

Ref: Planning 23.5.07
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15 May 2007

To: Members of the Planning Control Committee

[TO BE APPOINTED AT ANNUAL COUNCIL ON 17 MAY 2007]

Distributed to other Members on request.

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

WEDNESDAY, 23 MAY 2007, at 7.30p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

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1. APOLOGIES FOR ABSENCE		-
2. NOTIFICATION OF OTHER BUSINESS		-
	Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency.	
	The Chairman will decide whether the item(s) raised will be considered.	
3. DECLARATIONS OF INTEREST		-
	To receive from Members of the Committee any Declarations of Interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared.	
	Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item.	
4. PUBLIC PARTICIPATION		-
	To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	
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Future meetings of the Planning Control Committee will take place on:

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Thursday, 21 February 2008

Thursday, 20 March 2008

Thursday, 24 April 2008

PLANNING CONTROL COMMITTEE

23 MAY 2007

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

5

ITEM NO: 5	<u>Location:</u>	Junction of Pasture Lane and Broad Lane, Pasture Lane, Breachwood Green
	<u>Applicant:</u>	Mr P T Shaw
	<u>Proposal:</u>	Two display boards with 6 mounted signs on a trailer.
	<u>Ref.No:</u>	07/00165/ 1AD
	<u>Officer:</u>	Anne Osborn

Date of expiry of statutory period : 10 May 2007

Reason for Delay

Committee cycle.

Reason for Referral to Committee

The Parish Council is in support of the application, contrary to officer recommendation.

1.0 Relevant History

1.1 None.

2.0 Policies

2.1 Hertfordshire Structure Plan Review 1991-2011

- Policy 5 - Green Belts.

2.2 North Hertfordshire District Local Plan no.2 with Alterations

- Policy 2 - Green Belt;
- Policy 46 - Advertisements.

3.0 Representations

3.1 **St Paul's Walden Parish Council** - raise no objection to the application and fully support it. The placards are part of a legitimate protest against events being held at Green Farm, and as such, are temporary lasting the duration of the protest. It is important that the democratic right to protest is upheld and we feel that the use of planning law to attempt to stifle this right is deplorable.

3.2 **Herts Highways** - recommends refusal based on highway safety considerations.

3.3 **Local residents / site publicity notice-** The application was advertised with a site notice. 85 replies have been received, all in support of the application. The majority of the letters received are copies of four objection letters and the key points raised include:

- express support for the adverts making a protest against events at Green Farm;
- the advert is outside of the Conservation Area and is necessary;
- only hope of preventing events at Green Farm is to try to stop anybody wanting to have their event at Green Farm with the use of the adverts in the road;
- it is essential that the community continue to visibly demonstrate full opposition to any such events occurring;
- the siting of the signs are a necessary and important indication of the strong views of the Community;
- the signs are not to the detriment of visual amenity or highway safety;
- the modest number of signs now around the village will not have a detrimental affect on the visual amenity of the area;
- it would be unreasonable to refuse the signs when the 'Stop Luton Airport Extension' signs have not had any action taken against them;
- strong local support should be taken into account;
- believe that the short term detriment to the visual amenity can be justified given the alternative threat to both rural tranquillity and public safety by any future events.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The adverts are sited in the corner of the field at the road junction of Pasture Lane with Broad Lane. Broad Lane, and the field, incline to the north and the signs are most visible when viewed travelling from the south in a northerly direction. The area is open countryside, with open fields and narrow country lanes with some hedges, trees and banks along the roadside. The area is designated as being within the Green Belt and an area of Special Control of Advertisement.

4.2 Proposal

4.2.1 The application is seeking advertisement consent for the retention of the siting of an agricultural trailer that has two plywood boards erected on it and three signs on each of these boards. The signs have a white background and green lettering. The overall size of the structure is just over 3m wide and 2.75m high.

4.3 Key Issues

Definition of an advert

4.3.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the definition of what is an advert. In paragraph 2 it defines an advert as being:

"any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally used, or designed or adapted for use, for the display of advertisements".

4.3.2 The sign mounted on the trailer, therefore falls within this definition and advertisement consent for its display is required. The key issues to consider for

any advert is whether there is any harm on local visual amenity and highway safety from the structure and advert. The content of the advert is not the consideration of any advertisement application.

Impact on amenity

4.3.3 The area is rural and characterised by open countryside. The designation of it being within an area of Special Advertisement Control means that there is duty placed on the Council to ensure that special protection is given on the grounds of amenity. The trailer and display boards are harmful visual intrusions, appearing incongruous and contrary to the rural open aspect and character of the locality, and are considered to harm the amenity of the locality.

4.3.4 Display poster panels and boards are typically urban features often found on bus shelters and other locations within town centres, where there are often shops with fascia signs and other general adverts within the street scene so they do not appear uncharacteristic or harmful to the locality. In contrast, these signs are noticeable in the locality, because they introduce an urban feature in to this rural location and because there is no other street furniture to disguise the adverts.

4.3.5 Furthermore the area is Green Belt, where the presumption is to keep the land permanently open. The adverts therefore are a form of development that is considered to be contrary to the open nature and character of the Green Belt. By appearing visually harsh in the locality the signs are not an acceptable form of development in this location.

Highway Safety

4.3.6 Hertfordshire Highways have objected to the signs on the basis that they are a danger to the road and a hazard to highway safety.

Right of protest

4.3.7 As stated above, the only issues the Council can consider when assessing an application for advertisement consent are the issues of amenity and public / highway safety. The content of the advert is not a deciding factor. The Council recognises that there is large public support for the applications only because of the content of the advert. However, if consent is granted it will establish the principle of a poster sign in this location and in time the display boards could be used to advertise other businesses, which I consider most, if not all, would normally find unacceptable. Accordingly the principle of any advert in this location is considered wholly unacceptable by the Council. The right to protest is not a consideration of this case.

4.4 Conclusion

4.4.1 For the reasons outlined above, the sign is considered to harm local amenity and highway safety and is therefore recommended for refusal.

4.4.2 In the event that the Committee agrees with the recommendation, it is also recommended that prosecution proceedings be authorised to ensure the removal of the display signs mounted on the trailer.

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

1. The mounted signs appear visually incongruous and contrary to the open rural nature and character of the locality and are therefore considered to be contrary to Policies 2 and 46 of the North Hertfordshire District Local Plan no.2 with Alterations.
2. The signs are sited in a position and proximity close to the bend where drivers need to take exceptional care and extreme diligence to deal with the conflicting traffic movements. As a result the adverts lead to interference to the free and safe flow of traffic along Pasture Lane and Broad Lane.

Reason: The proposal is likely to have an adverse impact on the operation and safety of the adjoining highways.

6.2 Further Recommendation

- 6.2.1 Subject to the Assistant Director Legal and Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised adverts

ITEM NO: 6	<u>Location:</u>	Land at Junction of Bendish Lane and Church Lane, Bendish
	<u>Applicant:</u>	Mr J Shervell
	<u>Proposal:</u>	Display of sign mounted on trailer.
	<u>Ref.No:</u>	07/00166/ 1AD
	<u>Officer:</u>	Anne Osborn

Date of expiry of statutory period : 16 May 2007

Reason for Delay

Committee cycle.

Reason for Referral to Committee

The Parish Council is in support of the application, contrary to officer recommendation.

1.0 Relevant History

1.1 None.

2.0 Policies

2.1 **North Hertfordshire District Local Plan no.2 with Alterations**
Policy 6 - Rural Areas beyond the Green Belt
Policy 46 - Advertisements.

3.0 Representations

3.1 **St Paul's Walden Parish Council** - raise no objection to the application and fully support it. The placards are part of a legitimate protest against events being held at Green Farm, and as such, are temporary lasting the duration of the protest. It is important that the democratic right to protest is upheld and we feel that the use of planning law to attempt to stifle this right is deplorable.

3.2 **Herts Highways** - recommends refusal based on highway safety considerations.

3.3 **Local residents / site publicity notice**

The application was advertised with a site notice. 98 replies have been received of which 17 raise objection to the application and 81 are in support. The majority of the letters received support of the advert are copies of three letters.

The key points raised in support of the application include:

- express support for the adverts making a protest against events at Green Farm;
- the advert is outside of the Conservation Area and is necessary;
- only hope of preventing events at Green Farm is to try to stop anybody wanting to have their event at Green Farm with the use of the adverts in the road;
- it is essential that the community continue to visibly demonstrate full opposition to any such events occurring;
- the siting of the signs are a necessary and important indication of the strong views of the Community;
- the signs are not to the detriment of visual amenity or highway safety;
- the modest number of signs now around the village will not have a detrimental affect on the visual amenity of the area;
- it would be unreasonable to refuse the signs when the 'Stop Luton Airport Extension' signs have not had any action taken against them;
- strong local support should be taken into account;
- believe that the short term detriment to the visual amenity can be justified given the alternative threat to both rural tranquillity and public safety by any future events.

3.3 The majority of the letters objecting to the application are copies of two letters. The key points raised objecting to the application include:

- the signs have a negative impact on the picturesque countryside;
- the signs pose a genuine risk to motorists;
- the signs are protesting against a company that has not even traded;
- the message is deliberately misleading and possibly designed to provoke distress and to harass those living at Green Farm.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The adverts are sited on land at the junction of Bendish Lane and Church Lane. The ground level is roughly even, and the sign is most visible when viewed travelling from the east in a westerly direction. There are some trees and shrubs near to the sign, but the area is open countryside, with open fields and narrow country lanes with some hedges, trees and banks along the roadside. The area is designated as being within the Rural Area beyond the Green Belt and an area of Special Control of Advertisement.

