

12 August 2008

Ref: Planning 21.08.08  
Contact: Ian Gourlay  
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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).

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, 21 AUGUST 2008, at 7.30p.m.**

Yours sincerely,



David Miley  
Democratic Services Manager

**AGENDA**  
**PART I**

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<b>1. APOLOGIES FOR ABSENCE</b>	-
<b>2. MINUTES</b> To take as read and approve as a true record the Minutes of the meetings of the Committee held on 30 June 2008 and 17 July 2008.	-
<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 a business set out in the agenda, should be declared as either as pre-ju or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item of agenda. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item.	-
<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.	-
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In the Civic Year 2008-2009 the Planning Control Committee will meet on the following dates:

**2008**

Thursday 18 September  
Thursday 16 October  
Thursday 13 November  
Thursday 18 December

**2009**

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

**Planning Control Committee  
21 August 2008**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**6**

**TITLE OF REPORT: PLANNING APPLICATIONS**

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

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

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

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<b>ITEM:</b>	<b>REF NO:</b>	<b>LOCATION:DESCRIPTION</b>	<b>CONTACT OFFICER:</b>	<b>PAGE:</b>
1.	<b>08/00928/ 1</b>	19 High Street, Baldock, SG7 6AZ Change of use from bank (A2 Use Class) to adult only gaming centre (D2 Use Class).	<b>Joanne Cousins</b> 01462 474418	<b>5</b>
2.	<b>08/00934/ 1LB</b>	19 High Street, Baldock, SG7 6AZ Internal alterations (including removal of partitions) to enable conversion of former bank premises to adult only gaming centre.	<b>Joanne Cousins</b> 01462 474418	<b>13</b>
3.	<b>08/01227/ 1</b>	Land at Market Hall and 29, 31 and 33 Commerce Way, Letchworth Garden City, SG6 3DW External alterations to existing Market Hall and Bingo Hall following demolition of 29, 31 and 33 Commerce Way. Change of use of first floor Bingo Hall from Use Class D2 (assembly and leisure) to Use Class A1 (retail). Two storey extension to south elevation as additional retail floor space and creation of loading bays following demolition of 29, 31 and 33 Commerce Way.	<b>Simon Ellis</b> 01462 474264	<b>17</b>
4.	<b>08/01228/ 1CAC</b>	Land at Market Hall and 29, 31 and 33 Commerce Way, Letchworth Garden City, SG6 3DW Demolition of existing buildings at 29, 31 and 33 Commerce Way.	<b>Simon Ellis</b> 01462 474264	<b>29</b>

5.	<b>08/01253/ 1</b>	Burleigh House, 41 & 43 Letchworth Road, Baldock, SG7 6AA Proposed extensions and alterations to existing care home increasing the number of bedrooms on site from 19 to 45; additional car parking (total 15 spaces), cycle storage and ancillary development following demolition of existing extensions at no. 41 and demolition of no. 43 Letchworth Road.	<b>Kirstie Hough</b> 01462 474311	<b>33</b>
6.	<b>08/01410/ 1LB</b>	Lyall Chambers, Broadway, Letchworth Garden City, SG6 3XU Removal of 2 ground floor windows on rear elevation and block up openings.	<b>Liz Marten</b> 01462 474411	<b>45</b>
7.	<b>08/01087/ 1</b>	Beech Ridge Lodge, Woodland Way, Baldock, SG7 6LF Residential development of 68 affordable housing units comprising 36 x 1/2 bedroom sheltered housing flats, 8 x 2 bedroom flats; 17 x 2 bedroom houses; 4 x 3 bedroom houses and 3 x 4 bedroom houses, 94 associated parking spaces, access roads, amenity areas, landscaping and ancillary works following demolition of Beech Ridge Lodge and Temple Court. (As amended by drawings received 1st August 2008)	<b>Kate Poyser</b> 01462 474244	<b>49</b>
8.	<b>08/01330/ 1</b>	King George Recreation Ground, Bradway, Whitwell, SG4 Erection of a two changing room pavillion with kitchen, toilets, storage and communal area (Class D2). Provision of 6 Sheffield style cycle racks to provide covered parking for 12 cycles (As amended by proposed site plan received 29.07.08)	<b>John Chapman</b> 01462 474516	<b>61</b>
9.	<b>08/01254/ 1</b>	Hatch Penn, The Joint, Reed, SG8 8AZ Erection of one three bedroom Gamekeeper's cottage, associated Shoot accommodation, and new access and parking facilities with garden landscaping.	<b>Anne McDonald</b> 01462 474634	<b>67</b>
10.	<b>08/01358/ 1</b>	Land at Hatch Penn, The Joint, Reed, SG8 8AZ Detached agricultural storage building and associated landscaping.	<b>Anne McDonald</b> 01462 474634	<b>79</b>

11.	<b>08/01276/ 1AD</b>	Corn Exchange, 31 Market Place, Hitchin, SG5 1DY Replacement signs comprising externally illuminated timber fascia lettering and window graphics. (Amended plans received 19.07.08).	<b>Anne McDonald 01462 474634</b>	<b>85</b>
12.	<b>08/01277/ 1LB</b>	Corn Exchange, 31 Market Place, Hitchin, SG5 1DY Replacement signs comprising externally illuminated timber fascia lettering and window graphics. (Amended plans received 29.07.08).	<b>Anne McDonald 01462 474634</b>	<b>93</b>
13.	<b>08/01147/ 1</b>	Foxholes, Pirton Road, Hitchin, SG5 2EN Demolition of existing Coach House single and two storey extensions and construction of part two storey / part three storey front and side extension and four storey rear extension to provide additional bedroom and living accommodation for residents together with provision of staff accommodation (as variation of planning ref 06/02796/1 granted permission on 08/05/07).	<b>Anne McDonald 01462 474634</b>	<b>97</b>

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<b>ITEM NO:</b> 6.1	<u>Location:</u>	<b>19 High Street, Baldock, SG7 6AZ</b>
	<u>Applicant:</u>	<b>Mr A Mann</b>
	<u>Proposal:</u>	<b>Change of use from bank (A2 Use Class) to adult only gaming centre (D2 Use Class).</b>
	<u>Ref.No:</u>	<b>08/00928/ 1</b>
	<u>Officer:</u>	<b>Joanne Cousins</b>

**Date of expiry of statutory period** : 07 July 2008

### **Reason for Delay**

Committee Cycle

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

The application was called in to committee by Councillor Knighton due to concerns that the application if approved would not be in the interests of, and at odds with, the planned re-development of the town centre.

### **1.0 Relevant History**

- 1.1 Permission granted in 1982 for the change of use of premises to a Building Society Branch Office.

### **2.0 Policies**

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

Planning Policy Statement 6 - Planning for Town Centres  
Planning Policy Guidance 15 - Planning and the Historic Environment

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

Policy 43 -Shopping Areas in Town Centres  
Policy 39 - Leisure Uses

### **3.0 Representations**

- 3.1 **Local Residents/site publicity** - 26 individual local residents and businesses have made written representations against the application. The grounds of concern/issues raised are as follows:-

1. Proposal is contrary to the character of the area. The building is located in the conservation area in a prominent position in the High Street.
2. Gaming centres are noisy. Increase in noise levels especially at night.
3. The needs of the community would be served better with a retail shop. The loss of the retail unit would be detrimental to the vitality of Baldock Town centre. It would create a concentration of non-retail units on the eastern side of the High Street.
4. One of the purposes of the Baldock enhancement scheme was to attract quality retail outlets to the town centre. If this proposal is allowed to go ahead then it would appear that the taxpayers money has not been spent in the best possible way. This proposal will not support the basic principle of bringing people into the town and encourage them to shop locally and

thereby create a more sustainable community.

5. There are already 2 other gambling centres within a short distance of this site. A further gambling centre would represent a proliferation of gambling units and would not enhance the town centre facilities, attract passing trade or encourage people to the area.
6. No details have been provided to demonstrate the appearance of the shop front after its conversion and the impact it would have on the street scene. Units of this type often tend to screen the internal use of the premises and create a dead appearance.
7. The proposed opening hours may cause disruption to the surrounding area and are unlikely to increase footfall in the High Street during the day when it is most needed to promote growth in use of the town centre.
8. The applicants supporting statement suggests that the premises will be used predominantly by female shoppers as an ancillary facility during the day. This does not seem credible and the proposal is likely to increase the public's perception of crime and anti-social behaviour in the town centre and deter people from visiting it. The likelihood of such public perception is a legitimate reason to object to the application for planning permission.
9. The premises would be alluring to teenagers who would not be able to enter but would congregate nearby.
10. Potential fire/safety problems as no access to the adjacent yard would be available beyond normal office hours.

3.2 **Baldock Society** - Object to the application on the grounds that it would be an undesirable outlet for the town, will cause antisocial issues and generally not be in keeping with the market town which is undergoing considerable enhancement works.

Make the following additional observations:-

1. The colour of the shopfront should be in keeping with the building and the context of the town centre. No signage details are shown but these should also be in keeping.
2. Control of noise is paramount in the design of the unit.
3. Strict control would be required over any retail display areas to the front of the unit.
4. A restriction on the opening hours to prevent a 24 hour usage should be considered as this is a market town not inner city location.
5. Under the Gambling Act 2005 Licensing Authorities must have particular regard to the location of and entry to Adult Gaming Centres to minimise the opportunity for children to gain access. This location, known for its regular frequency of minors gathering in groups and close to a youth club and schools should be sufficient grounds to refuse a licence.

**Hertfordshire Highways** - Do not wish to restrict the grant of planning permission.

**Housing and Environmental health (noise)** - suggests that a condition to prevent noise nuisance would be appropriate. Details of a suitable worded condition to be updated at the meeting.

**Building Conservation Officer** - raises no objections to the proposals on conservation grounds.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site comprises the former Woolwich Building Society located on the eastern side of the High Street mid way between the junctions with Whitehorse Street and Simpsons Drive.

## 4.2 Proposal

- 4.2.1 The application seeks planning permission to change the use of the ground floor of the premises from a bank (Class A2) to an adult only gaming centre falling within Class D2. Other uses within Class D2 (Assembly and Leisure) include Cinemas, Dance/Concert/Sports Halls and indoor leisure uses not involving motorised vehicles or firearms.

In support of the application the applicants agent has provide additional information summarised as follows:-

1. Ablethird Ltd are an amusement centre operator with unrivalled expertise in amusement sector gained over 25 years. The company being one of the largest operators of amusement facilities, which are trading from approximately 110 inland amusement centres.
2. The identified market is the adult predominantly female shopper who use the premises during a shopping trip as an ancillary facility. As such a service facility it is essential that the establishment is located in reasonably good pedestrian flow locations in shopping centres.
3. The use would have a retail decorative display which would present an attractive and shop-like appearance to the street. The appearance has frequently been contrasted with Class A2 and A3 uses which do not have an attractive display and tend to cause 'dead' frontage.
4. The proposal consists primarily of amusement with prize machines (fruit machines). The premises would be refurbished and fitted out to a high standard and would be soundproofed as necessary to ensure no noise would emanate onto the street or transmitted to any adjoining premises.
5. The use does not attract car-borne trade, it attracts adults that have already travelled to the shopping centre for other purposes. The use would not in any sense affect pedestrian flow in the vicinity.
6. A common concern from members of the public is of noise, disturbance and the congregation of youths. There is absolutely no evidence to support this fear, these centres deal with adults, no persons under the age of 18 are permitted.
7. As one of the country's leading operators we have established the appropriateness of this kind of facility, even in the most sensitive locations such as Conservation Areas and in Listed Buildings.
8. It is not considered that the proposal would be harmful to the area or less desirable than a retail unit in a secondary area trying to attract more shoppers. There is evidence to suggest that amusements centres can increase pedestrian flows and are complimentary to shops in the area. Amusement arcades are most appropriately sited within town centres, as part of the mix of uses.

### 4.3 Key Issues

4.3.1 The key issues are considered to be the principle of the use in this location, the impact of the use on the Conservation Area and general amenity of the locality and noise matters.

#### 4.3.2 Principle of the use

Paragraph 1.7 of PPS6 states that 'it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation'. The application premises is within the town centre boundary however there is no 'Shopping Frontage' here. The relevant policy in the District Plan for considering this application is Policy 43 'Shopping Areas in Town Centres' which states that the Council will permit other uses that would not disrupt the shopping pattern and would attract people to the town. The proposed use is clearly a non-shopping use which would be appropriate in a shopping area. Such uses within Class D2 are positively encouraged by Policy 39, within town centre locations. It is considered that the proposed use would add to the vitality and viability of Baldock bringing people into the area. There is, therefore, no land use objection to the proposed use of the building.

#### 4.3.3 Impact on the Conservation Area and general amenity.

There are very few residential properties in the immediate locality of the premises. The area is characterised by a mix of by commercial and office uses and the High Street is a through route for traffic passing through the town centre. The proposed use would represent the only gaming establishment on High Street. It is not considered that the proposed use would represent an over-concentration of gambling establishments in the area as this proposal is of a different nature and seeks a different clientele to a Betting Office.

4.3.4 The premises is within the Conservation Area however no external changes are proposed as the existing shopfront would be maintained. Internal changes to the building are minimal and any signage would be the subject of separate listed building and advertisement applications. Given these circumstances, together with the fact that the pedestrian entrance to the premises is directly off High Street I do not consider that the use would be harmful to the character of the area nor the amenities of any local residents.

#### 4.3.5 Noise

The proposals have been the subject of on-going discussions with the Environmental Protection Officer who has confirmed that noise issues should be the subject of a planning condition. Whilst any potential noise from the building may be minimal, given that the use relates to slot machines and not video games, it would be difficult to fully assess given the ambient noise levels expected in this location. In the light of the local concerns I would agree that these issues could be appropriately controlled by a condition, the precise wording to be advised by the Environmental Health Officer.

#### 4.3.6 Other matters

With regard to hours of use it is recommended that a restriction in line with other late opening establishments in the town centre is applied. The applicant has stated that the opening hours would be from 9.00am Monday to Saturday and 9.00am to 6.00pm on Sundays and Bank Holidays. A restrictive condition to these hours would be appropriate here and would prevent 24 hour opening.

4.3.7 The applicant has stated that a retail window display would be provided to assist in maintaining an interesting frontage to the property. No precise details of such a display have been included with the application and I therefore consider that a condition be attached to the grant of any planning permission to ensure that details of any such display are provided to ensure that a 'dead frontage' is avoided here.

#### 4.4 **Conclusion**

- 4.4.1 The proposed would not cause material harm to the established character of the area nor the amenities of local residents or other adjoining occupiers. No detriment would occur to the retail vitality or viability of the area. In the absence of any material or sustainable planning objections I have framed a favourable recommendation accordingly.
- 4.4.2 This planning application has attracted a great deal of opposition on the basis of concerns relating to the use of the premises as an adult gaming centre. Members must be advised that the planning system only governs the use of land and buildings by reference to the use classes order, and the proposed use is for a D2 use (assembly and leisure) which is encouraged in town centres under Policy 39 of the North Hertfordshire District Local Plan No. 2 - with Alterations. To refuse planning permission for this development, Members would need to refuse planning permission for D2 uses and not on the grounds of the scheme being an adult gaming centre, such a decision would be very difficult to justify on this basis.

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

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

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

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

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

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

3. The use hereby approved shall only take place between the hours of 8.00am and 11.00pm on Mondays to Saturdays and 9.00am and 6.00pm on Sundays and public holidays.

Reason: The use is located in proximity to residential properties and the restriction of activity is necessary to ensure that the residents of those properties can continue to expect to enjoy times of reasonable peace and quiet.

4. The proposed use of the premises shall not commence until details of the proposed window retail display have been submitted to and approved in writing

by the Local Planning Authority. The agreed window retail display shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and this part of Baldock, High Street and to prevent the creation of a 'dead shopping frontage'.

**Reason for Decision**

The use has no material impact upon the vitality or viability of the town as a shopping centre nor will it cause any material harm to the amenities of adjoining or adjacent occupiers. The proposal does not conflict with the provisions of the following relevant Development Plan Policies:

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

Policy 43 -Shopping Areas in Town Centres

Policy 39 - Leisure Uses

<b>ITEM NO:</b> 6.2	<u>Location:</u>	<b>19 High Street, Baldock, SG7 6AZ</b>
	<u>Applicant:</u>	<b>Mr A Mann</b>
	<u>Proposal:</u>	<b>Internal alterations (including removal of partitions) to enable conversion of former bank premises to adult only gaming centre (as amended by drg no AB-BAL-19-002B received on 9 July 2008)</b>
	<u>Ref.No:</u>	<b>08/00934/ 1LB</b>
	<u>Officer:</u>	<b>Joanne Cousins</b>

**Date of expiry of statutory period :** 07 July 2008

### **Reason for Delay**

Committee cycle.

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

The application was called in to committee by Councillor Knighton due to concerns that the application if approved would not be in the interests of, and at odds with, the planned re-development of the town centre.

### **1.0 Relevant History**

- 1.1 Permission granted in 1982 for the change of use of premises to a Building Society Branch Office.

### **2.0 Policies**

- 2.1 **Government Policy Advice**  
Planning Policy Guidance 15 - 'Planning and the Historic Environment'

### **3.0 Representations**

- 3.1 **Building Conservation Officer** - raises no objections to the proposals on conservation grounds.

### **4.0 Planning Considerations**

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

- 4.1.1 The application site comprises the former Woolwich Building Society located on the eastern side of the High Street mid way between the junctions with Whitehorse Street and Simpsons Drive. The property is grade II listed.

#### **4.2 Proposal**

- 4.2.1 The application seeks the necessary Listed Building Consent for internal alterations, including the removal of partitions, to enable the to change the use of the ground floor of the premises from a bank to an adult only gaming centre. The planning implications are considered in the previous report 08/00928/1.

### 4.3 Key Issues

- 4.3.1 The key consideration here is the impact of the proposal upon the special character of the listed building. An internal inspection of the building confirms that the interior of the ground floor of this listed building is more or less devoid of architectural features. The applicant has provided amended plans which confirm the retention of two chimney stacks at ground floor level, one projecting through the ridge and one on the gable end at the point where the rear wing drops to a lower level. The internal partitions proposed to be removed but are not considered to be of special architectural interest and there would be no conservation grounds to object to their removal.

### 4.4 Conclusion

- 4.4.1 The proposed would not cause material harm to the character or appearance of the grade II listed building and I have therefore framed a favourable recommendation accordingly.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

- 6.1 That 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.

