the site are 5 trees. To the west of the site is woodland known as Great Hayes Wood, to the north of the site is open agricultural land and the residential curtilages of 1 & 2 Garden Cottage (Houses), to the east is the Putteridgebury estate road beyond which is the residential dwelling and curtilage of a bungalow, known as Shooters Lodge, and dwellings and residential properties within the Home Farm Court complex. To the south of the Home Farm Court dwellings is a pond and to the south of the estate road, which forms part of the southern boundary of the site, is a belt of trees planted in the last 5/10 years which screens agricultural land to the south.

##### **4.2 Proposal**

4.2.1 This application seeks permission to change the use agricultural land to playing fields with associated landscaping areas. The land has a site area of 11.9 hectares (29.4 acres) and is framed by the Putteridgebury estate road to its south and eastern boundaries, the southern part of Great Hayes Wood (which is within the administrative area of Luton Borough Council) to its western boundary and a line extending from the northern boundaries of 1 & 2 Garden Cottage (Houses) to the wider part of Great Hayes Wood to its northern boundary.

4.2.2 The plans indicate that the site would be enclosed adjacent to the estate road by metal spike fencing (which the submitted Design and Access Statement describes as being approximately 1.35 metres in height and made of closely set spiked half round, 8 cm timbers (from coppicing) attached to two horizontal rails which notch into spiked posts). The site is also shown to be sub-divided between the playing fields and grazing area with 1 metre high metal park fencing with horizontal rails. Access for maintenance of the playing fields area would be situated approximately 40 metres to the east of 8 West Lodge, with the access to the grazing area being to the north of 1 and 2, Garden Cottage (Houses). The gates to provide access to the two areas are stated as being of a similar design to the fencing.

4.2.3 Car parking to serve the proposed playing fields would be provided at the school with pedestrian access to the playing field being via new footpath links which would be formed within Great Hayes Wood. However, this work would be carried out on land within the administrative boundary of Luton Borough Council and therefore does not form part of this application.

### 4.3 Key Issues

- 4.3.1 The key issues to the determination of this application relate to Green Belt policy, the acceptability of the proposals to the character and appearance of the Historic Park and Garden and the setting of nearby listed buildings at Home Farm Court, highway issues, wildlife matters, noise and the impact of the development upon the residential amenities of neighbouring dwellings.
- 4.3.2 With regard to the first issue Government advice in PPG 2 accepts that uses of land which would preserve their openness are acceptable. The use of land for sport and recreational purposes satisfies this policy criteria and therefore, as a matter of principle, it is not considered that a Green Belt objection to the proposed use could be substantiated. Nevertheless, I do have reservations with regard to the fencing of the site but consider this could only be reasonably defended in terms of its adverse impact upon the character and appearance of the Historic Park and Garden, given that the land could presently be fenced, under "permitted development" rights, without the need for planning permission.
- 4.3.3 Turning to the second issue members will note the comments from The Garden History Society and Hertfordshire Garden Trust. These comments were made known to the applicants and as a result they commented that the design prepared by their Park and Garden Conservation consultants "recognises that the opportunity exists to reduce the aggressive agricultural use and begin to restore the historic park landscape. The scheme takes its inspiration from the landscape structure represented by the 1884 O. S. plan." Their full response to the views of the Garden History are reproduced as Appendix 1 to this report.
- 4.3.4 Whilst I do not anticipate these comments are likely to persuade The Garden History Society to change their recommendation I have made them aware of this information and requested they send their written response, relating to the points raised, so these may be reported orally to the Committee. However, based on previous conversations with their representative I consider the Garden History Society are likely to maintain their objection. Given this scenario, and the expertise they have with regard to Historic Parks and Gardens matters, I have no reason to question their views and therefore would support the objections they have raised. Consultation with the Council's Principal Conservation Officer upon the application has not led her to conclude that the proposed use of the land would harm the setting of the listed buildings. However, she does support the objection raised to the fencing of the site, which she considers would be inappropriate as it would not respect the uninterrupted open character of this part of the park.
- 4.3.5 On highway matters consultations have taken place with the Highway Authority who, notwithstanding the concerns raised by local residents, do not consider the proposed use would give rise to any materially greater traffic movements or highway dangers so as to support any objection on this ground. In the absence of any expertise to challenge their view, which could be supported on any possible subsequent appeal should permission be refused, there is no basis for the Local Planning Authority to reach a different conclusion on this aspect of the application. With regard to wildlife matters consultations have taken place with both Natural
- 4.3.6 England and Hertfordshire Biological Records Centre. members will note that neither body considers that the wildlife issues relating to this site raise any objections as a matter of principle. However, Hertfordshire Biological Records Centre have recommended that two conditions be imposed, in the event that the Council were to grant planning permission, to safeguard nesting birds. Any issue relating to bats roosting in Great Hayes Wood would need to be addressed as part of any application relating to the proposed footpaths that would be dealt with by Luton Borough Council.