4.2 Proposal

4.2.1 The application is seeking advertisement consent for the retention of the siting of an agricultural trailer with a mounted board which has seven signs installed on it. The signs have a white background and green lettering. The overall size of the structure is 6.4m wide and 2.4m high.

4.3 Key Issues

Definition of an advert

- 4.3.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the definition of what is an advert. In paragraph 2 it defines an advert as being:

"any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally used, or designed or adapted for use, for the display of advertisements".

- 4.3.2 The sign mounted on the trailer, therefore falls within this definition and advertisement consent for its display is required. The key issues to consider for any advert is whether there is any harm on local visual amenity and highway safety from the structure and advert. The content of the advert is not the consideration of any advertisement application.

Impact on amenity

- 4.3.3 The area is rural and characterised by open countryside. The designation of it being within an area of Special Advertisement Control means that there is duty placed on the Council to ensure that special protection is given on the grounds of amenity. The trailer and display boards are harmful visual intrusions, appearing incongruous and contrary to the rural open aspect and character of the locality, and are considered to harm the amenity of the locality. The sign is particularly visible when driving towards Bendish from Whitwell as there are views of open countryside on both sides of the road, the visual intrusion of the sign blocking the views straight ahead being particularly harmful to the visual amenity of the locality.

- 4.3.4 Display poster panels and boards are typically urban features often found on bus shelters and other locations within town centres, where there are often shops with fascia signs and other general adverts within the street scene so they do not appear uncharacteristic or harmful to the locality. In contrast, these signs are noticeable in the locality, because they introduce an urban feature in to this rural location and because there is no other street furniture to disguise the adverts.

Highway Safety

- 4.3.5 Hertfordshire Highways have objected to the signs on the basis that they are a danger to the road and a hazard to highway safety.

Right of protest

- 4.3.6 As stated above, the only issues the Council can consider when assessing an application for advertisement consent are the issues of amenity and public / highway safety. The content of the advert is not a deciding factor. The Council recognises that there is large public support for the applications only because of the content of the advert. However, if consent is granted it will establish the principle of a poster sign in this location and in time the display boards could be used to advertise other businesses, which I consider most, if not all, would normally find unacceptable. Accordingly the principle of any advert in this location is considered wholly unacceptable by the Council. The right to protest is not a consideration of this case.

4.4 **Conclusion**

- 4.4.1 For the reasons outlined above, the sign is considered to harm local amenity and highway safety and is therefore recommended for refusal.
- 4.4.2 In the event that the Committee agrees with the recommendation, it is also recommended that prosecution proceedings be authorised to ensure the removal of the display signs mounted on the trailer.

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 permission be **REFUSED** for the following reasons:
1. The mounted signs appear visually incongruous and contrary to the open rural nature and character of the locality and are therefore considered to be contrary to Policy 46 of the North Hertfordshire District Local Plan no.2 with Alterations.
 2. The advert is in a position, due to its location near a bend with limited forward visibility and adjacent to the junction of public footpath 15, where drivers would need to take exceptional care and extreme diligence to deal with the conflicting pedestrian and traffic movements. As a result the advert leads to interference to the free and safe flow of traffic along Bendish Lane.

6.2 Further Recommendation

- 6.2.1 Subject to the Assistant Director Legal and Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised adverts.

ITEM NO: 7	<u>Location:</u>	Land opposite junction Bendish Lane and West End Lane, Bendish
	<u>Applicant:</u>	Mr M Dallimore
	<u>Proposal:</u>	Display sign mounted on a trailer.
	<u>Ref.No:</u>	07/00167/ 1AD
	<u>Officer:</u>	Anne Osborn

Date of expiry of statutory period : 26 April 2007

Reason for Delay

Committee cycle.

Reason for Referral to Committee

The Parish Council is in support of the application, contrary to officer recommendation.

1.0 Relevant History

1.1 None.

2.0 Policies

2.1 Hertfordshire Structure Plan Review 1991-2011

- Policy 5 - Green Belts;
- Policy 38 - Critical Capital and Other Important Environmental Assets.

2.2 North Hertfordshire District Local Plan no.2 with Alterations

- Policy 2 - Green Belt;
- Policy 20 - Conservation Areas;
- Policy 46 - Advertisements.

3.0 Representations

3.1 St Paul's Walden Parish Council - raise no objection to the application and fully support it. The placards are part of a legitimate protest against events being held at Green Farm, and as such, are temporary lasting the duration of the protest. It is important that the democratic right to protest is upheld and we feel that the use of planning law to attempt to stifle this right is deplorable

3.2 Herts Highways - to be reported

3.3 Building Conservation Group - the size, location and detailing of the proposed sign is harmful to the character of the Conservation Area and should be refused.

- 3.4 **Local residents / site publicity notice** - The application was advertised with a site and press notice. 119 replies have been received of which 29 raise objection to the application and 90 are in support. The majority of the letters received are copies of only a few letters.

The key points raised in support of the application include:

- express support for the adverts making a protest against events at Green Farm;
- the advert is outside of the Conservation Area and is necessary;
- only hope of preventing events at Green Farm is to try to stop anybody wanting to have their event at Green Farm with the use of the adverts in the road;
- it is essential that the community continue to visibly demonstrate full opposition to any such events occurring;
- the siting of the signs are a necessary and important indication of the strong views of the Community;
- the signs are not to the detriment of visual amenity or highway safety;
- the modest number of signs now around the village will not have a detrimental affect on the visual amenity of the area;
- it would be unreasonable to refuse the signs when the 'Stop Luton Airport Extension' signs have not had any action taken against them;
- strong local support should be taken into account;
- believe that the short term detriment to the visual amenity can be justified given the alternative threat to both rural tranquillity and public safety by any future events.

- 3.6 The key points raised objecting to the application include:

- the signs have a negative impact on the picturesque countryside;
- the signs pose a genuine risk to motorists;
- the signs are protesting against a company that has not even traded;
- the proposed signs are disgraceful;
- the situation is pathetic as not one event has taken place;
- a permanent display of these grotesque proportions is incomprehensible;
- the preservation of the countryside has been given no concern by the applicant;
- the message is deliberately misleading and possibly designed to provoke distress and to harass those living at Green Farm.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The adverts are sited in the field entrance just behind the field gate, situated on Bendish Lane opposite the junction with West End Lane. There is a hedge on the field boundary, and the site is on the edge of the village and within the Bendish Conservation Area. In addition the area is designated as being within the Green Belt and an area of Special Control of Advertisement.

4.2 Proposal

- 4.2.1 The application is seeking advertisement consent for the retention of the siting of an agricultural trailer that has a plyboard board erected on it and nine signs on the board. The signs have a white background and green lettering. The overall size of the structure is 3.85m wide and 3.5m high.

4.3 Key Issues

Definition of an advert

- 4.3.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the definition of what is an advert. In paragraph 2 it defines an advert as being:

"any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally used, or designed or adapted for use, for the display of advertisements".

- 4.3.2 The sign mounted on the trailer, therefore falls within this definition and advertisement consent for its display is required. The key issues to consider for any advert is whether there is any harm on local visual amenity and highway safety from the structure and advert. The content of the advert is not the consideration of any advertisement application.

Impact on amenity

- 4.3.3 This site is within the Bendish Conservation Area, and the whole village has a rural feel and is characterised by a sense of openness with the nearby open countryside. In addition, the designation of it being within an area of Special Advertisement Control means that there is duty placed on the Council to ensure that special protection is given on the grounds of amenity. The trailer and display boards are harmful visual intrusions, appearing incongruous and contrary to the rural open aspect and character of the locality and are harmful to the character of the conservation area. The signs therefore harm the amenity and character of the locality.

- 4.3.4 Display poster panels and boards are typically urban features often found on bus shelters and other locations within town centres, where there are often shops with fascia signs and other general adverts within the street scene so they do not appear uncharacteristic or harmful to the locality. In contrast, these signs are noticeable in the locality, because they introduce an urban feature in to this rural location and because there is no other street furniture to disguise the adverts.

- 4.3.5 Furthermore, the area is Green Belt, where the presumption is to keep the land permanently open. The adverts therefore are a form of development that is considered to be contrary to the open nature and character of the Green Belt.

Highway Safety

- 4.3.6 I understand that Hertfordshire Highways will be objecting to the signs on the basis that they are a danger to the road and a hazard to highway safety. However, at the time of preparing this report I am still awaiting their detailed reason for refusal.

Right of protest

- 4.3.7 As stated above, the only issues the Council can consider when assessing an application for advertisement consent are the issues of amenity and public / highway safety. The content of the advert is not a deciding factor. The Council recognises that there is large public support for the applications only because of the content of the advert. However, if consent is granted it will establish the principle of a poster sign in this location and in time the display boards could be used to advertise other businesses, which I consider most, if not all, would normally find unacceptable. Accordingly the principle of any advert in this location is

considered wholly unacceptable by the Council. The right to protest is not a consideration of this case.

4.4 Conclusion

4.4.1 For the reasons outlined above, the sign is considered to harm local amenity, the character of the Conservation Area and highway safety and is therefore recommended for refusal.

4.4.2 In the event that the Committee agrees with the recommendation, it is also recommended that prosecution proceedings be authorised to ensure the removal of the display signs mounted on the trailer.

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

1. The mounted signs appear visually incongruous and contrary to the open rural nature and appearance of the locality thereby harming the character of the Bendish Conservation Area. The application is therefore considered to be contrary to Policies 2, 20 and 46 of the North Hertfordshire District Local Plan no.2 with Alterations.