### **Reason for Decision**

It is considered that the proposals would maintain the special character of this listed building and therefore, satisfies Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15 - Planning and the historic environment.

<b>ITEM NO:</b> 6.3	<u>Location:</u>	<b>Land at Market Hall and 29, 31 and 33 Commerce Way, Letchworth Garden City, SG6 3DW</b>
	<u>Applicant:</u>	<b>Mr Neil Woodward</b>
	<u>Proposal:</u>	<b>External alterations to existing Market Hall and Bingo Hall following demolition of 29, 31 and 33 Commerce Way. Change of use of first floor Bingo Hall from Use Class D2 (assembly and leisure) to Use Class A1 (retail). Two storey extension to south elevation as additional retail floor space and creation of loading bays following demolition of 29, 31 and 33 Commerce Way.</b>
	<u>Ref.No:</u>	<b>08/01227/ 1</b>
	<u>Officer:</u>	<b>Simon Ellis</b>

**Date of expiry of statutory period :** 16 September 2008

**Reason for Delay** (if applicable)

N/A

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

The application was originally called in by Councillor Billing in the wider public interest. Also, the views of Letchworth Garden City Council are contrary to the officer recommendation.

### **1.0 Relevant History**

- 1.1 To understand the background to this planning application it is necessary to consider the planning history of Garden Square Shopping Centre in detail and this is set out below.
- 1.2 On 22 July 1971 outline planning permission was granted for the following development: **'Redevelopment scheme to provide shops and storage accommodation, offices, restaurant, licensed premises, public hall, multi-storey car park, pedestrian hall and service area and access roads.'** (application ref. number E/1185/71). This application included outline details for the whole Garden Square shopping complex. The permission does not include any restrictive condition relating to the use of the approved retail unit, now the market hall, approved as retail unit no. 31 by this permission.
- 1.3 On 28 March 1972 the approval of details (or reserved matters) pursuant to the outline planning permission above were granted for the following development: **'Redevelopment, shops, offices, restaurant, public hall, multi-storey car park, pedestrian mall and service yard.'** (application ref. number E82/72). The public hall referred to in the description of the development was the first floor space of approved retail unit no. 31, formerly used as a bingo hall (current use class D1, assembly and leisure).

- 1.4 In 1974 planning permission was granted for the following development: '**Layout and stalls for enclosed market and frontage treatment**' (application ref. number 1/216/74). This relates to the ground floor of approved retail unit no. 31 and started the enclosed market operation from within this unit, now known as unit no. 15 Commerce Way. There were no restrictive conditions on the use of the market hall imposed within this planning permission. Moreover, whilst the description of development and the approved drawings included details of an internal layout for market stalls, Members should be aware that planning permission is only required for external alterations to buildings and material changes of use of land or buildings. The land use gazetteer defines 'markets covered - other than street' as an A1 use class (retail). Therefore the actual change from an individual retail unit to an enclosed market hall or as has happened in the Market Hall since, a further subdivision to smaller retail units within the enclosed market hall space does not amount to development requiring planning permission under the Planning Acts.
- 1.5 Since the 1970s there have been various planning permissions for minor changes to shop fronts and other minor developments and alterations to the Garden Square shopping centre which are not directly relevant to this planning application.

## **2.0 Policies**

- 2.1 **Central Government Policy Guidance:**  
Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'  
Planning Policy Statement (PPS) 6 'Planning for Town Centres'  
Planning Policy Guidance note (PPG) 15 'Planning and the Historic Environment'
- 2.2 **East of England Plan:**  
Policy E5 'Regional Structure of Town Centres'
- 2.3 **North Hertfordshire District Local Plan No. 2 - with Alterations:**  
Policy 8 'Development in Towns'  
Policy 42 'Shopping'  
Policy 43 'Shopping Areas in Town Centres'  
Policy 45 'Shopfronts'
- 2.4 **Supplementary Planning Guidance:**  
'Vehicle Parking Provision at New Developments'  
'Planning Obligations Supplementary Planning Document'  
'Letchworth Town Centre Strategy'

## **3.0 Representations**

- 3.1 **Hertfordshire County Council (Highways):**  
*has no objections to the proposed development. 'The proposal is unlikely to have implications on the existing public highway. There is a marginal net increase in gross floor area of the internal floor space proposed compared with the existing. The proposed provision of a dedicated loading bay for articulated vehicles would be accessed within the existing service yard. In addition, appropriate measures have been proposed when vehicles are being reversed into the loading bay. This is in the form of traffic lights at either side of the neighbouring ramp, which forms part of the service yard.'*

### 3.2 **Letchworth Garden City Council:**

*'Objection - the committee was extremely concerned about the traffic implications and also observed that there was apparently significant public opposition to the proposal; which opposition may encompass planning grounds. The Committee further observed that the building was originally designed as a market hall, and the Committee noted that there is still a requirement in Letchworth for premises for embryonic business development.'*

### 3.3 **Response to Statutory Site Notice, Press Notice and Notifications:**

A 700+ signature petition against the closure of the indoor market has been received. Moreover, a letter of objection from Town Councillor Smale has also been received, which raises the following points :

- Considers that planning permission should be required to change a market hall (A1 use) to one single retail unit (A1 use). Therefore the implication of the associated closure of the market must be taken into account by the Local Planning Authority when determining this planning application and the loss of the market should be resisted by the Council as the closure of the town's designated market would harm the vibrancy of the town.
- Members should understand the bigger picture when exercising planning powers as they have obligations to residents and traders. The Council's declared aim is to create a vibrant place to live, work and prosper and *'the planning function plays a major part in this'*.
- Since the Council decided to allow an indoor market in this unit wider planning factors have not changed and there is still a need for a market.
- A new single retail unit would have major implications for car parking and should be sited on an edge of centre location where it can be accessed properly.
- The associated town centre redevelopment proposals for the Wynd and Arena Parade will have a knock on effect for small, independent retailers by the need to relocate retailers on these sites into existing retail premises elsewhere in the town centre. This will increase rental levels and push out small, independent retailers.

### 3.4 **Officer comment - Members must note that the proposed internal physical alterations to the market hall retail unit are not part of this planning application and do not require planning permission in themselves.**

## **4.0 Planning Considerations**

### 4.1 **Site & Surroundings**

4.1.1 The application site consists of a large part of the Garden Square shopping centre. The site area is over 1200 sqm and consists of part of a flat roof two storey building, a service yard and part of the walkway into Garden Square shopping centre from Gernon Road, to the south of the site. The building on site is occupied by the retail units which occupy the market hall (no. 15 Commerce Way) and the retail units to the rear of the market hall, nos. 27-33 (odd) Commerce Way on the ground floor. The first floor of the building is the vacant public hall (former bingo premises) and the town centre manager's office.

4.1.2 Commerce Way is the pedestrian street which runs to the east of the application site, with access onto Gernon Road to the south, and Central Approach is the pedestrian thoroughfare which runs to the north of the building, linking the multi-storey car park to Eastcheap. Vehicular access to the rear service yard (to the west of the building) is gained off Gernon Road.

4.1.3 The application site is located at the heart of the Garden Square shopping centre, built in the 1970s and the architecture of this development is typical of town centre developments of that era in its functional design and layout.

## 4.2 **Proposal**

4.2.1 Full planning permission is sought for a mixed development proposal on this site which can be set out in three distinct sections as follows:

- 1) External alterations to the Market Hall and former Bingo Hall;
- 2) Two storey extension to the south elevation as additional retail floor space and creation of loading bays following the demolition of part of the building, nos. 29, 31 and 33 Commerce Way (see next item on the Committee agenda for separate conservation area consent application for the demolition of these units).
- 3) The change of use of the first floor above the Market Hall (the former Bingo hall) from use class D2 (assembly and leisure) to A1 (retail);

The following paragraphs describe each part of the scheme in detail.

4.2.2 The proposed external alterations to the Market Hall and former Bingo Hall can be described as follows. On the north elevation of the Market Hall building facing Central Approach, the proposal includes the creation of two new shop fronts. This would involve extending the glazed area on the western most part of the elevation and creating a new pedestrian entrance door to access what is described as unit one. Half of this north elevation (12m) would become the new shopfront for proposed retail unit one on the ground floor and the other half (also 12m in length) would be the new shop front entrance to proposed retail unit two, with its own new entrance door close to the Commerce Way/Central Approach junction. The proposed new shop fronts would have new aluminium pilasters, fascias and stall risers.

4.2.3 The extended shop front facing Central Approach would enclose the existing sheltered, external walkway on the western side of Commerce Way. In fact this whole sheltered walkway would be enclosed by an extension of ground floor retail space on this side of the building. On the extended east elevation of the building at ground floor level, new aluminium and glazed panels would be installed as the new ground floor face of the extended retail floor space on this side of the building. New small doors are also proposed on this elevation.

4.2.4 Following the proposed demolition of units 29, 31 and 33 Commerce Way (individual retail units to the rear of the Market Hall) the proposed development includes a two storey infill extension into this space. Appropriate glazing is proposed on the ground floor elevation of the extension facing Commerce Way with facing brickwork to match the existing building above. The proposed two storey infill extension would incorporate part of the proposed two new ground floor retail units, plant, lobbies, lifts and stair cases and a new HGV loading bay on the ground floor and retail storage space on the first floor for proposed retail unit no. 1.

4.2.5 The final element of the proposed development is the proposed change of use of the former Bingo Hall from its current authorised use class as D2 (assembly and leisure) to A1 (retail). The plans indicate that the former Bingo Hall would be used for stock room associated with the proposed ground floor retail unit no. 2.

4.2.6 The plans indicate that the existing Market Hall area would be converted from its current layout of small retail units within the Market Hall space to two larger retail units with a total floor space of nearly 500 sqm each. However, as is mentioned above but worth re-emphasising here, this internal alteration to an existing A1 retail unit (i.e. the Market Hall) does not constitute development requiring planning permission under the Planning Acts. It does not therefore form part of this planning application even though it is an integral part of the overall scheme for this building.

### 4.3 Key Issues

4.3.1 Taking account of relevant central government policy guidance, the development plan, supplementary planning guidance and the comments received from interested parties reported above I consider the key planning issues to be taken into account in the determination of this planning application are as follows:

- Whether the proposed physical alterations to the building, including the proposed new shop fronts and redevelopment of part of the building are of a sufficient quality of design to ensure the preservation or enhancement of the conservation area, within which the application site is located.
- Whether the proposed additional retail floor space and change of use of the first floor of the building to create new retail floor space within this town centre location is acceptable in terms of the function and vitality of the town centre.
- The highway and traffic implications of the proposed development also need to be considered and this must include an assessment of the impact the proposal would have on pedestrian movement around the site.
- Finally, since the scheme would lead to an increase in commercial floor space within the town centre, financial contributions towards public realm improvements would be required, in accordance with the Council's adopted SPD on Section 106 Obligations and this will need to be explained.

#### 4.3.2 Quality of Design in the Conservation Area

In relation to this issue the Council's Principal Conservation Officer has commented on the planning application. She considers that the most sensitive part of the conservation area in relation to this development is the view from Gernon Road. The proposal would marginally increase the overall building mass, particularly in the service yard area with the infill of space on this side of the building. The service area accesses onto Gernon Road and this increased building mass would be seen from certain points along Gernon Road however, the Principal Conservation Officer considers that provided matching external materials are used the visual impact and therefore impact on the character and appearance of the conservation area in this location would be minimal and have a broadly neutral impact on the character of the conservation area. Under PPG15 guidance, development which would have a neutral impact is considered as preserving the character of the conservation area and is therefore acceptable under PPG15. I agree with the Principal Conservation Officer's analysis on this issues and recommend that should Members be minded to grant planning permission a condition is imposed requiring details of external materials, to include brick samples, such a condition is recommended below.

4.3.3 The other main external alterations proposed within this planning application would be on the Central Approach and Commerce Way elevations. The proposed new shopfronts on Central Approach are of an appropriate design and in my view would improve the rather drab appearance of the building on this elevation and therefore enhance this part of the conservation area. In terms of detail the proposed shop front design would have appropriate fascia and stallriser heights and would comply with the requirements of Policy 45 'Shopfronts' of the North Hertfordshire District Local Plan No. 2 - with Alterations, in my judgement.

4.3.4 The proposed alterations to the Commerce Way elevations are also acceptable in terms of design and appearance in my view. The new glazing and aluminium panelling would appear very similar to the existing ground floor treatment of the building on this elevation, albeit with an extension to enclose the existing walkway and on the upper floors matching bricks are proposed.

4.3.5 The overall design philosophy is of continuity, to ensure that the proposed limited additions in terms of volume and other external alterations become integral parts of the existing building. There is clearly no need architecturally to attempt anything bolder in relation to this scheme. I am therefore satisfied that the proposed development would if anything, slightly enhance the appearance of the building and certainly preserve the character and appearance of the wider conservation area.

#### 4.3.6 **Additional Retail Floor Space within the Town Centre**

The current building has a mix of uses. On the ground floor the building comprises retail floor space (use class A1, including existing Market Hall) of 1206 sqm. The first floor is a mix of assembly and leisure (the former Bingo Hall) and office space at 969sqm. The scheme seeks the change of use of the assembly and leisure and office component to become new retail floor space on the first floor. Combining the proposed change of use of the first floor with additional floor space gained from new physical development and redevelopment the resultant retail floor space would be 2201sqm. Overall this represents a net increase in retail floor space of 995sqm over the existing levels. The plans indicate that the proposed ground floor retail floor space would be in the form of two large retail units and the first floor would be storage for each unit, but under the umbrella of the A1 use class.

4.3.7 Additional retail floor space within this primary shopping area in the town centre is acceptable in principle. It is supported by central government guidance contained within PPS6, Policy E5 of the East of England Plan, Policy 43 of the North Hertfordshire District Local Plan No. 2 - with Alterations and the adopted Letchworth Town Centre Strategy. All these policy documents seek to encourage retail growth within town centre locations ahead of any other, less sustainable locations. The Town Centre Strategy refers to retail floor space figures which are set out in the emerging Local Development Framework (LDF). The LDF analysis identifies a growth figure of 9,500sqm of new comparison retail floor space in Letchworth Town Centre from 2004 to 2016. Members will recall the resolution to grant planning permission for the proposed redevelopment of the Wynd area (planning application no. 07/02428/1) at the meeting held on 30 June 2008. This development would lead to a net increase in comparison retail floor space (excluding foodstore, which is classified as convenience retail floor space) of 2044sqm. Therefore combining the Wynd redevelopment with the scheme presented in this planning application would lead to a net increase in comparison retail floor space within Letchworth Town Centre of just over 3000sqm, almost one third of the total projected growth set out in the LDF up to 2016. Taking account of these issues I conclude that the proposed additional retail floor space is acceptable in principle and would add to the vitality and viability of the town centre as a whole.

4.3.8 Taking account of the concerns expressed by market traders and other interested parties reported above it must be acknowledged that the this scheme would lead the creation of two large retail units rather than smaller units as exist on the site at present, both within the Market Hall and the units proposed for demolition. Whilst this would change the nature of retailing in this building the point must be repeated that the Local Planning Authority have no control over this aspect of the scheme. Internal alterations to buildings, which could include joining two or more attached retail units together to form one large unit (as would happen in the existing Market Hall) is not development requiring planning permission. It does not amount to "operational development" (physical development/building works) under the definition in the Planning Acts or a "material change of use" of land or buildings, since the Use Classes Order sets out categories of uses and all retail uses are classified within the A1 use class, as is explained above. This provides a framework to enable businesses to operate without restricting changes in the retail market.

- 4.3.9 The scheme also involves the demolition of three existing, small retail units and redevelopment as part of the whole. It would also, in my judgement, be very difficult to justify a refusal of planning permission on the basis of the loss of small retail units as the scheme involves their demolition. The reason this would be difficult to justify is that the alternative would be for the applicant to maintain the building as it exists but integrate the existing retail floor space within these three units creating the two large retail units proposed without the need for demolition. Such an alteration to the building would not require planning permission. It is because of this "fall back position" and the fact that internal alterations to buildings do not require planning permission that the concerns expressed by Letchworth Town Council are of little if any relevance to the determination of this planning application.
- 4.3.10 The only exception to this general approach would be if there were any restrictive conditions governing the use of the Market Hall or the other retail units on the site, imposed within previous planning permissions. However, as is explained in the Planning History section of this report there are no such restrictive conditions either within the original planning permission for Garden Square shopping centre (planning permission ref. E/1185/71 and E/82/72) or within the 1974 planning permission for the Market Hall itself (ref. 1/216/74) which prevent the loss of the indoor market.
- 4.3.11 Members will recall from the debate relating to the proposed redevelopment of the Wynd area that the issue of tenant relocation was a matter to be considered under the Environmental Impact Assessment (EIA) which was submitted as part of the planning application. Tenant relocation would not normally be a material consideration in the determination of planning applications and it was only on the basis that the Wynd was classified as EIA development under the 1999 EIA regulations that this issue could be addressed. The current scheme does not represent schedule 1 or schedule 2 development under the EIA regulations (minimum site area of 0.5ha to be classed as EIA development) and therefore the wider, potentially negative, socio-economic impacts of the scheme cannot be addressed by the Council in the determination of this planning application. The issue of what happens to the existing retailers within this building is strictly a matter between landlord and tenant in this case and not a material planning consideration.
- 4.3.12 As a conclusion on this section of the report and focusing on the material planning considerations only, the scheme would increase the retail offer of the town centre and bring about the re-use of previously unused commercial floor space. Relevant planning policy guidance encourages retail growth in town centres and the proposal, in planning terms, would improve the retail offer of this part of the town centre and add to its vitality and viability. The planning system cannot be used to intervene in the free market in the sense of dictating which companies occupy which retail units, neither can it be used to control internal alterations to existing buildings to prevent the joining of small retail units under one roof.

4.3.13 **Highway and Traffic Implications of the Scheme**

Letchworth Town Council have also raised concerns regarding the car parking and traffic implications of the development proposal. The net increase in commercial floor space associated with this scheme is negligible (around 30sqm). In my view and in the opinion of Hertfordshire County Council (Highways) this additional commercial floor space and the car parking demands associated with it can easily be accommodated within existing town centre car parks. Moreover, the service and delivery arrangements proposed in the rear service yard, accessed off Gernon Road, can also be safely provided. Taking account of these issues I am satisfied that the traffic and highway implications of the scheme would not harm the highway safety or amenity of the surrounding area.