4.3.7 The issue of noise has raised objection from Environmental Health which I understand is likely to lead them to recommend that permission be refused. However, at the time of preparing this report I am still seeking clarification from them as to the exact wording of the likely reason for refusal and will therefore update members on this matter at the meeting.

4.3.8 Finally, with regard to the residential amenity of neighbouring properties I have noted the concerns that have been raised but do not consider they are of sufficient weight so as to justify refusal, given the points which local residents consider would cause harm to the amenity they presently enjoy, so as to substantiate valid planning grounds for refusing permission.

#### 4.4 **Conclusion**

4.4.1 Whilst I note the support of Sport England to the proposed development, as well as the lack of any highway objection to this application, I consider that the objections raised by the Garden History Society and the Hertfordshire Gardens Trust relating to the adverse impact of the development upon the Historic Park and Garden and the response received from Environmental Health to noise issues are of greater weight in the determination of this application. As a result I consider there is a sustainable planning reasons for refusing permission to the proposed development. In addition, it seems likely that a further reason for refusal relating to noise issues will be recommended by Environmental Health and will update members on this aspect at the meeting.

### **5. Legal Implications**

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

### **6. Recommendation**

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

1. The proposed development would fail to protect the value of the special historic interest of Putteridge Bury Park and Garden, contrary to Policy 19 of the North Hertfordshire District Local Plan No 2 with Alterations and advice at paragraph 2.24 of PPG 15 (Planning and the Historic Environment).

<b>ITEM NO:</b> <u>6.9</u>	<u>Location:</u>	<b>Parsonage Farm, Kings Walden, Hitchin, SG4 8LF</b>
	<u>Applicant:</u>	<b>Mr R Pilkington</b>
	<u>Proposal:</u>	<b>Two storey side extension following demolition of single storey side extension. Single storey rear link to existing barn following demolition of two storey flat roof rear projection. Enclosure of rear entrance lobby, replacement of existing kitchen window, internal door alterations and insertion of three sets of french windows and one window into outbuilding. Demolition of rear chimney stack and chimney flue to rear roof slope (as amended by plan received 13.2.09).</b>
	<u>Ref.No:</u>	<b>08/02970/ 1LB</b>
	<u>Officer:</u>	<b>John Chapman</b>

**Date of expiry of statutory period :** 18 March 2009

**Reason for Delay** (if applicable)

Committee cycle

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

Officer recommendation contrary to statutory consultee.

**1. Relevant History**

1.1 None

**2. Policies**

2.1 Government Policy Advice.

PPG 15 - Planning and the Historic Environment.

**3. Representations**

3.1 **Kings Walden Parish Council** - no comments received.

3.2 **The Society for the Protection of Ancient Buildings** - " We are concerned about the design, form and massing of the proposed two-storey extension and feel that its erection has not been justified by the current application. The two-storey, pitched roof form of the proposed extension upsets the balance of both the front and rear facades of this important early farmhouse. The new extension allows limited extra living space on the ground floor. The second storey provides only one extra bedroom with en-suite bathroom and we do not see that this justifies the extension's proposed height. The treatment of the fenestration and door opening on the east elevation of the proposed extension resemble that of a principal facade. This is inappropriate and confuses and detracts from the main facade of the existing building. The Design and Access Statement states that " the extension reflects and in fact copies exactly the style of the existing house". While we feel an extension to a listed building should be sympathetic to the existing building we do

not condone the creation of a pastiche such as this. An extension designed to be subservient to, and not to imitate the existing house, would be preferable; one that is honest and can be clearly read as an architectural expression of our time and not as original to the farmhouse. We would hope that the application be refused in its present form so that the design of the extension can be reconsidered."