6.2 Further Recommendation

6.2.1 Subject to the Assistant Director Legal and Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised adverts

ITEM NO: 8	<u>Location:</u>	Field Entrance opposite Law Hall Farm, Law Hall Lane, Bendish,
	<u>Applicant:</u>	Mr M Dallimore
	<u>Proposal:</u>	Display sign mounted on trailer.
	<u>Ref.No:</u>	07/00169/ 1AD
	<u>Officer:</u>	Anne Osborn

Date of expiry of statutory period : 26 April 2007

Reason for Delay

Committee cycle.

Reason for Referral to Committee

The Parish Council is in support of the application, contrary to officer recommendation.

1.0 Relevant History

1.1 None.

2.0 Policies

2.1 Hertfordshire Structure Plan Review 1991-2011

- Policy 5 Green Belts.

2.2 North Hertfordshire District Local Plan no.2 with Alterations

- Policy 2 - Green Belt;
- Policy 46 - Advertisements.

3.0 Representations

3.1 **St Paul's Walden Parish Council** - raise no objection to the application and fully support it. The placards are part of a legitimate protest against events being held at Green Farm, and as such, are temporary lasting the duration of the protest. It is important that the democratic right to protest is upheld and we feel that the use of planning law to attempt to stifle this right is deplorable.

3.2 **Herts Highways** - to be reported

3.3 **Local residents / site publicity**

The application was advertised with a site and press notice. 119 replies have been received of which 29 raise objection to the application and 90 are in support. The majority of the letters received are copies of only a few letters.

The key points raised in support of the application include:

- express support for the adverts making a protest against events at Green Farm;
- the advert is outside of the Conservation Area and is necessary;
- only hope of preventing events at Green Farm is to try to stop anybody wanting to have their event at Green Farm with the use of the adverts in the road;
- it is essential that the community continue to visibly demonstrate full opposition to any such events occurring;
- the siting of the signs are a necessary and important indication of the strong views of the Community;
- the signs are not to the detriment of visual amenity or highway safety;
- the modest number of signs now around the village will not have a detrimental affect on the visual amenity of the area;
- it would be unreasonable to refuse the signs when the 'Stop Luton Airport Extension' signs have not had any action taken against them;
- strong local support should be taken into account;
- believe that the short term detriment to the visual amenity can be justified given the alternative threat to both rural tranquillity and public safety by any future events.

3.4 The key points raised objecting to the application include:

- the signs have a negative impact on the picturesque countryside;
- the signs pose a genuine risk to motorists;
- the signs are protesting against a company that has not even traded;
- the proposed signs are disgraceful;
- the situation is pathetic as not one event has taken place;
- a permanent display of these grotesque proportions is incomprehensible;
- the preservation of the countryside has been given no concern by the applicant;
- the message is deliberately misleading and possibly designed to provoke distress and to harass those living at Green Farm.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The adverts are sited on the south side of Law Hall Lane, roughly half way along opposite the entrance into Law Hall Farm. The land inclines in a westerly direction. The lane is narrow with trees, hedgerows and shrubs along it. However, the general character of the area is open countryside. The site is just within the Green Belt and the area is also designated as being an area of Special Control of Advertisements.

4.2 Proposal

4.2.1 The application is seeking advertisement consent for the retention of the siting of an agricultural trailer that has a plywood boards erected on it and six signs attached to one elevation facing the lane and one sign on the rear elevation facing the field. The signs have a white background and green lettering. The overall size of the structure is just over 3.9m wide, 2.8m high and 2.1m deep.

4.3 Key Issues

Definition of an advert

4.3.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the definition of what is an advert. In paragraph 2 it defines an advert as being:

"any word, letter, model, sign, placard, board, notice, awning, blind, devise or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally used, or designed or adapted for use, for the display of advertisements".

- 4.3.2 The sign mounted on the trailer, therefore falls within this definition and advertisement consent for its display is required. The key issues to consider for any advert is whether there is any harm on local visual amenity and highway safety from the structure and advert. The content of the advert is not the consideration of any advertisement application.

Impact on amenity

- 4.3.3 The area is rural and characterised by open countryside. The designation of it being within an area of Special Advertisement Control means that there is duty placed on the Council to ensure that special protection is given on the grounds of amenity. The trailer and display boards are harmful visual intrusions, appearing incongruous and contrary to the rural open aspect and character of the locality, and are considered to harm the amenity of the locality. Even though there are farm buildings opposite the site, they do not result in making the area feel built up in character and the trailer and mounted signs are still considered to be contrary to the character of the locality.

- 4.3.4 Display poster panels and boards are typically urban features often found on bus shelters and other locations within town centres, where there are often shops with fascia signs and other general adverts within the street scene so they do not appear uncharacteristic or harmful to the locality. In contrast, these signs are noticeable in the locality, because they introduce an urban feature in to this rural location and because there is no other street furniture to disguise the adverts.

- 4.3.5 Furthermore, the area is Green Belt, where the presumption is to keep the land permanently open. The adverts therefore are a form of development that is considered to be contrary to the open nature and character of the Green Belt.

Highway Safety

- 4.3.6 I understand that Hertfordshire Highways will be objecting to the signs on the basis that they are a danger to road users and a hazard to highway safety. However, at the time of preparing this report I am still awaiting their detailed reason for refusal.

Right of protest

- 4.3.7 As stated above, the only issues the Council can consider when assessing an application for advertisement consent are the issues of amenity and public / highway safety. The content of the advert is not a deciding factor. The Council recognises that there is large public support for the applications only because of the content of the advert. However, if consent is granted it will establish the principle of a poster sign in this location and in time the display boards could be used to advertise other businesses, which I consider most, if not all, would normally find unacceptable. Accordingly the principle of any advert in this location is considered wholly unacceptable by the Council. The right to protest is not a consideration of this case.

4.4 **Conclusion**

- 4.4.1 For the reasons outlined above, the sign is considered to harm local amenity and highway safety and is therefore recommended for refusal.
- 4.4.2 In the event that the Committee agrees with the recommendation, it is also recommended that prosecution proceedings be authorised to ensure the removal of the display signs mounted on the trailer.

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 permission be **REFUSED** for the following reason:

1. The mounted signs appear visually incongruous and contrary to the open rural nature and character of the locality and are therefore considered to be contrary to Policies 2 and 46 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

6.2 Further Recommendation

- 6.2.1 Subject to the Assistant Director Legal and Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised adverts

ITEM NO: 9	<u>Location:</u>	Greyfell, Bendish, , SG4 8JH
	<u>Applicant:</u>	Mrs P Wand
	<u>Proposal:</u>	Display of two sign boards mounted on a trailer and one sign board mounted on a field gate.
	<u>Ref.No:</u>	07/00170/ 1AD
	<u>Officer:</u>	Anne Osborn

Date of expiry of statutory period : 23 May 2007

Reason for Referral to Committee

The Parish Council is in support of the application, contrary to officer recommendation.

1.0 Relevant History

1.1 None.

2.0 Policies

2.1 Hertfordshire Structure Plan Review 1991-2011

- Policy 5 - Green Belts.

2.2 North Hertfordshire District Local Plan no.2 with Alterations

- Policy 2 - Green Belt;
- Policy 46 - Advertisement

3.0 Representations

3.1 **St Paul's Walden Parish Council** - raise no objection to the application and fully support it. The placards are part of a legitimate protest against events being held at Green Farm, and as such, are temporary lasting the duration of the protest. It is important that the democratic right to protest is upheld and we feel that the use of planning law to attempt to stifle this right is deplorable.

3.2 **Herts Highways** - to be reported.

3.3 Local Residents / Site Publicity

The application was advertised with a site and press notice. 99 replies have been received of which 18 raise objection to the application and 81 are in support. The majority of the letters received are copies of only a few letters.

The key points raised in support of the application include:

- express support for the adverts making a protest against events at Green Farm;

- the advert is outside of the Conservation Area and is necessary;
- only hope of preventing events at Green Farm is to try to stop anybody wanting to have their event at Green Farm with the use of the adverts in the road;
- it is essential that the community continue to visibly demonstrate full opposition to any such events occurring;
- the siting of the signs are a necessary and important indication of the strong views of the Community;
- the signs are not to the detriment of visual amenity or highway safety;
- the modest number of signs now around the village will not have a detrimental affect on the visual amenity of the area;
- it would be unreasonable to refuse the signs when the 'Stop Luton Airport Extension' signs have not had any action taken against them;
- strong local support should be taken into account;
- believe that the short term detriment to the visual amenity can be justified given the alternative threat to both rural tranquillity and public safety by any future events.

3.4 The key points raised objecting to the application include:

- the signs have a negative impact on the picturesque countryside;
- the signs pose a genuine risk to motorists;
- the signs are protesting against a company that has not even traded;
- the preservation of the countryside has been given no concern by the applicant;
- the message is deliberately misleading and possibly designed to provoke distress and to harass those living at Green Farm.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The adverts are sited with one advert on a gate on the south side of Bendish Lane and two other adverts on a trailer on the south west field boundary which are visible from Broad Lane. The land inclines to the north so the signs on the trailer are most visible when seen travelling from the south in a northerly direction. Both lanes are narrow with trees, hedgerows and shrubs along them. However, the general character of the area is open countryside. The site is just within the Green Belt and is also designated as being an area of Special Control of Advertisements.

4.2 Proposal

4.2.1 The application is seeking advertisement consent for the retention of the siting of one advert on the field gate on the south side of Bendish Lane and for an agricultural trailer that has a plywood board erected on it and two adverts attached to a board facing Broad Lane. The signs have a white background and green lettering.