4.3.14 The issue of pedestrian movement should be considered however, as the scheme would lead to the loss of part of the pedestrian pathway along Commerce Way. The enclosed part of this pathway on the east elevation of the building would be lost by the proposed extension of the building into this space. In this space the width of the footpath would be reduced from the current approx. 6m to 4m. Whilst this narrowing of the footway is regrettable, in my view a 4m wide pedestrian thoroughfare would still be appropriate and safe for pedestrian movement in this part of the town centre.

#### 4.3.15 **Section 106 Contributions**

The Council's adopted SPD on Planning Obligations requires contributions towards public realm improvements for new developments in town centres. The contribution is levied at £15 per sqm of the net increase in gross external development floor space. The scheme would deliver a net increase in overall development floor space of 300sqm. This leads to a contribution of £4,500 towards public realm improvements from this development scheme. The applicant has agreed to make this contribution and at the time of writing a Unilateral Undertaking is being prepared by the applicant for submission. An update on this issue will be reported at the Committee.

4.3.16 The scheme does not fall into any other requirements within the SPD and subject to the final validation of the applicant's unilateral undertaking the proposed development would comply with the SPD.

#### 4.4 **Conclusion**

4.4.1 I urge Members not to be side-tracked by an admittedly controversial issue of the potential closure of the indoor market and the needs of traders to find alternative accommodation. There is no legal requirement for the Local Planning Authority to offer an opinion on this particular issue, since there are no planning powers to influence this matter. This report provides a careful analysis of the planning issues and demonstrates that, in my view, the proposal is a positive scheme and I recommend that planning permission be granted subject to the to the completion of the necessary Unilateral Undertaking and to the following conditions.

### **5.0 Legal Implications**

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

### **6.0 Recommendation**

6.1 That planning permission be **GRANTED** subject to the applicant submitting the requisite Unilateral Undertaking to cover financial contributions towards public realm improvements, to the following conditions and to no new issues being raised within the remainder of the consultation period:

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. There shall be no external storage of goods associated with the retail development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain the character and appearance of the conservation and in the interests of highway safety and amenity.

5. 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 the development hereby permitted shall take place within the service yard immediately to the west of the application site (within the blue line on the location plan submitted with this planning application), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction work does not impact on the safe and free flow of traffic on the adjoining public highway.

6. **Prior to the commencement of the development hereby permitted full details of traffic control measures within the rear service yard shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be installed prior to the first occupation of the development and thereafter managed in accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To accord with the terms of the submitted application, in the interests of highway safety and amenity.**

#### **Reason for Decision**

In the opinion of the Local Planning Authority, the proposed development would not prejudice the need to preserve or enhance the character or appearance of the conservation area in that it would have a broadly neutral impact. The additional retail floor space proposed within this town centre location would add to the retail offer and vitality and viability of the town centre as a whole and the traffic and highway implications of the proposal would be acceptable. The proposal therefore complies with the provisions of the development plan as summarised below.

**East of England Plan:**

Policy E5 'Regional Structure of Town Centres'

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

Policy 8 'Development in Towns'

Policy 42 'Shopping'

Policy 43 'Shopping Areas in Town Centres'

Policy 45 'Shopfronts'

<b>ITEM NO:</b> 6.4	<u>Location:</u>	<b>Land at Market Hall and 29, 31 and 33 Commerce Way, Letchworth Garden City, SG6 3DW</b>
	<u>Applicant:</u>	<b>Mr Neil Woodward</b>
	<u>Proposal:</u>	<b>Demolition of existing buildings at 29, 31 and 33 Commerce Way.</b>
	<u>Ref.No:</u>	<b>08/01228/ 1CAC</b>
	<u>Officer:</u>	<b>Simon Ellis</b>

**Date of expiry of statutory period :** 12 August 2008

**Reason for Delay** (if applicable)

The application needs to be determined at the same time as the associated planning application, which is a major application with a 13-week statutory time period, rather than 8-weeks for the associated conservation area consent application.

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

The officer recommendation differs from the views of Letchworth Garden City Council and the application needs to be determined at the same time as the associated planning application for redevelopment (previous item on the agenda).

## **1.0 Relevant History**

- 1.1 See previous agenda item.

## **2.0 Policies**

- 2.1 **Central Government Policy Guidance:**  
Planning Policy Guidance note (PPG) 15 'Planning and the Historic Environment'
- 2.2 **Supplementary Planning Guidance:**  
'Letchworth Town Centre Strategy'

## **3.0 Representations**

- 3.1 See previous agenda item, although Letchworth Garden City Council have submitted a separate objection to this application for conservation area consent setting out the following comments:

*'Objection - loss of three A1 shops in a conservation area.'*

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.4.1 See previous agenda item.

## 4.2 **Proposal**

- 4.2.1 Conservation area consent is required for the complete or substantial demolition of buildings with a greater volume than 115 cubic metres. The proposed demolition set out in this application is substantial in terms of the overall volume of demolition, in relation to the scale of the existing building. The application seeks conservation area consent for the demolition of units 29, 31 and 33 Commerce Way in association with the proposed redevelopment scheme, set out in planning application no. 08/01227/1 (see previous agenda item).

## 4.3 **Key Issues**

- 4.3.1 The wider planning issues, which address the concerns expressed by Letchworth Garden City Council are covered in the previous report. The key issue to consider in the context of the Planning (Listed Building and Conservation Areas) Act 1990 and PPG15 is to consider the contribution the existing building makes to the character and appearance of the conservation area to establish whether demolition would be appropriate. To this end the adopted Letchworth Town Centre Strategy identifies all of Garden Square Shopping centre, including the building on the application site, as making a negative contribution to the character of the conservation area. In this regard, under PPG15, demolition of this building is acceptable in principle.
- 4.3.2 If Members resolve to grant planning permission for the associated redevelopment of this site (planning application no. 08/01227/1) it logically follows that the associated conservation area consent application must also be granted. If Members resolve to refuse planning permission for the redevelopment scheme I recommend that conservation area consent be refused on the grounds of prematurity, since it is sensible practice within conservation areas to only grant consent for demolition when a scheme of redevelopment is in place. Otherwise the risk of unsightly gaps in the conservation area would result for an indefinite period.
- 4.3.3 Given these factors I recommend that should Members be minded to grant conservation area consent for the demolition of the building that the applicant must submit evidence of a continuous contract for demolition and redevelopment to prevent prolonged and unsightly gaps where buildings once existed on the site. Such a condition is recommended below.

## 4.4 **Conclusion**

- 4.4.1 That conservation area consent be granted for this demolition scheme to enable the redevelopment set out in the associated planning application.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

6.1 That conservation area 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 modified by Regulation 12 and Schedule 3 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990.

2. 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 demolition works hereby consented shall take place within the service yard immediately to the west of the application site (within the blue line on the location plan submitted with this planning application), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction work does not impact on the safe and free flow of traffic on the adjoining public highway.

3. The buildings to which this consent relates shall not be demolished until such time as a contract for the carrying out of the replacement building works (as detailed in planning application no. 08/01227/1), together with a timetable for its commencement and completion has been submitted to and agreed in writing by the Local Planning Authority. The demolition of the building and the redevelopment of the site shall thereafter be carried out in complete accordance with the approved contract and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the creation of an unacceptable appearance of unsightly gaps for a prolonged period on the application site, arising from the demolition of the existing buildings far in advance of any redevelopment.

### **Reason for Decision**

In the opinion of the Local Planning Authority, the demolition of buildings hereby consented, if carried out in association with the redevelopment proposals set out in planning application no. 08/01227/1 would not harm the character or appearance of the conservation area as the existing buildings offer a negative contribution to the conservation area as a whole. The proposed demolition therefore complies with the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15 'Planning and the Historic Environment'.

<b>ITEM NO:</b> 6.5	<u>Location:</u>	<b>Burleigh House, 41 &amp; 43 Letchworth Road, Baldock, SG7 6AA</b>
	<u>Applicant:</u>	<b>Mr Shah Manage Care Homes Limited</b>
	<u>Proposal:</u>	<b>Proposed extensions and alterations to existing care home increasing the number of bedrooms on site from 19 to 45; additional car parking (total 15 spaces), cycle storage and ancillary development following demolition of existing extensions at no. 41 and demolition of no. 43 Letchworth Road.</b>
	<u>Ref.No:</u>	<b>08/01253/ 1</b>
	<u>Officer:</u>	<b>Kirstie Hough</b>

**Date of expiry of statutory period :** 01 September 2008

**Reason for Referral to Committee**

Application called in by Councillor Ian Knighton due to difference of opinion to Officer Recommendation.

**1.0 Relevant History**

- 1.1 85/00013/1- Erection of single storey side and rear extensions to provide elderly person's home GRANTED permission on 21/02/1985
- 1.2 93/00254/1HH- Single storey side extension to existing dwelling; single storey side extension incorporating conservatory to existing elderly persons home and replacement double garage GRANTED permission on 13/05/1993
- 1.3 02/00526/1- Single storey rear extension for bedroom and conservatory GRANTED permission on 14/06/2002
- 1.4 Land at rear of 41 Letchworth Road:  
04/00519/1- Outline application for erection of a two bedroom detached bungalow and single garage REFUSED on 24/03/2005 for the following reasons:
  - 1) *By reason of its proximity to a major trunk road (A1(M)) the proposed dwelling and its curtilage would experience an unacceptable acoustic climate which could not be acceptably or practicably mitigated by way of physical barriers or measures.*
  - 2) *There is insufficient space within the curtilage of the site for a large vehicle to enter, turn around and leave in a forward gear. In addition, there is inadequate space on the proposed drive to allow vehicles to pass each other. Both of these deficiencies would lead to vehicles parking and reversing on to County road U296 and would therefore interfere with the safe and free flow of all traffic on County road U296.*
  - 3) *By reason of its scale relative to the plot available, the proposed dwelling would give rise to a cramped form of development at odds with the character of the area contrary to Policies 1 and 26 of the District Local Plan No2 with Alterations.*

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

## **2.0 Policies**

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

**Supplementary Planning Document-** Vehicle Parking Provision at New Development

**Supplementary Planning Document-** Planning Obligations

## **3.0 Representations**

- 3.1 **Hertfordshire County Council (Highways)-** Raise no concern to the application and recommend conditional permission.
- 3.2 **Environmental Health-** Recommend conditional permission.
- 3.3 **Site Notice-** No comments received.
- 3.4 **Neighbours-** Representations received from the occupiers of:
  - **No 45 Letchworth Road:** Object to the proposed development which they consider is a complete over intensification of the site and is quite obviously out of keeping with the surrounding area which is residential with character properties. Consider no. 43 is a beautiful looking residential property and demolishing this along with linking to no. 41 would completely ruin the residential scene. The proposed development would look totally commercial. Concerned that traffic flow would greatly increase due to additional staff and visitors which would increase noise and danger to pedestrians. Overall they consider that the proposal is hugely oppressive considering the proximity to their boundary and its length and height following all works.
  - **No 49 Letchworth Road:** Object to the application. They feel that there is no provision for fire services to access the site and they would see the proposed two storey extension from their rear window. They are concerned that parking provision would be inadequate and have concern about the placement of proposed lighting which may cause major disturbance. They are also concerned that the measures are deemed necessary to ensure their safety because that indicates that the patients in the home may put them at risk. This leads them to strongly question why such a large home is being proposed in a residential area
- 3.5 **The Baldock Society:** Have concerns about the development and the impact upon the residential aspect of the Letchworth Road street scene. Object to the demolition

of no. 43 and consider the proposal would degrade the visual aspect of this part of Baldock. They consider that a planting scheme would ensure the residential aspect and view is maintained. They are concerned about the demolition of properties for replacement by larger developments, which they feel is detrimental to the 'market town' of Baldock.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 Burleigh House (no. 41 Letchworth Road) is the last of what were inter war ribbon development houses along the Letchworth Road before the A1(M) fly-over. The detached property stands adjacent to the motorway flyover to the west with the detached property of no. 43 to the north-east. These two buildings with rear garden areas, form the site area.
- 4.1.2 The western flank boundary of the site runs adjacent to the A1(M) flyover, the rear boundary abuts an access track, while the eastern flank boundary runs parallel with the rear garden of no. 45 and thereafter abuts the rear boundaries of the semi-detached properties of 1, 3, 5 and 7 Hopewell Road to the north-east.
- 4.1.3 The site, creates a frontage of some 55m. The properties along this part of Letchworth Road are offset from the A505 and the road in front is classified as a local access road.
- 4.1.4 The original property at no. 41 has been considerably extended at single storey height, into the rear garden, part of which runs alongside the boundary with no. 43.
- 4.1.5 This site has an extant permission for a single storey side extension and single storey rear extension to provide additional bedrooms and en-suite facilities, which was granted permission on 13/04/2007. This would extend the building towards the flyover.
- 4.1.6 No. 43 has a pitched roof single storey rear projection set adjacent to the boundary with no. 41.

### **4.2 Proposal**

- 4.2.1 This application seeks permission for extensions and alterations to the existing care home to increase the number of bedrooms on site from 19 to 45, with additional car parking (total 15 spaces), cycle storage and ancillary development following demolition of the existing extensions at no. 41 and demolition of no. 43 Letchworth Road.
- 4.2.2 The scheme involves a first floor side extension and a single storey front extension to no. 41, pitched roof and flat roof (one featuring a green roof) single storey rear extensions, a 21m long flat roofed two storey rear extension set 16m away from the flank boundary with no. 45 and an open courtyard area of 17.5m long by 14m wide, set adjacent to the boundary with no. 45.
- 4.2.3 The replacement building at no. 43 would match no. 41 for roof height and presents two rendered projecting gable features on the front elevation, comprising of brickwork construction and a slate roof.
- 4.2.4 A central glazed and timber clad section would link the two buildings together at two storey height.
- 4.2.5 Materials would be a mixture of brick work to match existing at no. 41, painted render, timber cladding, slate roofs.

- 4.2.6 The car parking area for 15 cars would be provided primarily adjacent to the front boundary, with a circular turning area.
- 4.2.7 The applicants have informed in the Design and Access Statement submitted as part of the application, that the intention is to extend and upgrade the existing premises at no. 41 to incorporate the site of no. 43 and provide a single residential home for the elderly. For over 20 years since they have run the business, they have experienced high occupancy levels, a result of the strong demand for high quality residential care within Hertfordshire. In particular, they have recorded a high increase in the number of requests to accommodate Dementia patients, which cannot currently be catered for in the existing premises. Government reports have demonstrated that the number of people suffering from dementia will grow from current 700,000 individuals, to almost 1 million in 13 years time and to more than 1.7 million by the middle of the century. Reports have shown a need to provide more and better services to cater for the growing dementia care requirements.
- 4.2.8 The applicant has discussed needs for the County specifically with Hertfordshire County Council, who deem the scale of work proposed as advantageous and necessary to meet both the current and future demand for care within the County.

- 4.2.9 The following are taken from the Design and Access Statement submitted with the application:

*'Further the proposed scheme would enable the flexibility to offer different types of care within the Home in the future, so it can respond to Council demand. For example, if in future the Council requires more nursing or special-needs care rather than dementia care, it will be possible to cordon off one section of the building to cater for this new requirement. The level of amenities on offer, lounge space, specialist dementia lighting rooms etc. can also be facilitated based on current build.'*

*'Further, the design and scale has taken into consideration Care Standards as stated by the Commission for Social Care Inspection (CSCI), to ensure that the plans give significance to the recommended design of such a Home and to comply with all required regulations, e.g. minimum room sizes, adequate communal areas etc..'*

### 4.3 Key Issues

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

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

#### **Principle of C2 use and demolition of no. 43**

- 4.3.2 Dealing first with the principle of a C2 use in this location. The site lies on the western side of the town of Baldock, in close proximity to Letchworth. The site is located within a residential area of Baldock which can be accessed by modes of transport other than the car.
- 4.3.3 A specific planning permission is not required for the demolition of no. 43, as this is permitted development under Part 31 of The Town and Country Planning (General Permitted Development) Order 1995. The demolition of this dwelling is therefore not something over which the planning authority has control.

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

#### **Design and Appearance**

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

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

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

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

4.3.9 When overlying the existing plan to that proposed, it is clear that the main additional footprint would arise from the single storey element which features a green roof, at the north of the site, as well as the single storey front extension at no. 41. Other than these two main elements, the majority of the footprint proposed, is as existing.

4.3.10 It is the case that such extensive additions would not be considered appropriate for residential (C3) dwellinghouses in this area, due to the impact upon the character of the properties and overall layout of the residential area. However, given the use proposed at no. 43 is C2 as an extension of that at no. 41, the approach to development of the site must be considered in terms of this use, rather than the building being purely C3 residential, where people live together as a single household. The outside amenity area provided for the residents would be an improved environment to the current amenity area and would be of sufficient size for the residents.

4.3.11 With regard to the design of the rear additions, the proposed two storey element is of a flat roofed design, which may have been unacceptable in other circumstances, e.g. as an extension to a single dwelling contrary to Policy 28 of the DLP. However, the position of this addition within the site, the setting behind and below the glazed link and behind the existing building of no. 41 and the presence of the adjacent bridge, preclude in my view, any serious or prejudicial impact in the street scene. It is a design which provides the required internal space therefore meeting the growing need for sheltered accommodation, whilst minimising the bulk of the addition and its impact on the character of the area.

4.3.12 The single storey elements feature flat and pitched roofs. Given the modern design approach, the ability to create a green roof and the position of the majority of the additions adjacent to the A1(M) flyover, the design of these additions is acceptable in my view.

4.3.13 In order to ensure that appropriate soft landscaping would be provided to enhance the appearance of the completed development and the visual amenity of the

locality, landscaping conditions could be attached to any permission, to ensure that an appropriate scheme is provided and maintained on site, should Members be minded to grant planning permission. Such conditions are recommended below.

- 4.3.14 Although it is acknowledged that the development would alter the street scene along this part of Letchworth Road, in my view the design does acknowledge the street scene in the form of development proposed and within the constraints of the practical needs of the residential home. As such, no objection is raised to the proposed development as it is not considered that it would have such a materially detrimental impact upon the area, as to warrant a refusal of permission.