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

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

4.1.1 The application site is located in a relatively remote location to the east of the hamlet of Ley Green. It has a large curtilage to the front of the dwelling whilst to the rear are agricultural buildings which largely screen the property from views from the north. The main road from Breachwood Green to Preston runs along the south west and north west boundaries of the property.

##### **4.2 Proposal**

4.2.1 This application seeks consent for the development, as described above.

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

4.3.1 The key issue to the determination of this application is whether the proposals are acceptable in terms of their impact upon the character and appearance of the listed building.

4.3.2 In this respect members will note the comments, set out under representations, received from the Society for the Protection of Ancient Buildings (SPAB) relating to the two storey side extension which has led to this application being reported to this Committee.

4.3.3 Having regard to their comments a response from the Council's Principal Conservation Officer was sought. In reply she states that the current H - plan of the building is not a single historic build so as a vernacular building it does not have the overriding importance for respecting the age, character and development of the house as it currently appears. She further states that the form of the two storey side extension follows historic precedents whereby, in the past, large H - plan vernacular and grander buildings received additional wings in the manner proposed here. She considers that, in a sense, this can be seen as gentrification (in historic terms) of a house and this is what is proposed for Parsonage Farmhouse. No longer a working farmhouse, it is becoming a small country house. On this basis she concludes that Parsonage Farmhouse is able to accommodate this form of development and in this regard is acceptable in listed building terms.

4.3.4 In response to criticisms from SPAB to the size and character of internal rooms she does not feel the proposals would raise any conflict with the existing building. The new ground floor rooms are considered to be comparable in size and proportions with existing historic rooms in the building. The historic cross wing to the west end of the house also has similar accommodation to that proposed for the two storey extension. In her opinion a scaled down additional wing could appear visually awkward whilst the proposed two storey extension would clearly be seen as a subsidiary addition. On this basis she sees no grounds for reducing the size of the extension as SPAB suggests.

4.3.5 Turning to the comments raised by SPAB to the proposed treatment of the east elevation the Principal Conservation Officer does not support the view that the doorway and its modest size could be seen as competing with the character of the south elevation as the main front of the house, particularly as the two elevations would not be read together. On entering the site the south elevation would remain as the predominant frontage and the new east elevation would be seen in its own context by anyone moving around the building.

4.3.6 With regard to the other elements of this application these are all considered to be uncontroversial and acceptable.

#### 4.4 **Conclusion**

4.4.1 For the reasons set out above, which take into account the views received from the Society for the Protection of Ancient Buildings, I consider that listed building consent should be granted to this application.

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

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

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No demolition shall take place until the developer has secured the implementation of a programme of archaeological recording of the standing historic building, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The historic building is of intrinsic archaeological interest and therefore should be recorded before any demolition of the historic structure.

3. Details and/or samples of materials to be used on all external elevations (to include the stain for the windows in the barn) 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. Thereafter 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 listed building.

4. Prior to the commencement of the development, hereby permitted, detailed drawings to show the appearance of the roof edge with the single storey rear link extension and all new doors (including internal ones) and windows shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details 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 listed building.

5. Prior to the insertion of the french windows in the south elevation of the outbuilding detailed drawings to show the surround for this opening, to include how the jambs of the doors will tie in to the flintwork, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details 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 listed building.

#### **Reason for Decision**

The proposed development and demolition, hereby granted consent, would have no adverse impact upon the character or appearance of the listed building and as such, complies with the following Government Policy Advice:

PPG 15 - Planning and the Historic Environment.

<b>ITEM NO:</b> 6.10	<u>Location:</u>	<b>Parsonage Farm, Kings Walden, Hitchin, SG4 8LF</b>
	<u>Applicant:</u>	<b>Mr R Pilkington</b>
	<u>Proposal:</u>	<b>Two storey side extension following demolition of single storey side extension. Single storey rear link to existing barn following demolition of two storey flat roof rear projection (as amended by plan received 13.2.09).</b>
	<u>Ref.No:</u>	<b>08/02969/ 1HH</b>
	<u>Officer:</u>	<b>John Chapman</b>

**Date of expiry of statutory period :** 18 February 2009

**Reason for Delay** (if applicable)

Committee cycle

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

Objection from statutory consultee, to concurrent listed building application, contrary to officer recommendation.