4.3 Key Issues

Definition of an advert

4.3.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the definition of what is an advert. In paragraph 2 it defines an advert as being:

"any word, letter, model, sign, placard, board, notice, awning, blind, devise or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally

used, or designed or adapted for use, for the display of advertisements”.

- 4.3.2 The signs therefore falls within this definition and advertisement consent for their display is required. The key issues to consider for any advert is whether there is any harm on local visual amenity and highway safety from the structure and advert. The content of the advert is not the consideration of any advertisement application.

Impact on amenity

- 4.3.3 The area is rural and characterised by open countryside. The designation of it being within an area of Special Advertisement Control means that there is duty placed on the Council to ensure that special protection is given on the grounds of amenity. The trailer with the adverts erected on it and the single advert attached to the gate are harmful visual intrusions, appearing incongruous and contrary to the rural open aspect and character of the locality, and are considered to harm the amenity of the locality.

- 4.3.4 Display poster panels and boards are typically urban features often found on bus shelters and other locations within town centres, where there are often shops with fascia signs and other general adverts within the street scene so they do not appear uncharacteristic or harmful to the locality. In contrast, these signs are noticeable in the locality, because they introduce an urban feature in to this rural location and because there is no other street furniture to disguise the adverts.

- 4.3.5 Furthermore, the area is Green Belt, where the presumption is to keep the land permanently open. The adverts therefore are a form of development that is considered to be contrary to the open nature and character of the Green Belt.

Highway Safety

- 4.3.6 I understand that Hertfordshire Highways will be objecting to the signs on the basis that they are a danger to road users and a hazard to highway safety. However, at the time of preparing this report I am still awaiting their detailed reason for refusal.

Right of protest

- 4.3.7 As stated above, the only issues the Council can consider when assessing an application for advertisement consent are the issues of amenity and public / highway safety. The content of the advert is not a deciding factor. The Council recognises that there is large public support for the applications only because of the content of the advert. However, if consent is granted it will establish the principle of a poster sign in this location and in time the display boards could be used to advertise other businesses, which I consider most, if not all, would normally find unacceptable. Accordingly the principle of any advert in this location is considered wholly unacceptable by the Council. The right to protest is not a consideration of this case.

4.4 Conclusion

- 4.4.1 For the reasons outlined above, the sign is considered to harm local amenity and highway safety and is therefore recommended for refusal.
- 4.4.2 In the event that the Committee agrees with the recommendation, it is also recommended that prosecution proceedings be authorised to ensure the removal of the display signs mounted on the trailer.

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 permission be **REFUSED** for the following reason:

1. The adverts, both on the gate and mounted on the trailer, appear visually incongruous and contrary to the open rural nature and character of the locality and are therefore considered to be contrary to Policies 2 and 46 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

6.2 Further Recommendation

6.2.1 Subject to the Assistant Director Legal and Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised adverts

ITEM NO: 10	Location:	Land To The Rear Of And Including 134 To 150 Evens, Grove Road, Hitchin, SG4
	Applicant:	Stephen Howard Homes
	Proposal:	2, 3 & 4 storey development to provide 47 one bedroom and 48 two bedroom flats; 4 two bedroom and 6 three bedroom houses (total 105); 124 basement and 2 surface level parking spaces. New vehicular and pedestrian access adjacent River Purwell, landscaping and ancillary matters (as amended by plans received 27 March 2007, 27 April 2007 and 03 May 2007)
	Ref.No:	07/00347/ 1
	Officer:	Mary Caldwell

Date of expiry of statutory period : 31 May 2007

Reason for Referral to Committee

Site area exceeds 0.5 hectares

1.0 Relevant History

1.1 Four previous applications have been submitted by Stephen Howard Homes for the redevelopment of this site:

1) 05/00074/ 1 - Residential development of 4-5 storeys providing 150 two bedroom flats submitted on the 19th January 2005 and withdrawn on the 15th March 2005.

2) 05/00715/ 1 - 2 and 3 storey housing and flats fronting Grove Road with 3 and 4 storey flat development behind providing in total 118 one and two bedroom flats and 12 two and three bedroom houses (130 dwellings). This application was submitted in May 2005 and withdrawn on the 4th August 2005.

Both of these applications were withdrawn prior to an Officer recommendation of refusal to the Hitchin Committee.

3) 05/01444/ 1 - An application for 2-5 storey development providing 29 one and 76 two bedroom flats, 9 two, 3 three and 21 four bedroom dwellings (total 98) was submitted in October 2005 and following the circulation of the report to Members was withdrawn on 13th April 2006 in which 5 reasons for refusal were included in the recommendation.

4) 06/01197/ 1 - 2 storey and part 3, 4 and 5 storey development to provide 39 one and 38 two bedroom flats: 4 two, 6 three and 10 four bedroom houses (total 97) 77 basement and 32 surface level garage/parking spaces. New vehicular and pedestrian access adjacent River Purwell; landscape and ancillary works (as amended by plans received 13.09.06 and 16.10.06).

It was the Officer's opinion, that this scheme had satisfactorily addressed the reasons for refusal to in 3) and the application was referred to the Committee in October 2006 with a recommendation that permission be granted. However, the Members of the Hitchin Committee did not concur with that view and refused permission for the following reasons:

- 1 *By reason of the overall height and scale of the principal block of flats, that part of the development would not satisfactorily integrate into, nor enhance, the established character and urban form of the locality. The proposal would thus not conform with Policies 1 and 26 of the District Local Plan No 2 with Alterations nor the advice given in the Government's Planning Policy Guidance Note 3 and Planning Policy Statement 1.*
 - 2 *The layout makes inadequate provision for private open amenity space to serve the occupiers of the proposed flats and rear garden space for the proposed townhouses. The proposal would thus not conform with Policy 57 of the District Local Plan No 2 with Alterations.*
 - 3 *The application does not provide appropriate measures to encourage the use of modes of transport other than the private motor car.*
- 1.2 To provide Members with a further understanding of the planning history on the site attached to this report is Appendix A which consists of the report on this application to the Hitchin Committee which itself had Appendices relating to the Highway comments and an extract from the officer report on application reference 05/01444/ 1 (3) which sets out the 5 reasons for refusal referred to in 3.
 - 1.3 The applicant company has lodged an appeal against the refusal of planning permission 06/01197/ 1 and it is to be heard at a Public Inquiry in June.

2.0 Policies

- 2.1 **County Structure Plan Review 1991- 2011**
 - Policy 1 - Sustainable Development
 - Policy 2 - design and Provisions of Development
 - Policy 10 - Affordable Housing
 - Policy 22 - Reduction of Travel Need and Usage
 - Policy 25 / Supplementary Planning Guidance - Parking Standards
 - Policy 38 - Critical Capital and Other Important Environmental Assets
 - Policy 39 - The Water Environment
- 2.1 **District local Plan No 2 with Alterations**
 - Policy 1 - Pattern and Character of North Hertfordshire
 - Policy 8 - Development in Towns
 - Policy 22 - Urban Environment
 - Policy 29A - Affordable Housing
 - Policy 55 / Supplementary Planning Document - Policy Standards
 - Policy 57 - Residential Guidelines and Standards
- 2.3 **Government Policy Statement 3 (PPS 3) - Housing** which sets out the national planning policy framework for delivering the Government's housing objectives.

3.0 Representations

- 3.1 **County Highway Authority** - "Although this is a revised planning application, there has been no changes made to the highway access proposals, previously submitted as part of the earlier application 06/01197/ 1) for the development concerned. The two main changes include:
1. increasing the residential element by 8 dwellings, 2) limiting surface parking to 2 spaces and increase the parking provision at basement level. Such changes are unlikely to have significant implications on the highway network. Therefore the Highway Authority do not wish to modify its formal response i.e to recommend granting consent subject to completion of the legal agreement to secure contribution of £46,000 (£24,000 for improving public transport provisions including the bus stops in the vicinity of the site and the remaining £22,000 to accommodate a pedestrian phase at the traffic signals) towards more sustainable modes, and the above conditions covering access arrangements, parking and construction traffic". The conditions are included in my recommendation.
- 3.2 **District Housing Services Manager** - the development is to provide 27 affordable units - 18 comprising 11 x 1 bed flats, 3 x 3 bed houses and 4 x 2 bed houses for rent with 5 x 2 bed flats and 4 x 1 bed flats for shared ownership.
- 3.3 **Environment Agency** - letter received 26th April - "continue to maintain our objection to the proposed development for the reason stated in our earlier letter dated 22nd March 2007:
Reason: *"The Flood Risk Assessment submitted with the application does not meet the requirements of PPS 25"*.
The applicant company have submitted further plans to the Environment Agency for consideration. An oral report will be made at the Committee meeting.
- 3.4 **Hertfordshire Constabulary Community Unit** - no comments received on current layout. Previous advice referred to the need for suitable fencing to define the site boundary to Grove Road and the River Purwell and the access route to the underground car park should be controlled via a gate.
- 3.5 **District Council Environmental Health** - no objection raised subject to suitable conditions relating to possible land contamination and road/rail noise.
- 3.6 **Hertfordshire Biological Records Centre** - comments the detailed content in the submitted reports and raise no objection subject to suitable conditions relating to possible land contamination and road/rail noise.
- 3.7 **Natural England** - refer to comments on previous applications they raise no objection to the proposed development in respect of legally protected species, provided the mitigation as outlined in the previous survey reports are incorporated into a permission. The mitigation will minimise adverse impacts on water voles, native reptiles and bats and should be secured by suitably worded conditions, Recommends a long term management plan for the application area.
- 3.8 **Bedfordshire and River Ivel Drainage Board** - suggest Environment Agency is consulted on finished ground floor level.