**Impact on adjacent residential properties**

- 4.3.15 Turning now to any impact upon the nearby residential properties, the possible impacts are the effect of the structures themselves in terms of dominance or loss of sunlight/ daylight and any overlooking (loss of privacy). The closest dwelling to the site is no. 45 Letchworth Road which is sited to the north-east of the site. This adjacent property has a two storey rear extension set adjacent to the boundary with no. 43.
- 4.3.16 Looking first at possible dominance or loss of light, the replacement building would be set closer to the boundary with no. 45 (2m away from the boundary and adjacent to the flank elevation of no. 43) and would extend as far as the two storey rear extension of this adjacent property. There would be no other buildings set adjacent to the boundary with no. 43.
- 4.3.17 A courtyard area would be provided for 17.5m distance along the boundary with no. 43 and half way across the rear boundary of no. 1 Hopewell Road. Thereafter for a distance of 11.3m, a single storey green roofed addition would sit behind the rear boundary of this property and the adjacent no. 3 Hopewell Road. This addition would be 2.8m high at the north-western end, (rising to 3.4m as the addition extends towards the flyover). There would be a distance of 20m between the addition and the rear of properties along Hopewell Road. The vegetated flank boundary of no. 43 currently acts as a screen between the properties and this would assist in reducing the visual impact of the addition. The green roof would also soften the appearance of the proposal.
- 4.3.18 The two storey flat roof element would be 5.7m high and set 16m away from the boundary with no. 43 and approximately 36m away from the rear of no. 1 Hopewell Road.
- 4.3.19 Given the distance this addition would be set away from the neighbouring properties, along with the siting of the replacement building adjacent to the flank elevation of no. 43 and the modest height of the single storey addition at the rear part of the building, these factors lead me to conclude that there would not be a dominant effect or loss of light to the neighbouring buildings, caused by the proposed development.
- 4.3.20 With regard to privacy, the main area from which overlooking could arise, would be from the two storey element and specifically the windows on the north-eastern flank elevation of this. Incorporated into the design of this element, is the addition of timber bays, which direct views down the rear garden of the site, rather than allowing views across towards the neighbouring properties.
- 4.3.21 The other windows incorporated into the scheme face down the rear garden or if on the flank elevations, are at ground floor height which would not give rise to material overlooking. Given that the design incorporates features which angle views away from the rear elevations and gardens of neighbouring properties at first floor level and incorporates others which would not directly face these properties, I am of the view that the development would cause no material loss of privacy for the nearby residential properties.

## **Environmental Health Issues and Residential Amenity of Care Home Residents**

- 4.3.22 With regard to the adjacent A1(M) flyover and the noise this creates, a previous application for a residential dwelling in the rear garden area of no. 41 attracted a reason for refusal relating to the environment which would have been created due to the proximity of any dwellinghouse this close to a major trunk road. The proposed dwelling would have been within metres of the hard shoulder of a motorway with only the installation of a solid barrier adjacent to the embankment viewed as a way of reducing impact of the noise generated by the volume of traffic. This would have led to a wholly unacceptable form of development - a bungalow with virtually no amenity space shaded by an embankment and barrier many metres above. An suitable and useable outside amenity area was therefore not satisfactorily provided.
- 4.3.23 However the situation is significantly different for the scheme now proposed. The rear garden area of the care home is currently positioned adjacent to and under the flyover, given its position at the rear of the existing building. The proposed courtyard however, would create an outside amenity area to the south-east of the building, therefore affording this area more protection from the noise of the A1(M) by having the two storey structure set between the outside amenity area and motorway flyover.
- 4.3.24 Environmental Health require assurance that satisfactory sound levels in the new rooms will be maintained given the proximity of the motorway. A condition is recommended to this affect, alongside a condition for dust mitigation during demolition and construction.

## **Highway Issues and Parking Provision**

- 4.3.25 With regard to any impact upon the adjacent highway network, Hertfordshire County Council (Highways) have raised no objection to the proposal, which they consider would have no significant implications for the safe and efficient operation of the adjoining highway network.
- 4.3.26 The following points have been raised by Hertfordshire (County) Highways:
- The property is located along Letchworth Road this section of Letchworth Road is offset from the A505 and is classified as a local access road subject to a speed limit of 30 mph.
  - The drive and proposed turning areas have sufficient room for vehicles using the proposal to enter and exit the development in forward gear.
  - Vehicular visibility will not be altered by the development proposed. The trip rates according to TRICS data base indicates that the trip generation of a nursing home is low and consequently the existing access to serve the new proposal is not considered to attract a significantly higher level of traffic than that previously generated.
  - The proposed development includes 15 parking spaces. This level of parking provision is acceptable for a nursing home in this locality.
  - The location of the refuse enclosure has not been identified on the submitted drawing, this should be located within 10m of the road. This is in order to provide adequate refuse facilities within working distance of the adjacent highway in the interests of highway safety on the adjacent highway a planning condition has been recommend to cover this issue.
  - Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the above conditions.
- 4.3.27 In terms of car parking, bedrooms are subject to a 0.25 space per bedroom standard (SPD). This equates to 11 spaces for the bedrooms proposed plus staff parking. Given the nature of the use and ability to access the site via other modes

of transport, it is considered unlikely that all of the spaces would be filled at one time, so this level of parking is deemed acceptable.

### **Planning Obligations**

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

## **4.4 Conclusion**

- 4.4.1 The existing dwelling at no. 43 can be demolished without requiring a specific planning permission from the Local Authority. Part of the site is currently occupied by a Nursing Home and including the adjacent residential site to expand the existing C2 use, is considered to be acceptable, given the sustainable location, the continued residential use in this residential area and the ever increasing need for such forms of accommodation and care.
- 4.4.2 Having given due consideration to the impact of the scheme in terms of dominance, light and privacy, it is overall considered that the residential amenities of nearby residential properties would not be materially affected by the proposal, following discussion with Officers after the withdrawal of the previous scheme.
- 4.4.3 With regard to impact upon the street scene, although the link and proposed replacement building would modify the existing street scene it is not considered that the proposed development would have such an unacceptable impact upon the street scene and character of the area to warrant a refusal of permission, following discussion with Officers after the previous scheme was withdrawn.
- 4.4.4 Overall, providing a signed and dated Unilateral Undertaking is submitted in line with the SPD, there appear to be no material reasons to refuse permission for this proposal, which does not conflict with Policy in the District Local Plan and would have no materially detrimental impact upon the character of the area, amenities of the neighbouring residential properties or highway conditions, but would provide a required form of accommodation and care for the area.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

- 6.1 Providing a signed and dated Unilateral Undertaking is submitted in line with the SPD on Planning Obligations, that permission be **GRANTED** with the following conditions:

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved

documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

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

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

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

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

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

**Reason: To minimise the potential for dust nuisance.**

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

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

7. Prior to the first occupation of any part of the development hereby granted permission, details of the refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed to the satisfaction of the Authority, and permanently maintained thereafter to the Authority's satisfaction.

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

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

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

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

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

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

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

#### **Reason for Decision**

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

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

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

Policy 8 - Development in Towns

Policy 55 - Car Parking Standards

**Supplementary Planning Document-** Vehicle Parking Provision at New Development

**Supplementary Planning Document-** Planning Obligations

<b>ITEM NO:</b> 6.6	<u>Location:</u>	<b>Lyall Chambers, Broadway, Letchworth Garden City, SG6 3XU</b>
	<u>Applicant:</u>	<b>Ms T Harvey Letchworth Garden City Heritage Foundation</b>
	<u>Proposal:</u>	<b>Removal of 2 ground floor windows on rear elevation and block up openings.</b>
	<u>Ref.No:</u>	<b>08/01410/ 1LB</b>
	<u>Officer:</u>	<b>Liz Marten</b>

**Date of expiry of statutory period** : 18 August 2008

**Reason for Delay**

Committee cycle

**Reason for Referral to Committee**

Letchworth Garden City Town Council have objected to the proposal.

**1.0 Relevant History**

1.1 None

**2.0 Policies**

2.1 Section 16 - Planning (Listed Buildings & Conservation Areas) Act 1990 supported by PPG15 Planning and the Historic Environment (1994).

**3.0 Representations**

3.1 Letchworth Garden City Town Council - Objection based on '*unnecessary change to a listed building. The windows can be repaired*'.

3.2 Press & Site Notices - No representations received

**4.0 Planning Considerations**

**4.1 Site & Surroundings**

4.1.1 In its public face at the junction of Broadway & Leys Avenue, Lyall Chambers (built as the Garden City Corporation Offices) is one of the landmark buildings of Letchworth town centre. Listed Grade II, it was built in 1913 to the design of Parker & Unwin. A substantial three and a half storey building in brick and render, it is thought to have started the Neo-Georgian fashion for the town centre. Its front elevations are symmetrical. The rear, which has limited access and views from Leys Avenue, has elements where small-paned sash windows are symmetrically positioned but the general appearance, with its rendered finish, is more informal.

**4.2 Proposal**

4.2.1 As set out in the application description.

### 4.3 Key Issues

- 4.3.1 The only issue for consideration with this proposal is whether the works would do any harm to the special character of the listed building. Because of the small scale of the proposed works and their discreet location on the building, they would not affect the contribution that the listed building makes to character and appearance of the conservation area.
- 4.3.2 In brief, it is clear that the location of the windows and their relationship with the existing valleys and roof falls has created a poor weathering detail. Given the fact that the rear building is earlier than Lyall House and because of the location and design of the windows, it would seem likely that they were additions to give light into specific areas of the building. As the DAS states, this light is no longer required.
- 4.3.3 Window 1 is of a different design to the general sash windows. It does not relate to any recognisable pattern of window positions in the elevation. Window 2 is small-paned but it is an atypical fixed window 5 panes wide.

### 4.4 Conclusion

- 4.4.1 Because of the existing weathering problems, the design of the windows, their position on the elevation and their 'hidden' location between the single and 3 1/2 storey, the removal of the windows will benefit the overall repair and maintenance of the listed building and it would not harm the building's character, design or architectural appearance for them to be blocked up and rendered to match the overall finish of the elevation. Therefore, I would support the proposal.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

- 6.1 That Listed Building Consent be **GRANTED** subject to the following condition:
1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

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

### **Reason for Decision**

Because of the appearance and location of the windows, which are the subject of this application, their removal, blocking up and rendering would not have any adverse effect on character and architectural appearance of the listed building and the proposed works would assist in its repair and maintenance. Therefore, the proposal would comply with the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

<b>ITEM NO:</b> 6.7	<u>Location:</u>	<b>Beech Ridge Lodge, Woodland Way, Baldock, SG7 6LF</b>
	<u>Applicant:</u>	<b>North Hertfordshire Homes</b>
	<u>Proposal:</u>	<b>Residential development of 68 affordable housing units comprising 36 x 1/2 bedroom sheltered housing flats, 8 x 2 bedroom flats; 17 x 2 bedroom houses; 4 x 3 bedroom houses and 3 x 4 bedroom houses, 94 associated parking spaces, access roads, amenity areas, landscaping and ancillary works following demolition of Beech Ridge Lodge and Temple Court (as amended by drawings received 1st August 2008).</b>
	<u>Ref.No:</u>	<b>08/01087/ 1</b>
	<u>Officer:</u>	<b>Kate Poyser</b>

**Date of expiry of statutory period :** 19 August 2008

**Reason for Delay**

Negotiations with applicant and technical consultees.

**Reason for Referral to Committee**

This is a major application for residential development on a site greater than 0.5 hectares.

**1.0 Relevant History**

- 1.1 Prior approval for the demolition of the buildings on site was sought earlier this year.

**2.0 Policies**

- 2.1 **Central Government Policy Guidance:**  
Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'  
Planning Policy Statement (PPS) 3 'Housing'
- 2.2 **East of England Plan:**  
Policy H1 'Regional Housing Provision 2001 to 2021'  
Policy H2 'Affordable Housing'
- 2.3 **North Hertfordshire District Local Plan No 2 - with Alterations:**  
Policy 26 - Housing Proposals  
Policy 29a - Affordable Housing for urban Local needs  
Policy 51 - Development Effects and Planning Gain  
Policy 55 - Car Parking Standards and supplementary planning guidance: Vehicle Parking Provision at New Development  
Policy 57 - Residential Guidelines and Standards
- 2.4 **Supplementary Planning Guidance:**  
'Vehicle Parking Provision at New Development'  
'Planning Obligations Supplementary Planning Document'

### **3.0 Representations**

- 3.1 Hertfordshire County Council (Highways) - does not wish to restrict the grant of permission subject to various conditions. Their further comments are being sought with regard to the amended drawings and will be reported orally at the meeting.
- 3.2 Hertfordshire County Council (Planning Obligations Manager) - have recommended sums of money for the S106 agreement towards, youth, childcare, primary and secondary education services.
- 3.3 Environment Agency - following receipt of a Flood Risk Assessment no objections are raised and conditions are recommended.
- 3.4 Natural England - recommend refusal due to a lack of information.
- 3.5 Herts and Middlesex Wildlife Trust - agree fully with the recommendations of the Ecology Report and recommend conditions.
- 3.6 Hertfordshire Biological Records Centre - recommend a species survey be conducted for bats, reptiles and birds. Ecological mitigation measures will need to be designed into the proposed development to prevent and minimise all adverse effects on wildlife. Landscaping of the site should seek to enhance the local habitats and conditions for wildlife. They recommend conditions should the Council chooses to grant permission.
- 3.7 Police Architect Liaison Officer - recommend various amendments relating mostly to the omission of a footpath, removal of benches, reduction of hiding places, improved lighting, minor changes to the houses, planting heights in public areas to improve natural surveillance.
- 3.8 County Archaeologist - recommends a desk based assessment and field evaluation be carried out before a decision is made on the application.
- 3.9 Baldock Society - "1. Does the proposal meet the demand for sheltered housing in Baldock. The previous unit, with the same number of spaces, was always oversubscribed and had a waiting list.  
2. There were concerns about the reptile relocation works, can you confirm that all reptile relocations will be carried out prior to the demolition and construction works.  
3. There are also concerns about the loss of trees. We note that the majority have a 'C' status, we think a second opinion would be desirable."
- 3.10 Local Residents - letters have been received from the occupiers of 44 and 70 Page Close raising concern about overlooking of their properties, a loss of sun/day light and noise nuisance to No 44 and querying whether there would be an undesirable access into the adjacent play park from the site adjacent No 70. The occupier of 13 Temple Court raises queries relating to access and traffic, whether there would be any encroachment on the woods, security of residents of Temple Court given proximity to woods and whether facilities such as lunch laundry and entertainment would still be available to residents of the bungalows. The occupier of 21 Temple Court considers the care home proposal would be very satisfactory.

### **4.0 Planning Considerations**

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

- 4.1.1 The application site lies within a residential area. There is woodland to the south east and the remaining sides are surrounded by existing residential properties, in Ivel Way, Page Close and Woodland Way. The site currently consists of two main buildings, Temple Court and Beech Ridge Lodge. Temple Court has 36 extra care

flats over 2 and 3 storeys and Beech Ridge Lodge is a 2 storey building with 98 single rooms. For clarification the site does not include 97 to 104 Woodland Way.

## 4.2 **Proposal**

4.2.1 The current sheltered housing facilities are now considered not fit for purpose and are an out dated form of accommodation for residents with a variety of needs. The proposal is, therefore, for the demolition of both buildings and their replacement with a new care home of 36 rooms to replace Temple Court. This would be phased so the few remaining residents of Temple Court can be decanted to the new building before the demolition of Temple Court. Beech Ridge Lodge is currently vacant and is to be demolished. In addition to the care home, 24 new houses are proposed and a block of 8 flats, all to be affordable housing. The layout of the site is such that the two storey flats would be at the entrance of the development with the end gable designed as an architectural entrance feature to the site. The two and three storey care home would be behind, in the centre of the site. The two storey houses would all be semi-detached with 12 to the north of the site and 12 to the south. Access would be gained from the existing access on Woodland Way and would split into two roads. Most of the road is intended to be of adoptable standards, with Homes Zones serving the houses at either end. The buildings would be of a modern design approach rather than a pastiche of local styles, with flats and houses generally facing south for solar gain and sedum roofs for the two storey sections of the care homes.

## 4.3 **Key Issues**

4.3.1 There are no objections in principle to the demolition of the existing buildings and replacement with a care home and residential properties. The key issues, therefore, relate to effect on neighbouring residential properties, highway/parking considerations, principles of good design as referred to in Policy 57 - Residential Guidelines and Standards and PPS 3, and ecological considerations.

### 4.3.2 Residential Amenity

Following negotiations with the applicant's agent, the positions of Plots 7 and 8 have been altered to reduce any overlooking of 70 Page Close. I am now satisfied that the angle of the rear bedroom windows to this property is such that a significant loss of privacy would not be caused. The occupier of 44 Page Close is concerned that the 2 - 3 storey flats directly behind her back fence would result in her being completely over looked, result in a loss of sunlight and daylight and noise disturbance. I think the neighbour is assuming that the flats would be in the same position as the existing Temple Court building which is directly behind her. However, this would not be the case, as the two storey flats would be well over 100 metres away. The nearest building would be a two storey dwelling, plot 1, 24 metres to the south west, at a considerable angle, almost side on, more behind Nos 48 and 50 than No 44. I do not consider that the occupiers of No 44 would suffer a significant loss of privacy, no loss of sun light or day light and no significant noise nuisance. A loss of value to her property is not a material planning consideration. A 1.8 metre high close boarded fence with a further 300 mm of lattice fencing on top is proposed along the site boundary with the play area rear of Ivel Way. No direct access is proposed from the site to the play area.

4.3.3 Pre-application advice has resulted in various modifications to reduce the impact on properties in Ivel Way and Woodland Way. I consider that the proposal would cause no significant harm to any existing residential amenity. I am also satisfied that the layout of the development would provide reasonable levels of residential amenity for the future occupiers.

### 4.3.4 Highway Considerations

The Highway Authority raised no objections to the initial drawings and I am consulting them on the revised drawings, which do make some alterations effecting

the highway. I shall report the response orally at the meeting.