**1. Relevant History**

1.1 None

**2. Policies**

**2.1 Government Policy Advice**

PPG 15 - Planning and the Historic Environment.

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

Policy 6 - Rural Area Beyond the Green Belt

Policy 28 - House Extensions

Policy 30 - Replacement or Extension of Dwellings in the Countryside.

**3. Representations**

3.1 **Kings Walden Parish Council** - no comment received.

**4. Planning Considerations**

**4.1 Site & Surroundings**

4.1.1 The application site is located in a relatively remote location to the east of the hamlet of Ley Green. It has a large curtilage to the front of the dwelling whilst to the rear are agricultural buildings which largely screen the property from views from the north. The main road from Breachwood Green to Preston runs along the south west and north west boundaries of the property.

## 4.2 **Proposal**

4.2.1 This application seeks permission for the development, as described above.

## 4.3 **Key Issues**

4.3.1 The key issues to the determination of this application are whether the proposed development is acceptable in terms of its impact upon the character and appearance of the listed building and the visual amenity of the locality.

4.3.2 With regard to the first issue this is set out in detail in the concurrent listed building application, which is the subject of the previous report on the Committee agenda. Having regard to my recommendation upon that application I consider there is no basis for objecting to the proposals insofar as the impact of the development upon the character and appearance of the listed building is concerned.

4.3.3 Turning to the second issue the single storey rear extension, due to its position, size and relationship with the agricultural buildings to the north, would result in this element of the scheme having very little impact upon the visual amenity of the locality. The two storey side extension would have a greater impact but, due to the distance that the dwelling is set back from the frontage of the site and because it would not extend beyond the front and rear wall of the property, it would have no significant impact upon public views from the nearby road. The loss of the small flat roof area and removal of the oil tank, and the platform on which it is sited, which would result should the side extension be built are also to be welcomed in visual amenity terms.

4.3.4 Having regard to the above I consider the proposal satisfies Policies 28 and 30 of the District Local Plan and would result in no significant harm to the visual amenity of the locality.

## 4.4 **Conclusion**

4.4.1 The proposed development would not harm the character or appearance of the listed building or the visual amenity of the locality and it is therefore considered appropriate to grant permission to this application.

## **5. Legal Implications**

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

## **6. Recommendation**

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

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

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

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

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

**Reason for Decision**

The proposed development would not harm the character or appearance of the listed building or the visual amenity of the locality and, as such, complies with Government policy advice and the relevant provisions of the development plan, as summarised below:

Government Policy Advice

PPG 15 - Planning and the Historic Environment.

North Hertfordshire District Local Plan No 2 with Alterations.

Policy 6 - Rural Area Beyond the Green Belt

Policy 28 - House Extensions

Policy 30 - Replacement or Extension of Dwellings in the Countryside.

<b>ITEM NO:</b> 6.11	<u>Location:</u>	<b>Part Of Alleyfield Adjacent To, Chambers Lane, Ickleford, Hitchin</b>
	<u>Applicant:</u>	<b>Mrs K Henshaw Ickleford Parish Council</b>
	<u>Proposal:</u>	<b>Change of use of agricultural land to burial ground (cemetery) with access via existing Sports Club entrance, off Chambers Lane, Ickleford (variation of planning ref 08/00161/1 granted permission 25/04/08)</b>
	<u>Ref.No:</u>	<b>08/02064/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

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

**Reason for Delay** (if applicable)

N/A

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

The site area exceeds 1 hectare

### **1. Relevant History**

- 1.1 Application ref: 08/00161/1 for the change of use of agricultural land to burial ground (cemetery) and formation of new vehicular access from Chambers Lane, approved 25/4/08.