- 3.9 **Local Groups and Residents** - 5 individual letters of objection have been received from the occupiers of **9 Deacons Way, 40 Woolgrove Road, 1 Newlands Close East, 129 and 154 Grove Road**. In addition a detailed response from residents and business' has been received via the occupier of **37 Woolgrove Road** with 20 signatures from 12 households.

The letters may be viewed beforehand and at the meeting. Representations are summarised under the following headings:

1. Previous representations shall stand as the current application is a 'variation on a theme'
 2. Disappointment that previous refusal not seen as an opportunity to approach the site afresh
 3. Case is weak and incongruous, only bedroom windows facing existing properties in Grove Road and Woolgrove Road welcomed to protect privacy
 4. Similarly widening of 'upper' access road to rear of adjoining properties
 5. Height of buildings still remain a concern and the effect on the visual amenity of the area
 6. Increased proportions of amenity space welcomed and also nominal increase in size of gardens
 7. Moving the buildings closer to Grove Road negatively impacts on the streetscope
 8. Trees to be retained is welcomed but balanced against the overall reduction in bio-diversity and greenness of development with its impoverished design
 9. Balance of dwellings should be towards houses not flats
 10. Concern about access for emergency vehicles to building nearest the railway
 11. Dangerous point of access on to Grove Road/lack of visibility when leaving/difficulty for right hand turning traffic leaving the site/opposite a children's nursery/Grove Road can not cope with more traffic
 12. Exacerbate existing sewerage problems
 13. Capacity of existing infrastructure would be compromised
 14. Concerns about traffic management of Grove Road when work begins
 15. Supporting documents demonstrate poor knowledge of the local area
 16. Overdevelopment of the site, out of keeping with the area, density of 160 dwellings per hectare is unlike anything elsewhere in Hitchin, 50 - 60 dph would be appropriate
 17. Not sustainable
 18. Inadequate parking
 19. Traffic have an impact on the Cadwell/Grove Road junction
 20. The scheme should have a greater proportion of family accommodation
- Those who have made representations have been advised of amended plans and any further comments will be reported orally at the meeting.

- 3.10 **Hitchin Forum** - objects to the application and makes the following observations:
- Design and Layout: Consider the increased height to be even more out of character with the local area and have an increased impact particularly in views from the back gardens of properties in Grove Road and Woolgrove Road. Design of 4 storey block next to railway line remains unattractive and its location adjacent to the embankment would provide neither a suitable outlook or acceptable living environment for residents. Consider first reason of refusal of previous application has not been overcome and draws attention to advice contained in PPS 3: Housing relating to good design.
- Amenity Space: Considers the situation has deteriorated with more units being served by the same area of amenity/play space. There is still no dedicated open space/garden area for the block of 14 affordable flats.

Housing mix: Consider this does not meet PPS 3. Also the lack of lifts means the needs of older and disabled people are not considered.

Vehicle access: Not convinced that access will be safe with the considerable number of vehicle movements at peak times

Overdevelopment: Consider that the fundamental design, layout and amenity space problems together with the high density that is totally uncharacteristic of a market town and indicates an overdevelopment.

Generally, reiterate point made in previous representations regarding implications for traffic levels from high density developments. In respect of this site, consider the proposals strengthen the case for the provision of alternative access to the employment area from Wilbury Road. Suggest that consideration be given to seeking developer contributions towards this. Do not believe the proposed improvements at the Cadwell Lane junction will help in any substantive way.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The location plan at the end of this report shows the relationship of the site close to the Woolgrove Road/Grove Road/Cadwell Lane/Wilbury Way light controlled road junction. The site has an area of 0.6 hectares (approx), a frontage of some 170m to Grove Road and 230m to the River Purwell and a general depth in the order of 170m. The north-east boundary adjoins the rear garden boundaries of two -storey houses in Woolgrove Road and Grove Road and the south-east boundary runs along the foot of the railway embankment serving the London - Cambridge railway. To the south of the River Purwell is a 3 storey flat development of 119 one and two bedroom flats (Redoubt Close) built in the 1990's. In the locality of the site, Millstream Close developed in the late 1980's has 2 and 3 storey houses and flats whilst directly opposite, adjoining 125 Grove Road, a small development of 2 three storey blocks of 9 one and two bedroom flats granted permission in September 2004 has recently been completed.

4.1.2 The location plan shows lock-up garages and a builders yard occupying the back part of the site. These buildings were demolished in early 2004 and the area is now vacant and fenced for safety reasons. The land slopes up from the treed river boundary of the Purwell to the gardens of the Woolgrove Road properties.

4.2 Proposal

4.2.1 As well as the previous item on this agenda I have attached as Appendix B to this report the Design and Access Statement submitted in support of the application. I consider that it is appropriate to do so to ensure members of the Committee can fully understand the background to the proposals and the relevant history of the site. Reference is made in paragraph 2.8 to other studies submitted with the application which include:

- 1) Herts and Essex Site Investigations Report in respect of site ground conditions
- 2) CSA Environmental Planning - Ecological Appraisal of the site
- 3) Walter Beak and Mason Environmental Impact Assessment - Noise Assessment Report of the site and its surroundings
- 4) T A Millard London Ltd - Highways
- 5) Fenland Hydrotech - Flood Risk Assessment
- 6) Landscape Management Document

Copies of the reports are available for Members to view prior to the meeting

4.2.2 Appendix C is a subsequent letter submitted following negotiations and discussion on the proposals.

4.2.3 I would refer members to the Appendix H of the Design and Access Statement which shows the proposed site plan for these latest proposals. This can be compared with the 'footprint' of developments previously submitted (Appendices D-G). The proposed development would, in summary consist of:

1. The main building frontage to Grove Road which, on the amended plan, has been set back further into the site, would remain as previously with 2 storey terraced housing facing the road and a three storey end block of 14 flats adjacent to the existing service road next to 152 Grove Road: two flats would be incorporated within the roof void.
2. Behind this would be a three storey block of 17 flats and to the rear of the site would be the principal block of 42 flats in a three storey design with flats within the roof void. This has been reduced in height by one floor with the loss of 2 flats
3. To the south west of the principal block of flats would be a three storey block of 11 flats again with 2 units in the roof void
4. Occupying the centre of the development and part of the right hand area looking over the river would be two blocks of three storey 2 bedroom maisonettes. Whilst the majority would be 3 person units, 5 maisonettes within Block E have been redesigned internally to provide 2 bedroom 4 person family accommodation.

This is the major change to the proposals since the refusal in October 2006 and replaces the proposed townhouses.

5. With the changes to the central part of the scheme the overall quantity of amenity area is increased by 21% (2245 sq metres to 2720 sq metres) and the amount of community amenity space is increased by 40% (1570 sq metres to 2190 sq metres). The private gardens have an average depth of 10.3 metres giving an average area of 50 sq metres. The main areas of amenity area are: a) flanked by the L-shaped block of flats and this includes a children's play area and b) between the two blocks of maisonettes. As with the previous scheme the existing trees next to the river and the foot of the railway embankment are shown to be retained. Hedge and shrub planting is proposed along the road frontage and within the layout mainly as part of the amenity areas next to the foot of the embankment and along parts of the access road leading towards the flats, plus tree planting at various focal points
6. The proposed single means of access to serve the development would be as previously submitted near to the River Purwell
7. The basement car park would accommodate 126 parking spaces at the same ratio as the previously refused scheme. Cycle and refuse storage would also be accommodated within the basement area.
8. The existing access/right of way off Grove Road would be retained to provide rear access to the adjoining properties in Grove Road and Woolgrove Road
9. The provision of a 5 metre wide open 'buffer' strip of land adjacent to the River Purwell to safeguard wildlife habitats

4.3 Key Issues

4.3.1 In my opinion the two principal key issues to be considered are as follows:

1. Is the development of this site as proposed in accordance with the objectives of PPS 3 - Housing?
2. If so, has the revised application overcome the grounds of refusal (see section 1.1 (4) raised by the Hitchin Committee to the last application?

4.3.2 The guidance within Planning Policy Statement 3 - Housing is a material consideration following its implementation from the 1st April and I would refer Members to paragraph 69 which states:-

"In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people*
- *The suitability of a site for housing, including its environmental sustainability*
- *Using land effectively and efficiently*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg. addressing housing market renewal"*

4.3.3 The applicant's architect had addressed the issues of the guidance in paragraph 4.3.0 on page 24 of the Design and Access Statement.

4.3.4 Achieving High Quality Housing

In PPS 3 the guidance identifies matters which should be taken into account when assessing the quality of housing (paragraph 16). As set out in paragraph 4.3.8 of the previous report (Appendix Page 23) the site is in a reasonably sustainable location in access terms and with direct bus access with good access to the employment areas. Whilst the overall density of the scheme is relatively high at 155 dph this in itself is not unacceptable and the evolved scheme in my opinion makes best use of the site bearing in mind its constraints. The introduction of the maisonettes to replace the town houses has enabled an improved provision of open amenity space within the site to serve the dwellings and an improved relationship between the buildings. The proposed vehicular access to the site, which remains acceptable to the Highway Authority (see paragraph 4.3.3 of the previous report) provides a safe access.

The principal block of flats has been re-designed to remove a floor and I would refer Members to the elevational drawings which show in context the relationship of the proposals to the surrounding area. From the site description this is an area of mixed development, housing and flats of varying scale, design and layout and I consider the proposals with the traditional housing on the frontage and the flats to the rear would satisfactorily integrate into the area.