- 4.3.5 The applicant proposes 27 parking spaces to serve the care home, and I am satisfied with their justification for the need for this number, which is more than required by the supplementary planning document. The flats and houses would meet the current standards in this document, with the exception of the two four bedroom houses, which would provide two spaces each, being a space each less than the standard. I have negotiated for this to improve the appearance of the street scene and in light of DCLG research which assesses car ownership for affordable housing to be less than for market housing.
- 4.3.6 The Home Zone areas are just small sections at the end of each street the purpose of which is to provide a mixed traffic and pedestrian surface and safe area for children to play in the street. I can see no objection to this approach, which has been used in other parts of the country and in Royston more locally and is encouraged in 'Manual for Streets'. I feel that the proposed surface materials are a little unclear on the drawings, but I feel that this is something that could be considered in detail by condition.
- 4.3.7 Appearance of the development  
The existing buildings are mostly two storey, but with some three storey elements to Temple Court. They are mostly brick with flat roofs and a tiled first floor to give the impression of a mansard roof. There is not a strong or specific character to the residential buildings in the area, other than that they are mostly post war. The applicant is using a modern design approach. The flats mark the entrance to the site. A large balcony and overhanging roof is intended to provide a dramatic feature. The building would use a mixture of render, brick and timber wall finishes, with a low pitched metal roof to provide a platform for solar hot water collectors.
- 4.3.8 The extra care accommodation for the elderly would be in a central position on the site, organised over two and three storeys in two main wings. The central triple height core would be naturally lit from above accommodating many of the communal facilities. The elevations and roofs are broken up visually into sections to break down the mass of the building and to create a more domestic scale. The building would use a mixture of render, brick and timber wall finishes, with green sedum roofs on the two storey elements and low pitched metal roofing on the 3 storey block.
- 4.3.9 The houses are arranged in pairs of semi-detached properties with private rear garden and open plan front gardens. The houses would be constructed to achieve level 3 of the Code for Sustainable Homes or better. They are generally orientated towards the south and with large windows to maximise solar gain and to allow for solar hot water panels. Pergolas and roof overhangs would provide shade during the summer. The materials would be render, brick work and cedar cladding to the walls with roof of either tiles or metal.
- 4.3.10 Landscaping and Security  
The site currently slopes fairly steeply up towards the woodland to the south. The proposal is to make alterations to the ground levels to create some slightly flatter areas for the buildings, which also results in small areas of steep gradient. The main garden area for the care homes would be to the south and would be laid out with a fish pond, rock garden various flower beds and planting areas with benches and picnic tables. Where it borders an access road to the south the land would slope steeply up to a 1.8 metre high open railings on a dwarf brick wall and a line of trees. The main garden to the adjacent flats where it would also abut the access road would continue the 1.8 metre railings on a dwarf wall. Various trees and planting would surround and be partly integrated with the car parking serving the care homes and flats to the north west of these buildings. Some existing trees on the site generally are to remain, some to be removed. I can see no objections to this and feel the preservation of any is not necessary at this stage. The scheme

would not encroach upon the adjacent woodland.

4.3.11 In accordance with the Police Architect liaison Officer's advice the applicant agrees to planting not to exceed 1 metre high in the car park areas with tree canopies not below 2.5 metres when fully mature, to increase natural surveillance. The number of proposed benches have also been reduced to minimise areas which could provide congregation points for local youths. Other amendments have been made to the scheme in the interests of designing out crime and I have been advised that the applicant has submitted a Secured by Design application.

4.3.12 The houses are designed with private rear gardens and open plan front gardens. One house would have a garden slightly less than the 75m sq metres guideline in Policy 57. All the others would exceed this. The roads to be adopted would be tarmac to begin with, becoming brindle block work where the houses begin, which would change again in the small Homes Zone areas, not for adoption. The basic shape and design of the Homes Zones areas I can see no objection to, but I do feel that the surface materials need clarification or amendment as they do seem a little confusing and I feel that this matter could be considered in detail by condition. There is currently a pedestrian link between the bungalows in Woodland Way and Temple Court and it is intended to retain this link with the new care home. Small hard surfaced play areas are shown at the end of the Home Zones. Following negotiation, these would form the end of the street, would have natural surveillance from some of the houses and would avoid 'hiding' areas behind retaining walls. North Hertfordshire Homes intend to maintain these areas themselves and have an existing management plan for such areas.

#### 4.3.13 Wildlife

An ecology report including protected species has been submitted with the application, which has been carried out by appropriate consultants. Further to this report slow worms have been identified on the site as part of the reptile and amphibian survey. A reptile proof fence has been erected in the long grass areas on the site to begin the process of translocation and a further written report is anticipated. No evidence of bats have been found on site and repairs to the roofs of the existing buildings is being carried out to prevent them occupying the vacant buildings before demolition. I am trying to obtain sufficient written information from the applicant on the work carried out since the initial report to send to Natural England and I shall report any further comments received on this matter orally at the meeting.

#### 4.3.14 Archaeology

Trial trenches have been dug on site, as recommended by the County Archaeologist, but no significant finds have been made. An update on this issue will also be presented at the meeting.

#### 4.3.15 Planning Obligations

Negotiations have taken place regarding the amount of planning obligation that should be submitted for this development, considering the existing use of the site and the affordable nature of the housing. The proposed care home is a like for like replacement of Temple Court and I feel contributions would not be required for this element of the proposal. The flats and houses are not a like for like replacement of Beech Ridge Lodge. It is noted, though, that single rooms could accommodate 98 people in this existing building, where as the proposed flats and houses would be likely to generate an overall occupancy of considerably less than this, although the type of occupancy, typically families, would be different. I, therefore, feel that a sum less than the full amount in the SPD for a development of this size would be appropriate, but that the sum should reflect the different type of occupancy, i.e. families. Heads of terms have yet to be agreed, but I am hoping that agreement will have been reached by the time of the Meeting and I shall update Members orally on this matter.

#### 4.4 Conclusion

- 4.4.1 I can see no objection in principle to the proposed redevelopment of this site. I feel the proposed scheme would be a visual improvement to that which currently exists and that the general principles of sustainable development and Homes Zones that the applicant seeks to incorporate into the scheme should be welcomed. There are two matters yet to be resolved, which relate to the Natural England objection to a lack of information on wildlife issues and the Heads of Terms for the planning obligations under a Section 106 agreement. I am also awaiting the further advice of the Highway Authority on the amended drawings and any response from re-consulting residents in Page Close on the amendments to Plots 7 and 8. Subject to these matters my recommendation is favourable and subject to the following conditions.

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the applicant first entering a Section 106 Obligation with the Council to secure the following: financial contributions towards sustainable transport, waste collection and recycling, primary and secondary education, youth and childcare, also to secure the provision of the affordable housing proposed within the planning application, 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. **No work shall commence on site until a report on the proposed method of demolition has been submitted to and approved in writing by the Local Planning Authority. In particular this should relate to measure to mitigate noise and dust created by the demolition work and the hours of work. The work should then be carried out in accordance with the approved report.**

**Reason: In the interests of the residential amenities of nearby residential properties, many of which are occupied by elderly people who are likely to be at home a lot of the time during the day.**

4. **Details and/or samples of materials to be used on all external elevations and the roofs 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.

5. **Prior to the commencement of the development hereby permitted full details of all proposed hard and soft landscaping/planting associated with the proposal shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out in accordance with the phasing programme required pursuant to Condition No. 7 of this permission. The landscaping details required shall include the following elements.**
- a) **which, in any of the existing vegetation is to be removed and which is to be retained**
  - b) **what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting**
  - c) **the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed**
  - d) **details of any earthworks proposed**

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

6. **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.

7. **Full details of a construction phasing 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) **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;**
- c) **access and protection arrangements around the site for pedestrians, cyclists and other road users;**
- d) **details of provisions for temporary public car parking during construction;**
- e) **arrangements for on-going servicing of the existing Temple Court during construction;**
- f) **screening and hoarding details;**
- g) **end of day tidying procedures to ensure protection of the street scene 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 Standards 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority.**

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

8. **Prior to the commencement of the development hereby permitted full details of foul and surface water drainage services required as a result of 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 that the adequate foul and surface water drainage services can be provided.**

9. *archaeological condition, wording yet to be received from County Archaeologist.*
10. Before the access road to the development is first brought into use, visibility splays of 2.4 metres x 40 metres shall be provided in both directions in accordance with drawing numbers 0703wd2.011revP1 and 0703wd2.012revP1 and shall be permanently maintained so that there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access from Woodland Way 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 or leaving the site.

11. Before the development is first brought into use a 2.0 metre x 2.0 metre pedestrian visibility splay shall be provided and permanently maintained on either side of the new driveway accesses. It 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 600mm and 2.4 metres above the carriageway/footpath level.

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

12. 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 to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity

13. 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 0703wd2.011revP1 and 0703wd2.012revP1. The turning space thereafter should be free from obstruction and available for use at all times.

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

14. Prior to occupation of the proposal, parking spaces as shown on the approved drawing 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.

Reason: In the interests of highway safety and amenity

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

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

16. **No site clearance and building demolition shall take place until a reptile survey has been completed and a written report produced, including details of mitigation and translocation if required, and approved in writing by the Local Planning Authority, which shall then be carried out in accordance with the approved report.**

**Reason: To prevent and minimise all adverse effects on wildlife.**

17. **No demolition of buildings shall take place between 1st March to 30th August, which is the bird breeding season.**

**Reason: To prevent and minimise all adverse effects on birds.**

18. **No trees or shrubs shall be removed or ground vegetation cleared during the period 1st March to 30th August.**

**Reason: In order to protect breeding birds, their nests, eggs and young.**

19. Identified reptile habitat should be fenced off with reptile-exclusion fencing and translocated reptiles must go to a suitable receptor site that is not subject to any development threat.

Reason: for the protection of identified reptiles.

20. Demolition of the buildings shall only take place in the presence of a bat

ecologist, who should check the hanging tiles during their removal from the buildings.

Reason: In the interest of the protection of bats.

21. The tall grassland to the east of Beech Ridge Lodge shall be protected during demolition work in accordance with details submitted to and approved by the Local Planning Authority and checked by a suitably qualified ecologist.

Reason: In the interests of protecting reptiles.

22. **Before any development hereby approved takes place details of nest and roost boxes for bats and birds shall be submitted to and approved in writing by the Local Planning Authority, and shall be installed as approved.**

**Reason: In the interest of enhancing local habitats and conditions for bats and birds.**

23. Further to Condition 5 of this decision notice the planting scheme shall include native species of trees and shrubs to produce blossom, fruit and nuts for wildlife and climbing plants, and grassland seed mixes shall consist of appropriate native species.

Reason: In the interests of enhancing the local habitats and conditions for wildlife.

24. 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-E of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

### **Informatives**

1. In the event of breeding birds being found anywhere on the site, work must stop immediately and professional advice sought, either from Natural England (01206 796666) or Hertfordshire Biological Records Centre (01992 555220).

2. In the event of bats being found during building demolition, work must stop immediately and professional advice sought.

### **Reason for Decision**

In the opinion of the Local Planning Authority the proposed development sets out a high standard of design and layout which is appropriate taking account of the context of the site. The scheme would have an acceptable relationship with neighbouring residential properties in terms of amenity and would provide appropriate living conditions for occupiers of the proposed dwellings. Highway conditions in the vicinity of the site would not be affected to an unacceptable degree and the necessary financial contributions towards local services have been put forward. The proposal therefore accords with the provisions of the development plan as summarised below:

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

Policy H1 'Regional Housing Provision 2001 - 2021'

Policy H2 'Affordable Housing'

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

Policy 8 'Development in Towns'

Policy 26 'Housing Proposals'

Policy 29A Affordable Housing for Urban Local Needs'

Policy 51 'Development Effects and Planning Gain'

Policy 57 'Residential Guidelines and Standards'

<b>ITEM NO:</b> 6.8	<u>Location:</u>	<b>King George Recreation Ground, Bradway, Whitwell, SG4</b>
	<u>Applicant:</u>	<b>St Pauls Walden Parish Council</b>
	<u>Proposal:</u>	<b>Erection of a two changing room pavillion with kitchen, toilets, storage and communal area (Class D2). Provision of 6 Sheffield style cycle racks to provide covered parking for 12 cycles (As amended by proposed site plan received 29.07.08)</b>
	<u>Ref.No:</u>	<b>08/01330/ 1</b>
	<u>Officer:</u>	<b>John Chapman</b>

**Date of expiry of statutory period** : 11 September 2008

**Reason for Delay** (if applicable)

N/A

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

Site area greater than 1 hectare

### **1.0 Relevant History**

- 1.1 Permission granted in 2002 for the change of use of land from agriculture to provide extension to recreation ground.

### **2.0 Policies**

- 2.1 Government Policy Advice

PPS 7 - Sustainable Development in Rural Areas.

PPG 13 - Transport

PPG 17 - Planning for Open Space, Sport and Recreation.

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

Policy 6 - Rural Areas beyond the Green Belt.

Policy 39 - Leisure Uses.

### **3.0 Representations**

- 3.1 Sport England - " the development is ancillary to the principal use of the site as a playing field and does not affect the quantity or quality of existing pitches, or adversely affect their use. I can therefore confirm that Sport England has no objection to this planning application as a statutory consultee. I can confirm that the Hertfordshire Football Association and the Football Association, who are familiar with the site and the proposed development, support the principle of the planning application as they consider it to be a promising project that would improve sports facilities in a rural area."
- 3.2 Local residents - the occupier of 2 Bradway raises concern over routing any services across his property, the extent of soil removal and tree felling originally

proposed and the flat roof design of the building. He also requests that a condition advising everyone in the village, by notice or letter to each household, of the fact that the misuse of the facility might cause a nuisance and that some modicum of restraint be exercised by all that use it, whether villagers or visiting guest.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site covers an area of approximately 2 hectares located to the east of properties in Hill Crest and King George's Way, the south of properties in Bradway and to the north of properties in Hill View. At present there is car parking for approximately 22 cars situated to the north west of the existing tennis courts, with access from Bradway. The existing pavilion/changing rooms building, which is approximately 14 metres in width and 8 metres in depth, is located mid way along the north western boundary of the site and behind the rear garden boundaries of 4 and 5 Hill Crest.

### **4.2 Proposal**

4.2.1 This application seeks permission for a building to be located at the north eastern corner of the playing field and to the south of the tennis courts which would measure 23.3 metres in width, 9 metres in depth and 3.5 metres in height. The building would provide two changing rooms, toilet facilities, storage areas, together with a 60 square metre floorspace communal area which would be used by villagers for children's parties, small community group meetings and the local youth club, as well as participants and spectators of the sport facilities. The building would be constructed with cedar timber cladding with a dark brown copper colour aluminium fascia and light grey flat roof. The large glazed windows to the communal area would be secured when the building was not in use by perforated steel roller shutters to restrict damage and vandalism to the building. It is proposed that the communal area Whilst it is hoped this new facility would allow a greater community usage than the existing building, so as to increase income and thus maintain the site and facilities, the submitted plans do not indicate that the building would include any bar facilities as proposed for the scheme in Codicote which was considered by members at the last meeting.

4.2.2 In addition to the proposed building a covered cycle shed for 12 bikes is to be located between the existing tennis courts and car park.

### **4.3 Key Issues**

4.3.1 The key issues to the determination of this application are whether the proposals are acceptable in terms of their visual impact upon the locality and the residential amenity of neighbouring properties.

4.3.2 Insofar as the first issue is concerned the siting of the proposed building would be such that it would be less prominent than the existing facility to most neighbouring properties and from within the recreation ground and car park. In addition, amended plans have been received which have retained trees which were originally shown to be felled to the north east of the proposed building, thereby maintaining much of the existing embankment by the tennis courts and reducing the amount of soil removal from the site. The retention of these trees, together with others to the north of the tennis courts, mean that the visual impact of the building upon neighbouring properties in Bradway would be minimal. The proposed cycle parking facility would also be well screened from both within and outside the recreation ground and car park. I do not consider the flat roof design of the building would detract from the visual amenity of the area in its proposed location and consider there would be no significant advantage in visual amenity terms in requiring it to be built with a pitched roof. The facilities within the building are

modest in size. particularly that of the communal area which would provide social facilities for the village and users of the sports ground and tennis courts.

4.3.3 Turning to the second issue I consider that the siting of the building and the cycle parking facility would not cause any demonstrable harm to the residential amenities of any neighbouring property. The concerns raised by the neighbour at 2 Bradway relating to the routing of services cannot be given any significant weight in planning terms and therefore cannot form a basis to refuse the application. The submission of amended plans have, I consider, adequately addressed concerns over the extent of the proposed earthworks and the number of trees to be removed. I have already commented that I do not consider the flat roof design of the building would cause any significant harm to the visual amenity of the locality and I do not consider it could be argued that it would cause any significant harm to the residential amenity of neighbouring properties in its proposed position. Finally I do not consider there is any reason why the proposed facility would give rise to any significant change in circumstances which would lead to increased nuisance when compared with the existing facility, particularly as the present building has an unrestricted hours of operation whilst a time limit condition is recommended upon this building. A condition, as requested by the neighbour at 2 Bradway (set out in paragraph 3.2 of this report) cannot be justified.

#### 4.4 **Conclusion**

4.4.1 The proposed building would be a modest size structure which would provide sporting and social facilities for the benefit of the village and would cause no harm to the visual amenity of the locality. The cycle parking facility is also to be welcomed as encouraging a healthier lifestyle and to help reduce reliance upon the car to access these facilities. Neither development would cause any significant harm to the residential amenity of any neighbouring property. Accordingly, there is no sustainable planning reason to object to this application and permission should be granted.

### **5.0 Legal Implications**

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

### **6.0 Recommendation**

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

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

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

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

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

3. The building shall not be used for any purpose prior to the provision of the approved covered cycle parking facility.

Reason: To ensure that provision is made to encourage non reliance upon the car for users of the building in accordance with advice in PPG 13 - Transport..

4. The use of the building, hereby approved, shall only take place between the hours of 9.00am and 11.00pm.

Reason: Having regard to the proximity of the building to residential properties the restriction of activity is necessary to ensure that the residents of those properties can continue to expect to enjoy times of reasonable peace and quiet.

### **Reason for Decision**

The development, hereby permitted, would have no adverse effect on the visual amenity of the locality or the residential amenity of any neighbouring residential properties and, as such, complies with Government policy advice and the relevant provisions of the development plan, as summarised below:

#### Government Policy Advice

PPS 7 - Sustainable Development in Rural Areas.

PPG 13 - Transport

PPG 17 - Planning for Open Space, Sport and Recreation.

North Hertfordshire District Local Plan No 2 with Alterations.

Policy 6 - Rural Areas beyond the Green Belt.

Policy 39 - Leisure Uses.