### **2. Policies**

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

Planning Policy Statement 1: Sustainable Development  
 Planning Policy Guidance Note 2 (PPG) 2: Green Belts  
 Planning Policy Statement 7: Sustainable Development in Rural Areas  
 Planning Policy Statement 9: Biodiversity and Geological Conservation  
 Planning Policy Guidance 16: Archaeology and Planning

#### **2.2 East of England Plan 2008**

Policy SS1: Achieving Sustainable Development

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

Policy 2: Green Belt  
 Policy 16: Areas of Archaeological Significance and other Archaeological Areas  
 Policy 24: Agricultural and Forestry Land  
 Policy 55: Car Parking Standards

### **3. Representations**

- 3.1 **Environment Agency:** No objections subject to conditions.
- 3.2 **Hertfordshire Highways:** Recommends the attachment of conditions
- 3.3 **Hertfordshire County Council Archaeologist:** Recommends a standard archaeological condition
- 3.4 **Hertfordshire County Council (Rural Estate):** Does not wish to make any particular comments.
- 3.5 **Site Notice/Adjoining occupiers:** No representations have been received.

### **4. Planning Considerations**

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

- 4.1.1 The application site comprises 4.3 acres of set-a-side land following former arable use located north of Chambers Lane, Ickleford. The site which is relatively flat is bordered by public footpaths Nos. 5, 11 and 12 and is located east of the Ickleford Sports Club and recreation ground. The field consists of a grass sward of 10cm - 15cm in height and the field is bordered by an area of scrub to the south and a hedge and trees to the west. Aspects are open to the north (arable field) and to the north-east (the main part of Alley Field, also in set-a-side). The southern part of the application site involves an existing unmade car park on the north side of Chambers Lane which serves both the Sports Club and the recreation ground.
- 4.1.2 The application lies to the north of residential properties on the south side of Chambers Lane and is on higher ground there being a gentle gradient down to Chambers Lane from the recreation ground and Alleyfield. The whole of the site is within the Green Belt.
- 4.1.3 The majority of the site (Alleyfield) is in the private ownership of Mrs Dorothy Parker of Westmill Lane, Ickleford. The access from Chambers Lane and car park is owned by the County Council.

#### **4.2 Proposal**

- 4.2.1 This application follows the approval of planning permission in April 2008 for the change of use of Alleyfield to a burial ground (ref: 08/02064/1). This proposal seeks a variation of the permission to alter the access details so that vehicular access to the site is through an existing vehicular access off Chambers Lane rather than the creation of a new access as permitted with the previous application.

#### **4.3 Key Issues**

- 4.3.1 As the principle of the use has been established with the previous grant of planning permission the only issues are the detail of the revised access arrangements and the impact on the public footpath network.
- 4.3.2 In visual terms the proposed access arrangements will be far less intrusive than previously proposed in that use will be made of the existing vehicular access off Chambers Lane rather than the creation of a new access thus retaining the existing hedgerow along Chambers Lane and preserving the amenity of residents living opposite the site. In addition, the proposal includes the enhancement of the current overspill car park for the sports club through re-surfacing and marked out bays.

- 4.3.3 In terms of the impact on public footpaths previously the Countryside Access officer had raised no fundamental objection to the development. It is recommended however that the same condition that was attached to the previous application requiring details of the access road as it affects the footpaths is also attached if permission is granted. Any necessary diversions (temporary or permanent) to the route of the public footpaths can be dealt with under the Town and Country Planning Act.
- 4.3.4 The proposed development includes a turning area within the lower part of Alleyfield in order to accommodate a hearse. This turning area within the burial ground site is considered necessary for operational and safety reasons. The Highway Authority does not raise any objections to the proposed turning area or access arrangements and considers that visibility splays across the public footpath can be achieved and concludes that the proposal would not have an unreasonable impact on pedestrian safety and the operation of the adjoining highways.
- 4.3.5 The proposals include a new access gate into the burial ground and a section of boundary wall. There is no objection in principle to these items although details will be required.
- 4.3.6 The applicant proposes that 16 parking spaces are re-provided within the existing car park once it has been re-surfaced. Planning permission would be required for any further parking spaces within the burial ground itself however it seems practical to upgrade the existing car park rather than provide further car parking at this stage. As the proposed use is likely to be a low intensity use and infrequent and given the accessible location close to the village I can see no sustainable objections to the application in relation to car parking provision.

#### 4.4 **Conclusion**

- 4.4.1 The Local Planning Authority has previously granted permission for a burial ground on this site and the revised access and car parking details, taking into account the comments of the Highway Authority, are considered acceptable.