Resources

It is proposed to use timber frame construction to the standards of an 'eco'-home which exceeds the requirements under the building regulations. The introduction of a basement car park and cycle storage served by a single access road substantially reduces the impact of vehicles on the site and enables the provision of a more pedestrian friendly environment. Disabled spaces are shown at surface level. The measures to provide enhancement to the wildlife in the environs of the River Purwell have been addressed in the submission

Mix of Development

The scheme includes a provision of affordable housing to satisfy both the Development Plan policy requirements and the recognised needs of the community. Please refer to Section 3.2 of the report. In paragraph 4.8 of the Design and Access Statement the applicant's architect makes reference to an unfulfilled demand for accommodation in this area to which I have no evidence to disagree with the statement. Within the site there would be one and two bedroom flats together, with as referred to earlier, a proportion of the 2 bedroom maisonettes which would provide family accommodation this in my opinion would provide a satisfactory mix.

Suitability Of Site For Housing/Using Land Effectively and Efficiently

The site was previously a builders yard and its re-use for housing accords with Government policy . In PPS 3 the guidance suggest that Local Authorities may wish to set out a range of densities across a plan area rather than one to broad density range although 30 dwellings per hectare is the national indicative minimum to guide policy development and decision making, until these are in place. However, it also accepts that more intensive development can enhance the character and quality of an area and if done well can lead to a more efficient use of land without compromising the local environment. The density of the development as submitted does not provide grounds to refuse permission.

Housing Objectives

The development of this site would not undermine the policies of the development plan or objectives in the emerging Local Development Framework

4.3.5 Planning Policy Statement 3 together with other national guidance gives clear guidance which needs to be met in new residential development and when considered against this criteria I would conclude, as with the previous submission, that there is no sustainable policy basis upon which to advance any sound objections

4.3.6 Reasons for Refusal (06/01197/ 1)

Having fully considered the comments expressed in relation to PPS1 and PPG3 (superseded by PPS 3) I maintain the view that the revised proposals would be acceptable in this location and integrate into the locality. The provision of the amenity area is sufficient for the overall development and with regard to the different modes of transport, the site is located in a sustainable location which would promote the use of bus and pedestrian modes of transport.

4.4 Conclusion

4.4.1 I remain of the opinion that when considered against the current adopted planning policies of the Council and also having regard to Government Guidance including the recently introduced PPS 3 that there are no sustainable grounds upon which to justify withholding planning permission and I would make the following favourable recommendation.

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, in the event of the applicants first entering into an agreement under Section 106 of the Town and Country Planning Act 1990 with the District and County Council's to achieve:
- a. the provision of affordable housing in accordance with Policy 29A of the District Local Plan No 2 with Alterations or such other arrangements as may be agreed under Circular 6/98 - Planning and Affordable Housing and to secure their permanent occupation for local people in need;
 - b. to make a financial contribution of £29,100 towards improvements to the nearby Ransoms Recreation Ground;
 - c. to make a financial contribution of £46,000 towards public transport infrastructure in the locality and to introduce a pedestrian phase at the nearby light-controlled traffic signals;
 - d. to make financial contributions of £62,427 towards secondary education, £17,557 towards library facilities and £35,211 towards youth and childcare facilities.
 - e. the provision of fire hydrants;

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.

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 roofs of the development, including balconies and railings, hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.**

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 part of the development hereby approved is first commenced details and samples of all external areas to be hardsurfaced, shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To safeguard the appearance of the completed development and the design of the proposed walkway.

5. **Before any site works associated with this development are commenced, survey details of existing ground levels together with details of proposed building levels shall be submitted to and approved in writing by the Local Planning Authority following which the development shall be carried out in accordance with these details.**

Reason: To ensure the development is carried out in a satisfactory manner having regard to the ground levels of the application site and adjoining properties.

6. **Before any part of the development hereby approved as first occupied, full details of the Local Area for Play shall be submitted to and approved in writing by the Local Planning Authority. The play area as approved shall be provided as part of the overall approved landscaping details and shall thereafter be permanently maintained solely for this purpose.**

Reason: To ensure the permanent revision of a satisfactory play area to serve the occupiers of the proposed development.

7. **Prior to the commencement of any development, a scheme for the provision, implementation and maintenance of surface and foul water drainage shall be submitted and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.**

Reason: To ensure a satisfactory method of surface and foul water drainage is provided.

8. (a) **Construction work¹ on the development site hereby permitted shall not commence prior to the submission to, and agreement in writing of the Local Planning Authority of a written environmental report (Phase II) which includes:**

- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors², and;**
(ii) **The results from the application of an appropriate risk assessment methodology, and;**
(iii) **A method statement that specifies the steps necessary to render any contamination harmless, and;**
(iv) **A contingency plan, which specifies how unanticipated pollutants will be dealt with.**

No construction work¹ (other than that necessary for the discharge of this condition) shall commence on this site until the Phase II report has been approved, in writing, by the Local Planning Authority.

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

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

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

(d) **Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be**

submitted to (but not necessarily in writing), and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

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

¹The definition of construction work shall be based on the definition contained within the Control of Pollution Act 1974: 'erection, construction, alteration, breaking up, boring, demolition, dredging works or any engineering works to buildings, structures, land or roads'.

²The definition of receptor shall be based on the definition contained within Table A, Appendix 3 of the Contaminated Land (England) Regulation 2000 (SI 2000 No. 227)

9. All building work associated with the development hereby approved shall be restricted to between the hours of 7.30 a.m. and 6 p.m. Mondays to Fridays and between the hours of 8.00 a.m. and 1 p.m. on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers.

10. **Before any of the dwellings hereby approved are first occupied, a scheme shall be submitted to and approved by the Local Planning Authority providing for the insulation of the development so that externally generated road and railway traffic noise does not exceed indoor ambient noise levels in unoccupied rooms of 30dB(A) LA eq (1 hour). The approved scheme shall be fully implemented before any of the dwellings are first occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the occupiers of the development from undue levels of noise.

11. **Before any of the dwellings hereby approved are first occupied, a scheme shall be submitted to and approved by the Local Planning authority providing for the insulation of the proposed dwellings so that externally generated vibration from road and railway traffic do not cause any discomfort to its occupants as measured and interpreted by BS 6841:1987"Guide to measurement and evaluation of human exposure to whole body mechanical vibration and repeated shock". The approved scheme shall be fully implemented before any of the dwellings are first occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the occupiers of the development from undue levels of vibration.

12. The approved details of landscaping as shown on drawing no. CSA/734/002A and as referred to in the Soft Landscaping Specification and Nine Year management Report dated October 2005 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.

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

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

14. Finished ground floor levels of all the buildings shall be a minimum of 600mm above the recorded flood level of 54.47m AOD.

Reason: To avoid any potential flood risk to property.

15. **A 5m wide wildlife corridor along the River Purwell as shown on the approved plans and as referred to in the Ecological Appraisal dated May 2006, together with the mitigation strategies referred to in that report shall be incorporated in the completed development. As referred to in the report, a Management Plan shall be produced for the wildlife identified in the report and for the implementation of the mitigation strategies referred to therein. This plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months from the first occupation of any part of the development or within such alternative period as may have been previously agreed in writing by the Local Planning Authority.**

Reason: To safeguard this important wildlife habitat.

16. **Before any part of the development hereby approved is first commenced, details of any required boundary treatment to Grove Road, the railway embankment and the River Purwell shall be submitted and approved in writing by the Local Planning Authority. Any such boundary treatment, together with the proposed fence along the north-east boundary as shown on the approved layout plan shall be provided prior to the first occupation of any of the dwellings.**

Reason: To ensure the boundary treatment of the development is carried out and completed in a satisfactory manner

17. **Before any part of the development hereby approved is first commenced, details of secure parking for 105 cycles shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the provision of satisfactory secure cycle storage facilities in accordance with the Council's adopted standards.

18. Before any part of the development hereby approved is first commenced, the access off Grove Road shall be constructed to sub-base level in accordance with the site plan shown in principle drawing No. 4993/102/Rev F to the specification of the Highway Authority and the Local Planning Authority's satisfaction, and this shall provide the sole means of access for all traffic to and from the site during the period of building work. This access shall be fully completed before the first occupation of any of the dwellings.

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

19. Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 90 metres to the right and 2.0 metres by 35 metres to the left of the access shall be provided and permanently maintained each side.

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

20. Before any development commences full details of the internal site arrangements for vehicle parking, circulation and turning; pedestrian links via existing access at the north-eastern end of Grove Road; and accessibility of refuse containers (including the means of enclosures) shall be submitted to, and approved in writing by, the planning/highway authority. Before first occupation or use of the development the approved parking spaces shall be provided and thereafter maintained for use.

Reason: To ensure the development makes adequate provision for the off-street parking, pedestrian links and manoeuvring of vehicles likely to be associated with its use.

21. Before commencement of site works, the method of washing of vehicle wheels exiting the site shall be agreed in writing by the Local Planning Authority and the agreed method shall be operated at all times during the period of site works.

Reason: To ensure that mud is not deposited on the highway to the detriment of highway safety.

22. All parking, delivery and storage areas associated with the construction of the development must be provided on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety.

23. **Before any part of the development hereby approved is first commenced, details of those areas required during the site demolition and construction stage for temporary site buildings, contractors parking and storage of materials shall be submitted to and approved in writing by the Local Planning Authority. No other areas apart from those identified shall be used for these purposes, nor for any other purpose unless previously agreed in writing by the Local Planning Authority.**

Reason: To ensure the development is carried out in a satisfactory manner having regard to the amenities of adjoining residents and to safeguard the area of wildlife habitat along and adjacent to the River Purwell.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out

in Class A of Part 2 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.