<b>ITEM NO:</b> 6.9	<u>Location:</u>	<b>Hatch Penn, The Joint, Reed, SG8 8AZ</b>
	<u>Applicant:</u>	<b>Mr D Rand Rand Brothers</b>
	<u>Proposal:</u>	<b>Erection of one three bedroom Gamekeeper's cottage, associated Shoot accommodation, and new access and parking facilities with garden landscaping.</b>
	<u>Ref.No:</u>	<b>08/01254/ 1</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period** : 24 July 2008

**Reason for Delay**

Committee Cycle.

**Reason for Referral to Committee**

The application is being presented to the Planning Committee due to its recommendation being contrary to the views of the Reed Parish Council.

**1.0 Relevant History**

- 1.1 The farm as a whole has an extensive planning history. With regards to this application, of relevance is application 07/02151/1 which was for the change of use of the land to facilitate the erection of shoot accommodation, associated four bedroom keeper's cottage and detached ancillary triple garage and kennels. This application was withdrawn by the applicant, as it was indicated to him that the proposal was considered to be too large and exceeded the minimum required to meet the demonstrated function need of the game business.

**2.0 Policies**

- 2.1 As the Council has moved to using 'saved policies', there are no relevant policies in the North Hertfordshire District Council Plan no.2 with Alterations 1996.
- 2.2 PPS7 - Sustainable Development in Rural Areas.

**3.0 Representations**

- 3.1 **Environment Agency** - no response due to workload pressures.
- 3.2 **HCC County Land Agent** - no response at time of writing. Any response will be updated at the Committee Meeting.
- 3.3 **HCC - Archaeology** - no objection subject to conditions.
- 3.4 **Herts Highways** - no objection.
- 3.5 **Legal Services** - there are no outstanding issues on the Unilateral Undertaking.
- 3.6 **Planning Policy** - no objection in principle. Questions whether the development is

truly essential.

- 3.7 **Environmental Health** - question what the 'renewables' are to be, and states that if wind turbines are to be used, that full details of these must be submitted. (Officer note: a reference is made in the Design and Access Statement that the applicant wishes to use renewable technology in the design of the new house. It is most likely that some form of ground source heat pump is to be used not a wind turbine. However, a condition is recommended to ensure that full details of any renewable technology are submitted to the Local Planning Authority and approved).
- 3.8 **Reed Parish Council** - raises objection to the application on the basis that it is new development in the open countryside away from existing towns, contrary to Government advice. Shooting is not enjoyed by all, as it is expensive and many people are concerned at the shooting of hand reared birds in order to provide recreation. In addition there is a public safety risk from shooting near to public footpaths and bridleways. It will not enhance the environment or the community, it brings noise, danger, guns and traffic nuisance. The site of the cottage is very open and will be seen for many miles and will detract from the beauty of the landscape. Concern that there will be more traffic using the dangerous access onto the A10.

#### **4.0 Planning Considerations**

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

- 4.1.1 Hatchpen farm lies to the east of the A10 and to the north of the village of Reed. It is a large farm, extending over some 1,500 acres and the land is gently undulating with a range of wooded copses and arable fields. The main farm complex is set roughly in the middle of the farm, and is a modern complex of large agricultural sheds, that have been set into the landscape, so there are no or very limited views to it. The farmhouse is positioned near to the yard complex, and is also modern, built approximately 15 years ago.
- 4.1.2 The actual area for the application site is some 90m north of the main farmhouse. It is positioned into the bottom corner of a field with the front boundary being onto an exiting farm track. The land is fairly level in this location, and is also low lying, with the land gently inclining to the west, up to the A10. There is mature/dense landscaping on the farm boundary with thick belts of trees and only extremely limited views to existing buildings at the neighbouring Newsells Stud Farm. Due to the fairly open nature of the land, there are views from the site across to the east. However, there are only limited footpaths and bridleways crossing this land, with the closest road being the Royston Road, which is nearly km away to the east.

##### **4.2 Proposal**

- 4.2.1 The application is seeking full planning permission for a three-bedroom gamekeepers cottage with associated garden and parking area and dedicated shoot accommodation. The shoot accommodation comprises the main shoot room and then a changing / gun area, kitchen and pantry and a beaters rooms. At the rear of the shoot accommodation is a workshop and store for the game business.
- 4.2.2 The buildings are situated so that they adjoin, and form a small complex of buildings. There is one driveway in, and a large yard area behind the buildings which would form a shared area of parking for both the cottage and shoot accommodation. In a similar way to the main farmhouse, it is proposed to create a definite boundary edge to the complex, and for this to be landscaped to provide both a setting and screening for it.
- 4.2.3 In design terms, the buildings have been adjoined and have a fairly traditional barn like appearance. The finish is wooden weatherboarding and a plain tile roof. The

driveway is to be shingle, which is the same as the main farmhouse.

- 4.2.4 A Unilateral Undertaking has not been submitted with this application. However, one was submitted for the previous application, 07/0151/1, and this is being transferred to this application. This is acceptable and in accordance with the Council's approved SPED Planning Obligations.
- 4.2.5 In addition, an extremely lengthy Design and Access Statement (ADS) and an Agricultural Justification for the construction of gamekeepers cottage and shoot room have both been submitted in support of the application.
- 4.2.6 In summary the DAS sets out the planning policy background, the proposed functional test requirements and states why both a gamekeepers cottage and new shoot accommodation is required. The Agricultural Justification gives further details on these points. Copies of these documents will be distributed to Members on disc for reading prior to the meeting.

### 4.3 **Key Issues**

#### Two proposals

- 4.3.1 Even though the application is proposing one large building, and game rearing and shooting are two elements of the same business, for planning assessment purposes I consider that the proposal needs to be regarded as two separate entities. One being the shoot accommodation, and the other the game keepers cottage. The reason being that the shoot business is well established and this application is to provide specific accommodation for an established, functioning business. Whereas, the game rearing business is seeking to fundamentally change and as a result the demands on the gamekeeper and the animal welfare issues on the farm are to intensify. This will create a new level of 'functional need' necessitating, in the applicant's view, the requirement of a full time game keeper to live on the farm. As the birds come before the shoot, I shall deal with the gamekeepers element of the proposal first.

#### **Gamekeepers Cottage**

#### Policy background

- 4.3.2 PPS7, Annex A, sets out the Government's policy advice for assessing new dwellings for farm workers. In this instance, game keeping is regarded to be a farm occupation and therefore does fall within the definition of a farm workers dwelling. In summary, Annex A states that new permanent dwellings are to support existing agricultural activities on well-established agricultural units providing:
- there is an established existing functional need;
  - the need relates to a full time worker;
  - the business has been established for at least three years, profitable for at least one and is currently sound and have a clear prospect of remaining so;
  - the functional need cannot be met by another dwelling on the unit or existing accommodation nearby;
  - other planning requirements, such as impact on the countryside, are also satisfied.
- 4.3.3 Annex A goes on to set out what a 'functional test' is. It states that it is necessary to establish whether it is essential for the proper functioning of the enterprise for a worker to be readily available at most times in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products.

#### Summary of case

- 4.3.4 As existing the farm buys in 22,000 partridges and 2,000 pheasants at 12 weeks old. The birds arrive onto the farm in batches between the end of June to the beginning of August. They are housed in release pens around the farm for approximately four weeks, before they are released. Whilst the birds are in the pens, numerous checks are required to ensure food and water supplies are adequate, to make sure vermin have not spooked or attacked the birds or to ensure that any sickness is controlled. If the birds get spooked, such as noise from low flying aircraft, they will swarm and trample each other. The birds are nervous and the farm expects to lose approximately 10% of stock from trampling and vermin. The checks are regular and time consuming. Once they have been released from the pens, food and water supplies are retained to ensure that the birds stay relatively local to their release points (to populate the shoot days), and checks are still made on a daily basis. Please refer to pages 6 and 7 of the Agricultural Justification report, which sets out the tasks and hours of work.
- 4.3.5 In order to ensure quality and to reduce mortality rates from the birds getting spooked and trampling each other in transit, the farm is seeking to buy in the birds as day olds. This greatly changes and intensifies the role of the gamekeeper. The birds would arrive onto the farm in various batches in April and May. The birds need to be housed in a quiet area, and would be housed in pens on the grassland near to the gamekeepers cottage, which is well away from the main roads. During the first six weeks in particular, they require very regular checks for food, heat, water, vermin and illness. The pens will need heaters and all of these things need to be checked many times during the day and night. At six weeks they are stronger, but still require fairly regular checks until they are released. As the birds will be coming in in batches, the very intensive part of the rearing will continue for several months.
- 4.3.6 Over the course of year, the very intensive part of the rearing, from day olds until release, will occur from the end of March/early April throughout to the end of September. Once the birds are released regular food and water checks are required as well as measures taken to control vermin across the farm. The shoots take place from the end of September through to end of January. On shoot days the gamekeeper is responsible for managing the shoot, ensuring it is prepared for and that all records are kept up to day. In addition, the regular checks on the released birds still have to be undertaken. After the shooting season finishes, any birds remaining on the farm are encouraged to breed naturally, and this also requires work ensuring food and water supplies and vermin levels are managed. End of March / early April the cycle starts again.
- 4.3.7 The Agricultural Justification report concludes, based on the number of birds and the number of shoot days, the hours input equate to 5.5 full time workers required. The staffing levels are one full time gamekeeper, one part time gamekeeper and one of the Rand brothers (applicants) who manages the paperwork side of the shoot. The remainder of the work is accounted for on the shoot days with the cook, waitress staff and beaters.
- 4.3.8 Over the next two seasons the farm intends to increase the number of birds bought in, from the current level of 24,000 total (22,000 partridges and 2,000 pheasants) to 28,000 total. (26,000 partridges with no increase proposed for the number of pheasants). Due to the landscape of the farm, it is far better suited to partridges.

#### Consideration of case

- 4.3.9 The shoot has been operating at the farm for 16 years, and turns over in excess of £100,000. Therefore, it can be concluded that it is a well established and viable business.

- 4.3.10 It is noted that the application is proposing a permanent dwelling, and that a temporary dwelling for three years has not been asked for. In this instance the shoot is financially sound and a well established business in its own right. Furthermore, for several months of the year for more than the last five years, the full time gamekeeper has had to camp on the farm in a caravan, to be able to meet the needs of the birds. Due to the long hours a rest place and somewhere to sleep at night has been needed. This demonstrates that when the birds come in to the farm at 12 weeks old there is a functional need that cannot be met by the gamekeeper living off site, and with the birds coming onto the farm as day olds and with increased numbers, there will be a very real full time need for the game keeper to be close by. In addition there is a security issue. Access through the farm is possible as there are footpaths and bridleways and there have been instances of theft of the birds from the pens. By locating the young birds next to the gamekeepers house it helps to increase security on the farm.
- 4.3.11 PPS7 advises that the functional test requirement, or the needs of the stock/birds should be 'at most times'. The Agricultural Justification report sets out how much work the game business generates and concludes that the workload equates to enough work for 5.5 full time workers. As this dwelling is for one full time gamekeeper, it can be concluded that there is a very real functional need for animal welfare issues on the farm.
- 4.3.12 The game keeper currently lives in Therfield, which is a 5-10 minute drive from the farm. There are no other farm buildings on the farm that are suitable for conversion. The applicants have stated that the existing farmyard on Brickyard Lane in Reed would not be suitable for re-development with the gamekeepers cottage and shoot room, as the site is too open, allowing too much risk to the young birds from disease, noise and theft. Furthermore, it is very close to residential homes and could give rise to issues such a nuisance and impact on nearby residential amenity from noise from the birds.
- 4.3.13 Given the numbers of birds involved, even at 12 weeks old, the game keeper living 5-10 minutes drive away is too far away during the intensive period so he has to camp on the farm. This proposal is to have the birds on the farm as day olds, when they are significantly weaker requiring more checks day and night, and more prone to stress and trampling each other than at 12 weeks. I consider that it is reasonable to expect the game keeper to live on site in this instance.
- 4.3.14 In summary I consider that the farm has demonstrated a functional requirement for a full time worker on the farm for game rearing and that it is reasonable for a gamekeepers cottage to be provided.

#### Design considerations

- 4.3.15 The proposed dwelling comprises of a kitchen/breakfast room, utility room, lounge and hallway at ground floor, and three bedrooms with one en-suite and one family bathroom at first floor level. This is not considered to be excessive. It is reasonable to assume that a farm worker will need a utility room for wet/muddy outdoor clothing, and also that the farm worker may also have a family. The proposal has been significantly reduced in size and scale from the previous withdrawn scheme, when the dwelling had a larger footprint and was a four bedroom dwelling with large garaging and workshop also proposed. The external design is also considered to be acceptable, and will be discussed in more detail below, with the shoot room accommodation.

## Shoot Accommodation

### Policy Background

- 4.3.16 Paragraph 30 of PPS7 states that recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises and that Local Planning Authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with the rural location. Furthermore, it should not result in the excessive expansion or encroachment of buildings into the countryside, and where possible the re-use or replacement of existing buildings should be encouraged.

### Summary of case

- 4.3.17 Currently there are 32-34 shoot days a year. Over the next couple of years it is intended to increase this to 38, which this is the maximum number of days that could be done based on the size of the farm. Normally there are 9 'guns' on a shoot day, and the guest who is the 'gun' normally has a driver who also loads for the gun. As shooting is a social activity lasting the whole day, it involves lunch as well as coffee on arrival and tea in the afternoon. Other breaks may be required throughout the day depending on the weather conditions, and as a result the shoot accommodation has to be close by and under the full control of the shoot. Many of the shoot days are corporate hospitality events and there is an expectation of a high quality environment. As a result the shoot day also employs a cook, two catering staff, one cleaner and 20 beaters (out of a pool of about 40 beaters).
- 4.3.18 The main farmhouse is used at present as the corporate hospitality centre, and the beaters have to make use of an old portacabin located within the main farmyard complex. Shoot days currently occur on 2-3 days of the week from September to the end of January. The existing farmhouse is the main centre of the farm for all staff, with the farm offices attached to the farm house on one side. When shoot days are on, the family and other farm works are unable to access the farm kitchen and the luncheons take over the lounge, dining room and kitchen/breakfast room. The success of the shoot has become its hindrance. It is inconvenient for the family and the general running of the farm on these days and to remain competitive with other shoots, specific accommodation is required.

### Consideration of case

- 4.3.19 Shooting, whether one supports the principle of it or not, is a traditional and well established rural enterprise and is an accepted form of farm diversification. As stated above, this shoot has been running on a commercial basis for 16 years, and is a well established rural business. It provides local employment for the catering staff and beaters, and generates business for local hotels.
- 4.3.20 It is accepted that given the number of shoot days and the intensity and degree that they take over the whole of the downstairs of the main farmhouse, they are an inconvenience to the users of the main farmhouse. As the farm comprises of modern purpose built agricultural buildings, there are no suitable buildings on the farm capable for conversion. As stated above, the re-development of the old farmyard within Reed (on Brickyard Lane) is not a suitable location for the housing of the young birds, and the aim of this proposal is to ensure that the shoot accommodation is adjacent to the gamekeeper to allow him to be able to manage the birds, shoot and his time better, and by splitting the shoot accommodation from the gamekeeper would not overcome this issue. Furthermore there is the issues of theft and safety. The proposed location is within the main farm, close of the main farmhouse and farmyard complex, and therefore thieves will be less likely to be successful. The old farmyard in Reed for much of the time is not used or supervised, and the building could be target for theft, especially for the guns.

4.3.21 Again, the size and scale of the shoot accommodation has been significantly reduced in comparison to the earlier withdrawn scheme. It now proposes the main shoot room, a changing and gun room, a kitchen and pantry, a beaters room and a workshop / store for the game business as a whole. The question is whether it is essential in the rural area to permit the construction of a building that will only be fully used on 38 days of the year. On balance, I consider that it is acceptable and not contrary to the advice contained in paragraph 30 of PPS7. This does accept that it may be necessary for additional buildings to be built to allow farm diversification, and states that there should not be the '*excessive expansion and encroachment of building development in the countryside*'. This proposal is not excessive and has been scaled down to the minimum usable size for its function. Due to its layout and form, it has a compact appearance, tied in with the gamekeepers cottage, so that in the times of the year outside the shooting season, it will not become an unused building on the farm, as there will be constant activity around it. Also because of its function, the shooting season is for only part of the year. Just because the building will not be as intensively used for part of the year, does not make it less needed overall. A condition is recommended to ensure that the building is not used for other social events throughout the year, which could have an adverse impact on the character of the rural environment.

#### Design and siting considerations

4.3.22 The shoot rooms have a traditional barn like appearance, with wooden weatherboard finish walls and a tall, steeply pitched roof. Together, the shoot rooms and house form a small complex. Given its barn like appearance, it will not rival Hatchpen farmhouse itself and it will not appear as though a second farmhouse has been constructed on the farm.

4.3.23 The chosen site for the development has been given careful consideration. It is close to Hatchpen and the farmyard complex, so that all the buildings on the farm are close together to enhance security and to prevent buildings from extending out across the farm. Due to the lie of the land, the new house will not be visible from the A10. The A10 is in a bit of a dip, there are mature trees along it and the land falls to the east. There will only be extremely limited views, at a distance, from the Royston Road, and as the building is to have a barn like appearance and a tree belt is to be established around it, it will appear as a normal farm building and will not appear contrary or harmful to the landscape. There will again be limited views of it from the main access road into the farm, but again these will be at a distance, the new building will not visually jar on the landscape. Overall, I conclude that it will not have an adverse impact on the setting of the landscape or farm. As the land is fairly level close to the site, it will be visible from views within the farm. However, it is an attractive design and it is to be well landscaped, and it will not have an adverse visual impact on the setting of the locality.

#### Sustainability issues

4.3.24 The proposal is not considered to be unsuitable. In terms of traffic implications, the activity already happens on the farm. The difference is that the gamekeeper will be making less trips to and from the farm as he will be living on site, which is a benefit to the environment. The number of shoot days may increase from the current 32-34 per year to 38. This is not considered to be a significant increase, and given the overall traffic generation to and from the farm, will not be a noticeable increase. The A10 is a busy road, and the extra traffic on it again will not be noticeable.

4.3.25 A further consideration is that the proposal states that it is to make use of renewables in the construction of the building. Currently it is anticipated this will be a form of ground source heating and maybe the use of photovoltaics. Wind turbines are not proposed. This approach is supported. A condition is recommended so these details can be agreed prior to construction.

4.3.26 Finally on a sustainability issue, the majority of the end product, the dead birds, are sold to local butchers and to a major supermarket and enter the food chain. Those not sold into the food chain maybe taken away by the guests and others may have too many pellets in them. However, they are not simply burnt or wasted.