### **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. **Details of any walls gates, fences and signage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use.**

**Reason: In the interests of visual amenity.**

3. **Prior to the commencement of the development hereby approved details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

**Reason: To ensure satisfactory landscaping of the site in the interests of the visual amenities of the locality.**

4. **No ground preparation works, hedge/scrub removal, tree pruning, visibility splay and vehicular access works shall be carried out between 1st March and 30th September, inclusive in any year.**

**Reason: To minimise disturbance to breeding birds.**

5. **Notwithstanding the details shown on the submitted drawings and prior to the commencement of the use and works hereby permitted, further details of the vehicular access to the site from Chambers Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall include measures to incorporate the route of the adjacent public footpaths within the access road. The development shall be carried out in accordance with the approved scheme.**

**Reason: To ensure an appropriately designed access given the rural location and to take account of potential conflict with users of the public footpaths in the vicinity of the site.**

6. **No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: The site lies within an area of known archaeological interest and any archaeological remains therein should be retrieved or recorded before they are damaged or destroyed due to the development hereby permitted.**

7. **Before any works of construction commence on the development hereby permitted, details of the location and type of all exterior lighting shall be submitted to and agreed, by the Local Planning Authority.**

**Reason: In order to ensure that the glare and spillage of light does not adversely affect the amenities of residential properties to the south of the application site.**

8. **The use hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Tier 1 Feasibility Study carried out by Cemetery Development Services (25th October 2004).**

**Reason: To ensure that the risk to controlled waters is minimised**

9. No burials shall take place within 250 metres of any well or borehole, within 30 metres of any watercourse or spring, within 10 metres of any field drain or in saturated ground.

Reason: To prevent the pollution of groundwater and surface water from the decomposition of human remains.

10. Before the development 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 vehicle access road where it crosses the public footpath. They shall be measured from the point where the edges of the access road cross the public footpath, 2 metres into the site and 2 metres along the highway boundary therefore forming a triangular visibility splay within which there shall be not obstruction to visibility between 600mm and 2.0 metres above the footpath level.

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

11. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles has been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

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

12. The development shall not be brought into use until a properly consolidated and surfaced access road as identified on the approved drawing has been provided.

Reason: To prevent the erosion of the public footpath in the interests of highway safety

13. Any gates provided shall be set back a minimum of 5 metres from the edge of the adjacent sport centre access road/back of the public footpath and shall open inwards into the site.

Reason: To allow a vehicle to wait clear of the adjacent sport centre access road/back of the public footpath while the gates are being operated.

14. Prior to the first use the proposed 16 parking spaces shall be provided within the re-surfaced sports centre/recreation ground car park. The spaces shall be appropriately marked out at 2.4 metres wide x 4.8 metres in length and there shall be a distance of at least 6 metres between them. The parking facilities shall be kept permanently retained thereafter.

Reason: To ensure that adequate on-site parking is provided and in the interest of pedestrian and vehicular safety.

#### **Reason for Decision**

The use of the land hereby permitted is acceptable in terms of planning policy and would have limited impact on local residents, local ecology and the highway network and is unlikely, given the technical report submitted and the comments of the Environment Agency to lead to any pollution of controlled waters. As such, the proposal is considered to be in accordance with the following development plan policies:

#### **East of England Plan 2008**

Policy SS1: Achieving Sustainable Development

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

Policy 2: Green Belt

Policy 16: Areas of Archaeological Significance and other Archaeological Areas

Policy 24: Agricultural and Forestry Land

Policy 55: Car Parking Standards

<b>ITEM NO:</b> <u>6.12</u>	<u>Location:</u>	<b>Land at junction of Southfields and Eastern Way, Letchworth.</b>
	<u>Proposal:</u>	<b>Swap-out of 9m lamp post with 12.5m dual purpose telecommunications lamp post with integrated antenna and associated radio equipment cabinet.</b>
	<u>Ref.No:</u>	<b>09/00276/ 1TD</b>

**This report was under preparation at the time the agenda went to print and will be published as soon as possible.**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**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: 19 March 2009****PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
North Herts Homes	2 March 2009	Development of six affordable houses comprising four 2 bedroom and two 3 bedroom dwellings. Associated parking, access and ancillary works, as amended by plans received 27/10/2008	Land corner of Dark Lane and Payne End (adjacent to 27 Dark Lane), Sandon	08/01097/1	Written Representations