Reason for Decision

The proposed development would have no material adverse impact upon the amenities of nearby occupiers nor conditions of local highway safety and satisfactorily complies with the following relevant policies of the Development Plan:

County Structure Plan Review 1991- 2011

Policy 1 - Sustainable Development
Policy 2 - design and Provisions of Development
Policy 10 - Affordable Housing
Policy 22 - Reduction of Travel Need and Usage
Policy 25 / Supplementary Planning Guidance - Parking Standards
Policy 38 - Critical Capital and Other Important Environmental Assets
Policy 39 - The Water Environment

District local Plan No 2 with Alterations

Policy 1 - Pattern and Character of North Hertfordshire
Policy 8 - Development in Towns
Policy 22 - Urban Environment
Policy 29A - Affordable Housing
Policy 55 / Supplementary Planning Document - Policy Standards
Policy 57 - Residential Guidelines and Standards

Informative : Access Improvement works within the public highway will require a S278 & S38 agreement with the highway authority. S278 will require the detailed design to be submitted, and approved prior to any works commencing on site. S38 will require to dedicate land under applicant's control as public highway to ensure visibility splay of 2.4m x 90m to the right of the access road is unobstructed.

ITEM NO: 11	<u>Location:</u>	Land off Walsworth Road adjacent to B and Q Store and rear of 59 to 69, Dacre Road, Hitchin, SG5
	<u>Applicant:</u>	Weston Homes Plc
	<u>Proposal:</u>	Residential development of 92 dwellings comprising 26 one bedroom and 51 two bedroom flats in 2 blocks of 3 & 4 storeys over a semi-basement parking area for 87 vehicles. 8 two bedroom and 3 four bedroom dwellings and 1 one bedroom and 3 two bedroom flats in 2 and 3 storey terraces with 10 parking spaces. New vehicular & pedestrian access via Walsworth Road. Emergency and service vehicle access & pedestrian access via existing driveway between 64 & 66 Dacre Road. Landscaping & ancillary works. (Approval of siting, design and external appearance details pursuant to outline permission ref 03/00959/1 granted 21 June 2005)
	<u>Ref.No:</u>	07/00950/ 1
	<u>Officer:</u>	Mary Caldwell

Date of expiry of statutory period : 05 July 2007

Reason for Referral to Committee

Site area exceeds 0.5 hectares.

1.0 Relevant History

- 1.1 Outline permission was granted for the redevelopment of the site for residential purposes and new vehicular access by decision notice dated the 21st June 2005, following completion of a Section 106 planning agreement. That decision reserved approval to details of the siting, design and external appearance of the buildings and landscaping. Conditions attached to the decision required, inter alia, full details of the approved new vehicular access off Walsworth Road and prevented any vehicular access via the existing driveway between 64 and 66 Dacre Road unless previously approved by the Local Planning Authority. A copy of the decision notice is attached as Appendix 1.
- 1.2 The applicants purchased the site in August 2005 and submitted an application for approval of details proposing a contemporary design flat development plus houses on the 12th September. At its meeting on the 8th November the Hitchin Committee agreed the officer recommendation of refusal: the decision is copied as Appendix 2.
- 1.3 A second application for a more traditionally designed scheme and seeking to address the objections previously raised was submitted on the 30th January 2006. This was also refused by this committee following officer recommendation on the 18th April 2006.(Decision notice copied as Appendix 3). An appeal lodged against that refusal and heard at local inquiry was dismissed. (Inspector's decision letter of

the 31st July 2006 copied as Appendix 4). It will be noted that this scheme comprised in total of 105 dwellings in a mix of one/two bedroom flats in blocks of 2-5 storeys together with two storey terraced dwellings and flats.

- 1.4 Following the lodge of their appeal but before the local inquiry commenced on the 27th June last year, Weston Homes sought to resolve the objections that had been raised by the County Highway Authority (reasons 3 and 4). This was achieved with agreement being reached between the applicant's transport consultants and the highway authority for all private vehicles to access the site via Walsworth Road and for emergency and service vehicles only to use the existing access between 64 and 66 Dacre Road. The latter arrangement requires alterations to be made to the "build-out" areas within the carriageway in the locality of the access although this would not result in any net loss of kerb-side parking spaces. The requirements of the relevant conditions of the outline permission (nos. 6 and 11) were subsequently approved by the Local Planning Authority on the 6th July 2006.
- 1.5 A further application, seeking approval of the outstanding details reserved for approval by the original 2005 outline permission, was submitted to the Council on the 1st December following negotiations with Officers and was presented to the Hitchin Committee in January 2007 with a favourable recommendation. However, whilst Members recognised the changes to the scale and bulk of the buildings since the appeal decision and the reduction in the overall number of units from 105 to 92 dwellings the Committee concluded that these were not sufficient, in particular in relation to the massing of blocks A & B, to overcome the criticism of the Inspector in dismissing the earlier appeal. Appendix 5 to this report.
- 1.6 An appeal has been lodged against this refusal (06/2607/ 1) and a Public Inquiry has been scheduled for the 10th July 2007.
- 1.7 In March this year permission was granted for the change of use of a small area of open land within the curtilage of the vacant warehouse (previously part of the garden to 63 Dacre Road) to communal amenity space in association with the proposed adjacent residential development
- 1.8 The garage which adjoined the site, 63 Walsworth Road, benefits from a planning permission for three storey building comprising 6 two bedroom flats and 6 one bedroom flats with semi-basement parking for 11 cars and landscaped amenity deck at first floor level; vehicular access as existing via Walsworth Road (amended by plans received 14.11.06 and 20.11.06) granted on 19.12.06.
- 1.9 This current application has been submitted to the Council following further negotiations following the refusal of permission in January and again seeks approval of the outstanding details reserved for approval by the original June 2005 outline permission.

2.0 Policies

- 2.1 Listed below are those Development Plan policies relevant to this application for the approval of details:
- 2.2 **County Structure Plan Review 1991 - 2011:**
Policy 25/Supplementary Planning Guidance - Car Parking
- 2.3 **District Local Plan No 2 with Alterations:**
Policy 1 - Pattern & Character of North Hertfordshire
Policy 26 - Housing Proposals
Policy 29A - Affordable Housing
Policy 55 - Parking Standards/Supplementary Planning Document - Vehicle Parking Provision at New Development
Policy 57 - Residential Guidelines and Standards

3.0 Representations

- 3.1 **County Highway Authority** - although the highway conditions attached to the original outline permission have now been discharged, the Area Highway officer has confirmed that the layout embodied in the current application remains acceptable.
- 3.2 **District Council's Housing Development Liaison Officer** - has agreed with the applicants the required mix and tenure for the affordable housing element of the scheme which can be summarised as :
- For rent :-
- 8 x 2 bedroom houses
 - 3 x 4 bedroom houses
 - 1 x 1 bedroom flat
- Shared ownership :-
- 3 x 1 bedroom flat
 - 8 x 2 bedroom flats
- 3.3 **Anglian Water** - any comments will be updated at the meeting.
- 3.4 **Three Valleys Water** - any comments will be updated at the meeting.
- 3.5 **County Archaeology** - any comments will be updated at the meeting.
- 3.6 **Hertfordshire Constabulary** - the need for security to the internal parking area in accordance with the national guidance "Safe Parking - Park Mark". Recommends the development achieves the "Secured by Design" standards. (these comments are reiterated from the previous application for Members information as the layout of the site and car park remain the same)
- 3.7 **Local Residents** - Mr J Keogh, **51, Radcliffe Road** - concerned that there is insufficient car parking for residents in the 'home zone' area (15 dwellings and 10 parking spaces). Questions where visitors will park as surrounding roads are already heavily used by residents. Mrs Marcia Gittens, **57 Dacre Road** - objects to the height of the proposed buildings. Considers the proposed 3 - 4 buildings will be extremely intrusive on the back of her property and, therefore, unacceptable. Mr J Reeve, **92, Nightingale Road** - expresses concern at height of blocks that back onto Dacre Road and Nightingale Road. Considers that this scheme does not improve the scale and massing, the grounds on which the last application was rejected.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site of 0.65 hectares sits generally behind properties in Dacre Road (Nos 59 – 68), the B&Q store and the Kwik-Fit tyre and exhaust centre and adjoining former petrol filling station in Walsworth Road. The site has a frontage of approximately 45m to Walsworth Road, between the former petrol filling station which is now vacant and the yard serving B&Q. The rear boundary of the site flanks the B&Q customer car park.
- 4.1.2 On the opposite side of the road is a row of 6 two storey terraced late Victorian houses (Nos 74-79), continuing as more substantial 2 storey properties Nos 80-87 with similar scale period housing of 2 and 3 storeys Nos 55-58 beyond Kwikfit on the north side of the road. Opposite B&Q and turning the corner of Walsworth Road/Station Approach is the modern 3/4 storey office development Lyon Court, built some 10 years ago.

4.2 Proposal

- 4.2.1 In support of the application a Design and Access statement has been prepared which is attached as Appendix 6 to this report. This in my view explains in detail the proposals for the site and I do not consider that it is necessary to reiterate it in my report. I would however draw Members attention to paragraph 58, headed Design - alterations. This summarises the changes to the scheme since the previous submission which followed negotiations with Officers.