#### Other issues

4.3.27 The Parish Council have raised concern that traffic will use the narrow access onto the A10. The farm encourages the use of the main access drive off The Joint, and all directions to the farm sent out for the shoots states that this is the access that should be used.

4.3.28 The Parish Council has also raised concern that guns are noisy and dangerous and there is a safety risk as footpaths and bridleways cross the farm. On shoot days there are many beaters and other farm workers about, and if a rambler or horse and rider were coming too close to the shoot they would be spotted before they got in harms way. The farm lies to the north of Reed, and is a large area. The shooting takes place over 1,500 acres and not all of the shooting will take place near to the village. Whilst the echo of guns may be heard across the countryside, it is not considered to be so frequent or adverse to raise objections on this basis.

#### 4.4 **Conclusion**

4.4.1 The application is seeking permission for a gamekeepers cottage to meet both the existing and proposed increased functional need and welfare issues from game rearing and a dedicated shoot room to cater for the shoot businesses which an important part of the farm income and farm diversification. The shoot is an established business and there is no doubt about its future financial viability. The buildings are designed as a traditional barn, and will blend into the landscape. Overall, the proposal is considered to comply with the advice contained in both paragraph 30 (farm diversification) and Annex A (agricultural dwellings) of PPS7, and is therefore recommended for conditional permission.

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

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

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

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

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

Reason: To ensure the development is carried out in accordance with details

which form the basis of this grant of permission.

3. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted 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. **Before any development commences, a full landscape plan, including full details of all boundary treatment, is to be submitted to and approved in writing by the Local planning Authority. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.**

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

5. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, at Hatchpen Farm in agriculture or gamekeeping as defined in Section 336 of the Town and Country Planning Act 1990, or forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site is within an area where there is a presumption against new development unless it is essential for agricultural or other special reasons. Permission in this case is granted solely in the light of the agricultural necessity and thus the occupation of the dwelling is restricted to ensure its continued use in fulfilling that need.

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

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

7. **Before any development commences on site, full details of the use of any 'renewables' technology in the construction of the building is to be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented on site.**

**Reason: To protect the rural character of the locality.**

9. The shoot room accommodation shall only be used for the social functions of the shoot business and for no other social gatherings or functions.

Reasons: To protect the rural character of the locality.

10. **No development shall take place within the proposed development 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 the Local Planning Authority and approved in writing.**

**Reason: To record/protect the historic environment.**

**Reason for Decision**

The proposed gamekeepers cottage and shoot room accommodation, will meet a functional need of the farm and will not have an adverse impact on the rural landscape or setting of the farm, nor on traffic generation in the vicinity of the farm. The proposal is considered to comply with the provisions of PPS7 - Sustainable Development in Rural Areas.

<b>ITEM NO:</b> 6.10	<u>Location:</u>	<b>Land at Hatch Penn, The Joint, Reed, SG8 8AZ</b>
	<u>Applicant:</u>	<b>Mr Rand Rand Brothers</b>
	<u>Proposal:</u>	<b>Detached agricultural storage building and associated landscaping.</b>
	<u>Ref.No:</u>	<b>08/01358/ 1</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period** : 15 September 2008

**Reason for Referral to Committee**

Building size.

**1.0 Relevant History**

- 1.1 Planning permission was granted in 1994, 2002 and 2003 for the existing farm buildings.

**2.0 Policies**

- 2.1 North Hertfordshire District Local Plan no.2 with Alterations 1996
- Policy 6 - Rural Areas Beyond the Green Belt.

**3.0 Representations**

- 3.1 **Environment Agency** - no response due to workload pressures.

**4.0 Planning Considerations**

**4.1 Site & Surroundings**

- 4.1.1 Hatchpen farm lies to the east of the A10 and to the north of the village of Reed. It is a large farm, extending over some 1,500 acres and the land is gently undulating with a range of wooded copses and arable fields. The main farm complex is set roughly in the middle of the farm, and is a modern complex of large agricultural sheds, that have been set into the landscape, so there are no or very limited views to it. The farmhouse is positioned near to the yard complex, and is also modern, built approximately 15 years ago.
- 4.1.2 The application site for the new agricultural building is on the far eastern side of the existing yard complex. As the existing yard has been set into the landscape, the application site is on a slightly higher ground level than the rest of the yard and the natural land level gently slopes downhill to the north.

## 4.2 Proposal

- 4.2.1 The application is seeking full planning permission for the erection of a new farm building which is to be sited on the eastern side of the farmyard, and will significantly extend the yard complex. The proposal includes works to excavate down to set the building on the same ground level as the rest of the yard, and to extend the concrete apron of the yard. The soil from the excavation is to be used to help continue the landscaped bank around the yard on the north and south boundaries and a continuation of the tree planting along the south boundary, and an extension of this to the east boundary, is also proposed.
- 4.2.2 The proposed building is large. It is 97.5m long by 50m wide with a ridge height of 12.1m. However, with the exception of the south elevation which is enclosed, the three other elevations are all open sided. The structure is to have a steel frame and the cladding on the rear wall and roof is to be box profile steel sheeting in olive green colour.
- 4.2.3 A lengthy Design and Access Statement (DAS) and Visual Impact Assessment Report have both been submitted in support of the application. The DAS sets out the policy criteria the proposal is to be assessed against as well as why it required. The Visual Impact Assessment Report, as the name suggests, assesses the views and impact in the landscape the building will have. Both reports will be available to Members at the Committee Meeting.

## 4.3 Key Issues

- 4.3.1 The key issues are whether the building is essential for the continued operation of the farming enterprise and if yes, whether its visual impact in the landscape will be acceptable or not.

### Summary of case

- 4.3.2 The applicants state that the barn is required to meet current farming practices. The farm sells the straw bales (a by product after harvest) to either the local Elean Power Station in Sutton where they are then used as a form of bio-fuel (renewable energy production) or they are sold to be processed into animal feed. For the straw bales to be used they have to be a minimum of 76% dry and uncontaminated. Currently, the straw bales are stored in blocks out in the fields where they are subject to weather conditions. Consequently the bottom, top and side bales get very wet and dirty and then cannot be used either as bio-fuel or animal feed. The farm considers that currently they are unable to sell on approximately 22% of the straw bales as they are too wet or too contaminated with dirt. These bales then either used for compost, mushroom growing or simply burnt, which does not benefit the environment, the energy/heat from the burning cannot be harvested and it is a loss of income for the farm.

- 4.3.3 The proposed barn will be able to hold up to 9,840 bales at full capacity, and it is envisaged that they would only be stored in the barn for the short term. The bales are an average sized 'Heston bale', which is 1.2m wide, 1.3m high and 2.5m long. The farm, in total on an average year, produces in the region of 22,000 straw bales.

### Evaluation of need

- 4.3.4 The re-use of the straw bales makes good business sense both in terms of the environmental benefit as well as increasing profits for the farm and ensuring its long term viability. I do not dispute that the barn is needed to meet current farming practices. The other barns in the yard complex are all fully used and therefore there is no other building that could be used for this purpose. Therefore, no objection is raised to the principle of the proposed building under the provisions of Policy 6 of the Local Plan.

#### Design and siting

- 4.3.5 In terms of design, care has been taken to ensure that the building will visually blend in with the other buildings in the yard. Whilst the proposed building is longer than the two existing buildings, it is not as wide nor as tall. The proposed height of the new building is 12.1m while the height of the existing building is 13.3m tall. Therefore, in views the new barn will be seen against the context of the rest of the yard. The proposed olive green colour will match the other buildings and help it to visually blend into the landscape.
- 4.3.6 Care has also been taken to site the building on the same and lower level of the yard and the proposed banking and landscaping works will help to further screen the building and yard. When the yard was originally planned, care was taken to ensure that it was sited into the valley and sunk down, so that there are only limited views of the yard from some small sections of the nearby roads. The yard cannot be seen from the A10, and there are only limited views from The Joint and the Royston Road. The yard can be seen from the farm access road off The Joint. However, on balance, the new building will be seen in views from a distance and set against the context of the rest of the farmyard. On balance, I do not consider that it would be so visually intrusive to justify a refusal of the scheme for this reason.

#### Traffic considerations

- 4.3.7 In terms of traffic, the proposal will not result in any increased trips to or from the farm. Currently all the bales are transported off the farm. The difference will be where their end destination is. However, a benefit will be that straw lorries will be able to access the main farm yard complex, which has better access to it, and will not have to access the fields via the country lanes so there should be less blockages in the lanes from the vehicles, less straw left along the hedgerows and as the lorries will be loading on the concrete apron of the yard complex, rather than in the fields as now, and so there will be less mud transported off the farm onto the local roads. This is considered to be an improvement for the immediate locality around the farm.

#### **4.4 Conclusion**

- 4.4.1 The applicant has proven that the proposed new building is required for current farm practices. It will not have an unduly dominating or adverse impact on the rural setting or special quality of the landscape nor will there be increased trip generation to the farm. The proposal is considered to be acceptable, in accordance with the provisions of Policy 6 and is recommended for conditional permission.

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

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

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

Purchase Act 2004.

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

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

3. **Before development commences full details of the proposed landscaping for the tree belt on the east and south boundaries are to be submitted to and approved in writing by the Local Planning Authority. 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.**

#### **Reason for Decision**

The agricultural building, hereby permitted, will have no adverse impact on the setting of the special character of the landscape nor on trip generation to/from the farm and therefore accords with the provisions of Policy 6 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

<b>ITEM NO:</b> 6.11	<u>Location:</u>	<b>Corn Exchange, 31 Market Place, Hitchin, SG5 1DY</b>
	<u>Applicant:</u>	<b>Mr Green Marston's PLC</b>
	<u>Proposal:</u>	<b>Replacement signs comprising externally illuminated timber fascia lettering and window graphics. (Amended plans received 29.07.08).</b>
	<u>Ref.No:</u>	<b>08/01276/ 1AD</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period :** 27 August 2008

**Reason for Referral to Committee**

The application has been 'called in' by a Member in the wider public interest.

**1.0 Relevant History**

1.1 There is an extensive planning history for the building as a whole and also now for the signage itself. In summary to date there have been two applications each for advertisement and listed building consent for the 'Que Pasa' signs which have been refused. The first applications were 07/01521/1AD and 07/01589/1LB. A copy/photomontage of the proposed signs are attached in Appendix 1 for information purposes. At that time the scheme removed the name 'Corn Exchange' from the building completely, and only proposed the number for the building at either end and large fascia lettering sign 'Que Pasa' in bright orange/yellow letters with a black background.

1.2 The applications were refused for the following reason:

*The proposed signage by reason of the materials, colour, font and illumination of the facade lettering and numbers would be detrimental to the special architectural interest of the Listed Building and would harm the visual amenities and appearance of the Conservation Area.*

1.3 Following this refusal a revised scheme was submitted to the Council for consideration and at the same time erected on the building itself. These applications are reference numbers 07/02478/1AD and 07/02479/1LB. Attached at Appendix 2 is a photograph showing the front elevation of the building. This scheme re-introduced the name of the building 'Corn Exchange' in cream letters, put the street number for the building in cream in the central section of it and has single, internally illuminated, orange/yellow 'box sign' letters making up the sign name 'Que Pasa'. This application was determined at the Central Planning Committee meeting in January this year. These applications were also refused with the reason for refusal being:

*The proposed signage, by reason of their materials, colour, font and siting on the building together with the illumination of the fascia lettering would detract from the integrity of the building of special architectural interest and would harm the visual amenities of the Conservation Area.*

- 1.4 Following the refusal of the last scheme, the Council has been in negotiation with the agent and this application, and the associated Listed Building application 08/01277/1LB, are now submitted for consideration.

## **2.0 Policies**

- 2.1 The application is to be determined with regard to PPG19 - Outdoor Advertisement Control (1992).

## **3.0 Representations**

- 3.1 **Conservation Officer** - raises no objection to the proposal and concludes that the proposed advertisement will preserve the special character of this Grade II Listed former Corn Exchange and will preserve the appearance of Hitchin Conservation Area, thereby, complying with the provisions of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.2 **Hitchin Forum** - raise objection on the basis that the signs do not relate to either the character or the significance of the Corn Exchange as a building. The size of the 'Corn Exchange' sign is too small and the size of the letters 'Que Pasa' and the number is too large. No objection to the colour. The window and door graphics are equally inappropriate. (Hitchin Forum has been advised of amended plans received on the 29 July 08).
- 3.3 **The Hitchin Society** - we objected to the last proposal and in response to the current proposal, which go even further than the previous ones and reduce a fine listed building to a very sad state. The garish advertising is unwelcome in the centre of the Conservation Area and the historic quality of the area is seriously compromised by such intrusive and exaggerated signage. The name of the establishment is emphasised at the expense of the historic name of the building. The design of the no.31 would be more at home in a children's horror comic and the window graphics are cheap and tawdry. (The Hitchin Society has been advised of amended plans received on the 29 July 08).

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The Corn Exchange building fronts on to the west side of Market Place in Hitchin town centre. The area is commercial in character, with a variety of shops and cafes fronting on to the Market Place. The building is a Listed Building and also located within the Hitchin Conservation Area.

### **4.2 Proposal**

- 4.2.1 A copy of the proposed plan is attached at Appendix 3. The proposal is seeking consent for:
- the retention of the wooden cream 'Corn Exchange' sign which are non-illuminated, flat applied letters;
  - the replacement of the cream number sign '31' with a very similar number sign. The difference being that the new number sign has a very thin black edge to it. The main colour of the sign is cream, and it is still flat, non-illuminated applied, wooden numbers in the same location on the building above the doorway;
  - the replacement of the orange/yellow, illuminated 'Que Pasa' sign with non-illuminated, flat applied wooden letters that have a very thin black edge with the main colour of the sign being cream.

4.2.2 No lighting is proposed as part of this application, as the signs are to be illuminated by the existing floodlights on the building. Please note that whilst the graphics/vinyls in the window are also shown on the plan, these signs are permitted and do not require specific advertisement consent. Equally the menu board that is placed daily on the pavement does not require advertisement consent.

#### 4.3 **Key Issues**

4.3.1 PPG19, paragraph 24, sets out that special care is essential to ensure that any advertisement displayed on, or close to, a listed building does not detract from the integrity of the building's design, historic character or structure, and does not spoil or compromise its setting.

4.3.2 There is no objection to the proposed signs. The cream 'Corn Exchange' name sign is discrete and retains the heritage of the building. There is no objection to the minor alteration to the number sign. It will match the proposed 'Que Pasa' sign in finish, and allow for a minimal amount of visual separation between the building's name sign and the number and establishment signs on the front of the building. I consider that it is acceptable for the establishment sign to have slightly larger letters than the name sign, to enhance the visual separation between name and establishment, and the sign has been considerably changed both in size, colour, font and projection since the previous applications were considered.

4.3.3 The main change is the 'Que Pasa' sign itself. The proposed sign is discrete and the form and colour of it will complement the setting of the building. There will be no adverse harm on the setting of the Listed Building or the character of the Conservation Area, and it will blend in with the street scape and the other signage nearby around the Market Place.

4.3.4 Even though the vinyl graphics do not require advertisement consent, there is no objection to these signs. They have no material impact on the character of the building and can be easily removed from the windows. Many other shops around the market place have displays or signage in the windows.

4.3.5 Providing the signs are installed correctly, there should be no harm on public amenity or safety.

#### 4.4 **Conclusion**

4.4.1 The revised proposal is considered to be a significant improvement, which overcomes the previous reason for refusal as the materials, colour, font, letter style and illumination have all been changed. There will be no adverse harm on the setting of the Listed Building nor the character of the Conservation Area. The proposed sign is considered to be acceptable and is recommended for approval. A condition, requiring the new signs are installed on the building within two months of the date of the decision of this application, is also recommended.

### **5.0 Legal Implications**

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

## **6.0 Recommendation**

6.1 That Advertisement Consent be **GRANTED** subject to the following conditions:

1. (a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (b) No advertisement shall be sited or displayed so as to-
  - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.
- (e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As imposed by regulation within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The signs, hereby approved, shall be erected on the building within two calendar months of the date of the decision of this application.

Reason: To ensure the removal of the unauthorised signs off the Listed Building.

<b>ITEM NO:</b> 6.12	<u>Location:</u>	<b>Corn Exchange, 31 Market Place, Hitchin, SG5 1DY</b>
	<u>Applicant:</u>	<b>Mr Green Marston's PLC</b>
	<u>Proposal:</u>	<b>Replacement signs comprising externally illuminated timber fascia lettering and window graphics. (Amended plans received 29.07.08).</b>
	<u>Ref.No:</u>	<b>08/01277/ 1LB</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period :** 27 August 2008

**Reason for Referral to Committee**

The application has been 'called in' by a Member in the wider public interest.

**1.0 Relevant History**

1.1 Please refer to the previous report on the agenda.

**2.0 Policies**

2.1 The application is to be determined with regard to PPG19 - Outdoor Advertisement Control (1992).

**3.0 Representations**

3.1 **Conservation Officer** - raises no objection to the proposal and concludes that the proposed advertisement will preserve the special character of this Grade II Listed former Corn Exchange and will preserve the appearance of Hitchin Conservation Area, thereby, complying with the provisions of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.2 **Hitchin Forum** - raise objection on the basis that the signs do not relate to either the character or the significance of the Corn Exchange as a building. The size of the 'Corn Exchange' sign is too small and the size of the letters 'Que Pasa' and the number is too large. No objection to the colour. The window and door graphics are equally inappropriate. (Hitchin Forum has been advised of amended plans received on the 29 July 08).

3.3 **The Hitchin Society** - we objected to the last proposal and in response to the current proposal, which go even further than the previous ones and reduce a fine listed building to a very sad state. The garish advertising is unwelcome in the centre of the Conservation Area and the historic quality of the area is seriously compromised by such intrusive and exaggerated signage. The name of the establishment is emphasised at the expense of the historic name of the building. The design of the no.31 would be more at home in a children's horror comic and the window graphics are cheap and tawdry. (The Hitchin Society has been advised of amended plans received on the 29 July 08).

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 Please refer to the previous report on the agenda.

### **4.2 Proposal**

4.2.2 Please refer to the previous report on the agenda.

4.2.3 In addition a Design and Access Statement has been submitted. This is brief in its content, but sets out the changes that have been made since the last applications were determined.