**The following hearings are provisionally scheduled up until 20 April 2009**

<b>APPELLANT</b>	<b>Hearing Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>
Mr D Stokes	26 March 2009*	Detached agricultural worker's dwelling and detached garage (outline: layout, scale, appearance and landscaping reserved)	Land at Highfield Farm, Burrs Lane, Barkway	08/00270/1

**\* Please note revised hearing date**

**PLANNING CONTROL COMMITTEE****DATE: 19 March 2009****PLANNING APPEAL DECISIONS**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr Bird	Detached single storey garden building to provide self contained accommodation for dependent relative	Bewlay, Slip End, Baldock	08/1420/1HH	Appeal Allowed On 05 February 2009	Delegated	The Inspector concluded that that Condition 5 (removal of permitted development rights) was not reasonable and did not satisfy the relevant test of Circular 11/95: Use of conditions in planning permission.
Primesight	Erection of 1 internally illuminated free-standing advertisement display	Service Station, Bedford Road, Ickleford	08/01568/1AD	Appeal Dismissed On 24 February 2009	Delegated	The Inspector agreed that the proposal would be detrimental to the character and appearance of the site and its surroundings.
Mr P Chambers	Erection of two 3-bedroom semi-detached dwellings with provision of 4 car parking spaces and creation of vehicular access from The Chilterns	Land rear of 26 & 28 Wymondley Road and adjacent to, 24 The Chilterns, Hitchin	08/01003/1	Appeal Allowed On 25 February 2009	Delegated	The Inspector concluded that the development would not cause significant harm to the living conditions at neighbouring properties and that the proposal did not represent an overdevelopment of the site.

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**8**

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

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Please refer to attached reports.

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## Planning Enforcement

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	2-Oct-08	Oct-08	19-Dec-08	19-Dec-08	28 Days 16-Jan-09	Further evidence has been gathered in respect of unauthorised use for car sales. Enforcement report authorised. Notice served on 19 December 2008, No appeal received. Compliance visit undertaken, compliance not achieved, papers sent to Legal Services for prosecution.
Lower Titmore Farm LOWER TITMORE GREEN	Unauthorised works to Listed Building	25-Jan-07	28-Nov-07				Planning / listed building consent application refused. Enforcement report to be written. Notice to be issued subject to Head of Legal Services being satisfied with the evidence.
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. Owners written to advising that the site needs to be cleared by End February 2009. Not complied with, Legal advice to be sought.
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. Separate residential use identified. PCN to be served in order to verify status of annex use and occupiers.
3 Sun Street, Baldock	Unauthorised works to listed building						Listed building application received for the retrospective removal of the floor, currently being considered. Application for new floor at first floor level received.

## Planning Enforcement

Land Adj 20 Maydencroft lane, Gosmore, Hitchin	Unauthorised construction of residential dwellings.	2-Oct-08	Oct-08				Enforcement report authorised. Planning Contravention Notice returned. Legal advice to be sought regarding further action.
Land at junction of Danesbury Park Road, and Pottersheath Road, Welwyn	Enforcement Notice for removal of mobile home, and imported soil materials, and cessation of use of land for residential and business use.		24/04/2008	09/01/2009	09/01/2009	09/05/2009	Site survey of previous and new land levels of site undertaken on 22 September. Results received from surveyors. Enforcement Notice served. Appeal received.
The Old Rectory, Graveley	Wilful damage to tree in conservation area	20/11/2007	20/11/2007				Site meeting undertaken with developer to seek agreement for new specimen tree to be planted, in replacement of tree removed. Planting plan shows new trees to be planted, felled lime tree now re-generating, stump not to be removed. Planting implementation to be checked.

## Planning Monitoring

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, approved works still not completed.
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. Site still clear as of 2 January 2009.
Unit 22, Baldock Industrial Estate, Baldock	Prosecution unauthorised advertisement – display of balloon.	05-Oct-07	05-Oct-07				Monitoring of advert ongoing. Advert seen displayed in 2009, Checks to be made on regular basis in Spring 2009.