### **4.3 Key Issues**

4.3.1 Please refer to the previous report on the agenda.

### **4.4 Conclusion**

4.4.1 The revised proposal is considered to be a significant improvement, which overcomes the previous reason for refusal as the materials, colour, font, letter style and illumination have all been changed. There will be no adverse harm on the setting of the Listed Building nor the character of the Conservation Area. The proposed sign is considered to be acceptable and is recommended for approval. A condition, requiring the new signs are installed on the building within two month of the date of the decision of this application, is also recommended.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

6.1 That Listed Building Consent be **GRANTED**, subject to the following 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. The signs, hereby approved, shall be erected on the building within two calendar months of the date of the decision of this application.

Reason: To ensure the removal of the unauthorised signs off the Listed Building.

### **Reason for Decision**

The proposed applied wooden lettering signs will not harm the setting or special character of the Listed Building and therefore complies with the provisions of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<b>ITEM NO:</b> 6.13	<u>Location:</u>	<b>Foxholes, Pirton Road, Hitchin, SG5 2EN</b>
	<u>Applicant:</u>	<b>Mrs U Gandecha Foxholes Nursing Home</b>
	<u>Proposal:</u>	<b>Demolition of existing Coach House single and two storey extensions and construction of part two storey / part three storey front and side extension and four storey rear extension to provide additional bedroom and living accommodation for residents together with provision of staff accommodation (as variation of planning ref 06/02796/1 granted permission on 08/05/07). (Revised description).</b>
	<u>Ref.No:</u>	<b>08/01147/ 1</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period :** 04 September 2008

**Reason for Referral to Committee**

Due to the extension size, it cannot be considered under delegated powers

**1.0 Relevant History**

- 1.1 There is a current extant scheme (06/02796/1) for a large three storey extension which would result in the home having 85 patient beds and creates a self-contained dementia unit. Attached at Appendix 1 is the committee report for 06/02796/1, which was granted permission in May 2007.
- 1.2 There is an extensive planning history for the site. Please refer to the history section of the report in Appendix 1 for full details on the site history.

**2.0 Policies**

- 2.1 North Hertfordshire District Local Plan no.2 with Alterations 1996
  - Policy 2 - Green Belts;
  - Policy 55 - Car Parking Standards
- 2.2 PPG2 - Green Belts.

**3.0 Representations**

- 3.1 **Commission for Social Care Inspection** - do not comment on plans.
- 3.2 **Hertfordshire Biological Records Centre** - the site should be assessed for breeding birds and bat roosts. Recommends a bat protection condition and an informative about site clearance not taking place during the bird breeding season.
- 3.3 **Planning Policy** - It is understood that the revised scheme is approximately 25% larger than the previously approved extension. Provided such an increase is supported by the evidence that underpins the case for very special circumstances, this increase can also be treated as an acceptable exception to normal Green Belt policy. The increase in floorspace results from fuller consideration of the layout needs of such facilities, such that the circumstances surrounding the need for the scheme are unchanged from the previously approved scheme.

3.4 **Hertfordshire Highways** - no objection subject to conditions.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 Please refer to the report attached at Appendix 1.

### **4.2 Proposal**

4.2.1 The application is seeking a variation to the extant scheme 06/002796/1. Both proposals are for large three storey side and four storey rear extensions to the home, resulting in the home having 85 patient beds and 8 staff beds. The 2006 scheme proposed a separate self-contained dementia unit, while the proposed 2008 scheme proposes for the whole home to be designed up to dementia care standards. However, in summary the key difference between the extant 2006 scheme and the proposed 2008 scheme, is that this proposal is 997 sqm, or 25%, larger in size.

4.2.2 Attached at Appendix 2 is a schedule of accommodation for both the extant 2006 and proposed 2008 schemes. It is important to note that the footprint of both schemes is the same. However the extant 2006 scheme would result in the whole home (existing and new floorspace) being 3773 sqm in size while the proposed 2008 scheme is for the whole home to be 4758 sqm in size.

4.2.3 The key differences between the two schemes are:

- the proposed 2008 scheme has a larger lower ground floor level,
- in the 2008 scheme the plant accommodation is to be sited on the roof of the extension not within the basement;
- the 2006 scheme retained a small inner courtyard on the front elevation, while the 2008 scheme has infilled this whole area which allows for a larger floor area on the ground, first and second floors;
- the 2006 scheme proposed to retain and convert the coach house, while the 2008 scheme has determined that it is beyond economic repair and the proposal is to demolish and rebuild in the location of the coach house making the home two storeys in this location;
- all of the bedrooms in the 2008 scheme are larger and all have an en-suite shower room suitable for use by those in a wheelchair. The average sized bedroom in the 2006 scheme is 44.38 sqm while in the proposed 2008 scheme it is 55.74 sqm;
- the 2006 scheme proposed 22 car parking spaces and the 2008 scheme proposes 38 car parking spaces including 5 disabled bays;
- the 2008 scheme proposes two well designed dementia gardens. One in front of the building to be accessed off the ground floor and one to the rear of the building to be accessed off the lower ground floor;
- the 2006 scheme has one large dining room and one large lounge on the ground floor for use by all residents. The 2008 scheme proposes large dining and lounge rooms on the ground and lower ground floors and then smaller lounge rooms on each floor and in addition there are small gathering locations clustered throughout the corridors.

4.2.4 A plan will be tabled at the Committee meeting showing the proposed scheme with the outline of the extant 2006 scheme hatched on to it. The rear extension of both the extant 2006 and proposed 2008 scheme are the same height of 13m high and length of 40m deep. However, the depth/width of the 2008 scheme is increased from 12.5m to 16.5m. The main bulk difference between the 2006 and proposed 2008 schemes is on the front and side elevation, where the increase in bulk is most noticeable.

4.2.5 In addition a detailed Design and Access Statement has been submitted. This sets out why the amendment to this scheme is required and the case of very special circumstances to justify the proposal. This is available for viewing on the Council's website.

### 4.3 Key Issues

#### History

4.3.1 The report for the extant 2006 scheme, attached in Appendix 1, sets out the detailed argument why the large extension is required at the home, the case of very special circumstances to justify such a large extension in the Green Belt, and why the siting and design of the proposal is acceptable in its own right, so that it will not have an unduly dominating or harmful impact on the character of the Green Belt.

#### Very Special Circumstances

4.3.2 Paragraph 4.3.6 of the report in Appendix 1 sets out the case of very special circumstances. The DAS for this 2008 proposal states that all of these reasons still exist, as the home still desperately needs to be extended. However, the previous extension was not designed by a specialist in care home requirements, and as a result the proposed extension does not adequately meet the current and anticipated future needs of the home.

4.3.3 The DAS justifies why the proposal needs to be 25% larger. The key reasons being:

- the 2006 scheme does not comply with the National Minimum Standards for Care Homes for Older People;
- the internal layout for the home under the 2006 scheme is not suitable for people with dementia. The Alzheimer's Society statistics show that 64-75% of those living in a home will have some form of dementia. Therefore, the 2008 proposal is for the whole home to be designed up to dementia care standards and by having several lounges throughout the home and smaller gathering locations it allows for a higher level of independence for residents;
- the 2006 scheme does not incorporate features of best practice for Care home design such as having a dedicated staff training facility. Care homes traditionally are staffed by very transient staff and a facility for staff training is essential;
- the 2006 scheme does not provide en-suite facilities for all bedrooms, and where it does they are not suitable for wheelchair users;
- 27 of the single rooms in the 2006 scheme, when the door opening arc is discounted, are only 10.5 sqm in size which makes them too small and are not regarded as fit for purpose. As a result there is a need to make the rooms larger in the 2008 proposal;
- the 2006 scheme does not meet current regulations, and if there are any further changes in care standards regarding room size or en-suite facilities it would make the home obsolete in its lifetime;
- the 2006 scheme has many changes in level between the existing home and the new extension with accommodation on 7 different levels. This restricts the level of independence and the range of choices for residents. Many residents will have mobility issues and will not be able to negotiate changes in level without great risk of falling and injury. As existing approximately 70% of the existing residents are wheelchair users. The 2008 scheme only has accommodation on four levels.

4.3.4 I consider that sufficient arguments have been made to justify why the revised, larger extension to the home is needed. The larger rooms, with usable en-suite facilities combined with the home having better, easier access around it and more gathering and lounge rooms for social interaction, will greatly enhance the quality of life for those living in the home. The last application demonstrated that for it to be

financially viable it must have at least 85 patient beds. Therefore, reducing the number of beds to that the extensions are the same size is not an option.

#### Design and bulk

- 4.3.5 A further consideration, in addition to whether the development is acceptable in principle, is whether the proposed extension is an acceptable extension in the Green Belt in its own right.
- 4.3.6 There is no objection to the demolition of the coach house. Whilst it is an attractive building, it is in an extremely dilapidated condition, and the building is neither listed nor in a Conservation Area. Therefore, no objection is raised to its removal. In pure design terms, the proposal, on balance, is acceptable. The rear extension is visually broken up with the use of gables, dormers, coping stones, small 'juliette' style balconies and should not appear an over large or dominating extension.
- 4.3.7 The proposed front extension is large. Whilst, on balance, due to the case of very special circumstances I have no objection to the amount of mass being proposed, the front elevation is visually bulky. The extension is set back slightly from the existing front of the home, but overall I consider the detailing of the front elevation to be bland and the front porch detail is not enough of a feature. A condition is recommended to ensure that the detailing of the front elevation is improved.
- 4.3.8 Even though the amount of bulk is being increased, I do not consider that it would have undue harm on the character or openness of the Green Belt. Views from the Pirton Road are completely obscured by dense trees and the building is set well back off the road. Again due to mature trees within the grounds, and due to the siting of the building, there are no views of the front elevation from outside the site. However, at the rear, there is a drop in ground levels and views out over the open countryside. There is a footpath off Gray's Lane, and there are some views of the home from this footpath and in longer views looking back from Pirton. These views will be at a distance and mainly partially obscured by trees. Whilst it will be clear that the home has increased in size, and a rear wing added, given that the proposed rear wing is the same length and height as approved in 2006, I do not consider that there would be any increased harm on Green Belt openness or visual amenity in the landscape. The main extra bulk added to the front and side of the home, due to its siting and landscape, will not be apparent in views back from a distant. Therefore, I conclude that despite being larger, the proposal will not have adverse harm in the Green Belt.

#### Other issues

- 4.3.9 38 car parking spaces are proposed. This is considered to be an acceptable provision and is an increase of 16 spaces in comparison to the extant 2006 scheme. No objection is raised on this basis.
- 4.3.10 Bat and bird protection conditions are recommended to ensure that if there are any bat roosts or nesting birds found in the buildings they are given the necessary protection and mitigation measures are implemented..
- 4.3.11 The two well designed and landscaped dementia gardens are considered to be an excellent addition to the scheme. Several benches are proposed as well as water features and planters to encourage interest in the gardens for the residents.

#### **4.4 Conclusion**

- 4.4.1 The proposal is seeking permission for a large extension to the nursing home as a variation to an extant 2006 permission. The DAS does adequately justify why an increase in size is required. On balance, the design of the extension is considered to be acceptable, with amendments to the front elevation, and it is not considered that there would be any increased harm to the Green Belt. The application is

therefore recommended for conditional permission, subject to the call in procedure by the Secretary of State.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

- 6.1 That subject to the Secretary of State not wishing to call in the application for her own determination as a Green Belt departure from the Development Plan, as the application is proposing an extension of more than 1000m<sup>2</sup> in the Green Belt, 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. **Before development commences landscape details are to be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented on site. The details shall include:**

- 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**

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

5. The approved details of 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 development starts on site, a survey shall be carried out, in accordance with a methodology that has been agreed with the local planning authority, to ascertain whether any bats are present on the site. The results of the survey shall be submitted to the local planning authority, together with details of the measure proposed to mitigate the effect of the development on any such species, including the timing of development works. The development hereby permitted shall not start until the mitigation measures have been agreed in writing by the Local Planning Authority, and the development thereafter be carried out and retained in accordance with the agreed measures.**

**Reason: To protect species and habitats protected by the Wildlife and Countryside Act 1981.**

7. No site clearance works, including building demolition, tree and shrub removal, shall be conducted during the period of 1st March to 30th August in order to protect breeding birds, their nests, eggs and young. In addition, new nest sites, in particular for swifts, should be created in appropriate locations in the proposed new build extension and converted coach house.

Reason: To protect species and habitats protected by the Wildlife and Countryside Act 1981.

8. Prior to the first use of the proposal the parking spaces as shown on drawing number 5008-PL-1001-C shall be provided and appropriately marked out within the curtilage of the site. The parking facilities shall be kept available solely for the parking of motor vehicles and the loading and unloading facilities shall therefore be permanently retained as provided thereafter.

Reason: To ensure the provision of satisfactory vehicle parking and loading /unloading facilities that are clear of the public highway to meet the need of the development. In the interests of highway safety and amenity.

9. **Before any works commence on site, revised details of the front elevation are to be submitted to, and approved in writing by, the Local Planning Authority. The approved details are to be implemented on site.**

**Reasons: To improve the design and appearance of the extension.**

#### **Reason for Decision**

The development, hereby permitted, would have no adverse effect on the amenities of the Green Belt or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of Policies 2 and 55 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and PPG2 - Green Belts.

**\*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: 21 August 2008

**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>
Legal Estates PLC	Detached five bedroom dwelling following demolition of existing grain store (as amplified by drawing No. 104 (streetscene) received 10 October 2007)	Land at Porters End Farm, Porters End, Kimpton	07/01699/1	Appeal Dismissed on 4 July 2008	Delegated	The Inspector concluded that the proposal would harm the Green Belt by reason of inappropriateness. The character and appearance of the countryside would also be harmed. The Inspector also stated that the material considerations were not sufficient to clearly outweigh the harm to the Green Belt.
Mr & Mrs D Hamid	Detached building to provide music room, gym and store following demolition of existing shed.	Lowercourt, Three Houses Lane, Codicote, SG4 8TB	07/02665/1HH	Appeal Withdrawn on 16 July 2008	Delegated	

**PLANNING CONTROL COMMITTEE**

**DATE: 21 August 2008**

**PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mrs M Muston	8 July 2008	Two storey rear extension	Ashwell End Farm, Loves Lane, Ashwell, Baldock, SG7 5HZ	08/00434/1HH	Written Representations
Danesbury Care Ltd	9 July 2008	Brick wall to south and east boundary and brick wall with metal railing to north and west boundary. Metal entrance gates.	Heath Lodge Bungalow, Danesbury Park Road, Welwyn, AL6 9SN	07/01712/1	Written Representations
Melbourn Ltd	10 July 2008	Replacement of existing dwelling with single block, accommodating 14 two bedroom apartments, associated car parking and amenity areas (Outline: landscaping and appearance reserved)	7 Melbourn Road, Royston, SG8 7DB	08/00426/1 <b>Note this appeal has been linked to that for 08/00659/1</b>	Public Inquiry
NJF Construction Ltd	10 July 2008	Replacement of existing dwelling with 2 and 1/2 storey block accommodating 12 two bedroom apartments, new access, associated car parking and amenity areas (Outline: landscaping and appearance reserved), as amended by location plan received 14 May 2008	7 Melbourn Road, Royston, SG8 7DB	08/00659/1	Public Inquiry
Mr & Mrs M Allman-Ward	21 July 2008	Dormer window in side roofslope to facilitate loft conversion	9 Sorrel Garth, Hitchin, SG4 9PS	08/00078/1HH	Written Representations
Mr M Payne	21 July 2008	Single storey garden room following demolition of existing storage building	4 Walnut Tree Road, Pirton, SG5 3PX	07/02695/1LB	Written Representations
Mr M Payne	21 July 2008	Single storey garden room following demolition of existing storage building	4 Walnut Tree Road, Pirton, SG5 3PX	07/02697/1HH	Written Representations

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**8**

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

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

Please refer to attached reports.

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Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
99-100 Ickleford Road, Hitchin	Temporary stop notice	06/12/2007			10/12/2007	28 days	Notice not served as unauthorised works had been removed. Continuing monitoring of site.
41 Bygrave Rd BALDOCK	Breach of Condition Notice annexed to self contained unit	19-Mar-07	28-Mar-07	01-May-07	01-May-07	01-Aug-07	07/357/1EUD refused, to Legal for Breach of Condition Notice 28.3.07, served 30/4/07. On going monitoring for compliance.
Green Lane, HITCHIN	S215 Notice	11-June-07	20-June-07			16-Nov-07	Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Monitoring to continue as site has been cleared.
Unit 22, Baldock Industrial Estate, Baldock	Prosecution unauthorised advertisement – display of balloon.	05-Oct-07	05-Oct-07				Monitoring of advert ongoing.

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
Old Forge, Church Lane, GRAVELEY	Enforcement Notice served in 2001		July-08				Further evidence has been gathered in respect of unauthorised use for car sales. Enforcement report awaiting authorisation
Lower Titmore Farm LOWER TITMORE GREEN	Unauthorised works to Listed Building	25-Jan-07	28-Nov-07				Planning / listed building consent application Received.
land at Green Farm BENDISH	EN vehicular access, Prosecution adverts	24-Aug-06	05-Sep-06				06/2538/1 granted, Enforcement Notice for unauthorised access held in abeyance. County Council being chased for a response.
r/o Hillcrest House Bedford Rd HOLWELL	EN caravan, containers, shed	18-Jan-07	07-Feb-07	20-Mar-07	20-Mar-07	5 months 20-sep-07	Enforcement Notice served 20/3/07, check compliance 20/9/07. Prosecution for non-compliance with court order of 19.12.07. Successfully prosecuted in court 02.07.08 defendant pleaded guilty, fined £2,000, with legal costs of £838.10 and a victim fee of £15. Seeking legal advice on next course of action.
Slip End Service Station, SLIP END	S215 Notice	11-June-07	20-June-07				Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Site untidy again, ownership of site to be clarified, and letter sent to owner
3 Sun Street, Baldock	Unauthorised works to listed building						Letter sent to owner advising that prosecution held in abeyance if a Planning / listed building consent application is received by 12.08.08
Land at junction of Danesbury Park Road, and Pottersheath Road, Welwyn	Enforcement Notice for removal of mobile home, and imported soil materials, and cessation of use of land for residential and business use.		24/04/2008				Site survey of previous and new land levels of site to be undertaken. Legal advice being sought, Notice to be served.
The Old Rectory, Graveley	Wilful damage to tree in conservation area	20/11/2007	20/11/2007				File with legal for Advice