4.3 Key Issues

- 4.3.1 The determination of this application turns upon whether the details as now proposed satisfactorily address the aspects of :
- a) the previously refused scheme for 105 units which the Inspector found unacceptable and
 - b) the conclusion reached by the Hitchin Committee in January this year
- 4.3.2 As with the previous report to the Hitchin Committee, to undertake this, paragraphs in Inspectors letter (Appendix 4) have been highlighted in the margins' from which he draws his comments upon the principal issues. The aspects he found unacceptable have been underlined.
- 4.3.3 To summarise, he agreed with the Council's view that, a) the height of 17 metres for the major part of Block A, fronting Walsworth Road, would appear excessively large and be overbearing in the streetscene; b) that the 5 storey 19 metre high section and the overall height and length of Block B at the rear of the site and facing the B&Q car park would be out of scale with adjacent buildings; "despite the relatively limited visibility of the site from Nightingale Road it would appear overly dominant" and c) that the close proximity (2 m) and height difference between the end of Block B and the adjoining row of 2 storey terraced houses would appear overbearing and give a cramped appearance.
- 4.3.4 A comparison between the refused plans and the current revised application provides the best opportunity to judge whether the Council's previous objections as endorsed by the Inspector have been overcome. Taking the 3 aspects as listed in para 4.3.3, the changes are as follows:

Block A - this has been reduced from a 4 storey building with the major part being 17metres high to a 3 storey building 12.5metres (max) high. This height is now commensurate with the more substantial existing 2/3 storey period terrace properties in the locality and also the scheme for the adjoining petrol filling station site (no 63 Walsworth Road) which was granted permission in December 2006. The design has also been significantly improved with strong gable roof forms and window proportions reflecting comparable features within the street. Considerable thought has been given to the treatment of the right-hand end section as viewed from the road: I support the applicant's decision to emphasise this section by projecting it forwards and angling the front wall towards the approach view from the station. Principal materials would be red brick and grey roof tiles: the left-hand section above the entrance archway to the semi-basement parking area would be rendered. These would all reflect existing materials in the road. A computer generated image of this frontage is included on the cover of the design and access statement. It will be noted that a rendered panel has been removed from the angled block as shown on the previous scheme. Whilst this and other alterations are only minor modifications to this frontage, I remain firmly of the opinion that this would provide an acceptable scheme, along this important Walsworth Road frontage and has overcome the Inspector's criticism.

Block B - this has been reduced from part 5 storey (maximum 19 metres high) and part 4 storey (15.2 metres high) facing the B&Q car park for a length of some 52

metres to a part 4 (14.4 metres high) and part 3 (12.3 metres) storey building extending to some 60 metres. Since the refusal in January the design has been amended to enable the stepping of both the facade and the ridge line with the introduction of two dormers. It is also proposed to finish the building in only a buff coloured brick with render used to accent the bays. The latest changes to Block 'B', in my opinion, represent significant improvements which overall provide both more interest to the appearance of the block and overcome the continuing concern expressed by Members to the overall mass of the development.

Relationship between 3 storey end of terrace of 'townhouses' and the properties in Dacre Road

The previous unsatisfactory 2/4 storey relationship, separated by a narrow gap of 2 metres, has now been satisfactorily resolved by designing a 3 storey end of terrace "townhouse" separated by a gap of 4.5 metres from the adjoining 3 storey end section of Block B. There would be an acceptable difference in roof height of 2.5 metres as compared with the previous difference of some 8.5 metres. During the consideration of this application concerns, in particular Plot 80, have been raised as to the relationship of the proposed 3 storey townhouses to properties 59 - 61 Dacre Road and I have sought clarification by way of a further plan from the applicant company to assess the relationship. The terrace of townhouses would be angled in a north to north west direction in relation to the rear boundaries of these properties with a maximum distance of 3 metres from the common boundary. On this boundary, within the gardens are established trees. The gardens themselves are some 25 metres in depth. The proposed townhouses have an overall height of 9.0 metres to the ridge of the relatively shallow pitched roof and the flank elevation which would face the existing properties would be completed in buff brick with render at second floor and above. On the appeal plans (reference 06/00145/ 1) there were proposed to be two storey 3 bedroom dwellings which had a similar relationship with the properties with Dacre Road and had an overall height to the ridge when measured on the flank wall of 7.2 metres. Whilst the latest scheme represents an increase in height to provide 2 bedrooms at second floor for these affordable dwellings I do not consider that there is to be any justification to withhold permission for the proposed dwellings. They would be located on the eastern side of Dacre Road so would not affect any sunlight or daylight to the existing properties and with the degree of separation (28 metres) would not be overdominant in the aspect from these properties. It will be noted that the Hitchin Committee did not raise any objection to this element when considering the previous submission.

5.0 Conclusion

- 5.1 Other detailed matters associated with the development as now proposed, such as access via Walsworth Road and Dacre Road (see para 1.4), amenity space incorporating a children's play area, semi-basement parking area and landscaping, do not directly influence the outcome of this application since they have either been found to be acceptable in dealing with the previous appeal scheme, or have been approved as part of the original outline permission. Insofar as those aspects of the appeal scheme are concerned which were found to be unacceptable and which Members of the Hitchin Committee did not consider had been resolved satisfactorily, this further application and the significant changes it proposes has, in my opinion, satisfactorily addressed the Council's previous objections and the appeal Inspector's reasons for dismissing the applicant's appeal.

6.0 Legal Implications

- 6.1 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.

7.0 Recommendation

7.1 That approval of these reserved matters submitted pursuant to outline permission Local Authority Reference: 03/00959/ 1 be **GRANTED** subject to the following conditions:

1. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, to include external balconies, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

2. Prior to the commencement of construction of the podium deck between Blocks A & B, full details of soft and hard landscape works together with boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of the tree and plant species proposed, their size and density of planting together with a written specification of the method of planting and subsequent maintenance. The hard landscaping and boundary treatment details as approved shall be carried out and completed prior to the first occupation of any part of the development or in accordance with a programme to be previously agreed in writing by the Local Planning Authority. The soft landscaping details as approved shall be carried out within the first planting season following the first occupation of any part of the development or in accordance with a programme to be previously agreed in writing by the Local Planning Authority. Any tree which, within a period of 3 years from being first planted, dies or is seriously damaged shall be replaced during the next planting season with a tree of similar size and species unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

3. Prior to commencement of construction of the podium deck between Blocks A and B full details of the Local Area for Play shall be submitted to and approved in writing by the Local Planning Authority. The play area as approved shall be provided as part of the overall approved landscaping details and shall thereafter be permanently retained solely for this purpose and maintained in a satisfactory condition.

Reason: To ensure the permanent provision of a satisfactory play area to serve the proposed development.

4. **Before any site works associated with this development are commenced, survey details of existing ground levels together with details of proposed building levels shall be submitted to and approved in writing by the Local Planning Authority following which the development shall be carried out in accordance with these details.**

Reason: To ensure the development is carried out in a satisfactory manner having regard to the ground levels of the application site and adjoining properties.

5. All building work associated with the development hereby approved shall be restricted to between the hours of 7.30 am and 6.00 pm Mondays to Fridays and between the hours of 8.00 am and 1.00 pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the general amenities of nearby occupiers.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class A of Part 2 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.

ITEM NO: 12	<u>Location:</u>	2 Meadowbank, Hitchin, SG4 0HX
	<u>Applicant:</u>	Mr & Mrs D Banner
	<u>Proposal:</u>	Single storey front and rear extensions and first floor side extension (retention of variations to planning ref 03/01049/1HH granted permission 10/07/2003)
	<u>Ref.No:</u>	07/00558/ 1HH
	<u>Officer:</u>	Joanne Cousins

Date of expiry of statutory period : 26 April 2007

Reason for Delay

Committee Cycle

Reason for Referral to Committee

One of the applicants is an employee of the Council

1.0 Relevant History

- 1.1 Permission granted in September 2003 for single storey front and rear extension and first floor side extension. These additions have been built with variations to the approved plans that were drawn to the attention of the Councils Senior Planning Compliance Officer earlier this year and have resulted in this current application that seeks to retain the variations.

2.0 Policies

2.1 North Hertfordshire District Local Plan No 2 with Alterations

Policy 28 – House Extensions
Policy 57 – Residential Guidelines and Standards

3.0 Representations

- 3.1 None received.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises a detached dwelling located on a large plot on the western side of Meadow Bank close to the roundabout junction with Cambridge Road. The property is situated on slightly elevated ground and has its main rear garden backing onto Cambridge Road. To the northern and eastern sides are residential properties within Meadowbank (Nos. 1 & 3).

4.2 Proposal

4.2.1 The proposal seek the retention of variations made to the permission granted in 2003. The variations can be summarised as follows:-

1. Inclusion of a window to the front (north) elevation at first floor level to serve an en-suite shower room. This window is a fixed light and glazed with obscure glass.
2. Single storey rear extension - this has been constructed with a lean-to roof containing two roof lights rather than a hipped roof. The dimensions have been changed from 3.66m deep and 6.3m wide to 4.15m deep by 6.1m wide. Minor changes have been made to the glazing form and window locations.
3. The front (north) elevation originally proposed an addition to the existing lobby and the inclusion of an entrance canopy. This element remains as granted. However a further covered area to the rear of the entrance extension has been constructed across the entire north elevation. This structure (3.1m deep by 4.9m wide) comprises a polycarbonate lean-to roof supported by brick piers. The front elevation is infilled with 2m high fencing panels with the top section remaining open. The covered area is accessed via an opening to the west elevation which has been infilled with shiplap boarding.
4. No changes have been made to the car parking provisions at the site, with off-street parking for three vehicles available.

4.3 Key Issues

4.3.1 The proposal falls to be considered against Policy 28 'House Extensions' of the North Hertfordshire District Local Plan No. 2 - with Alterations. This policy sets out the criteria and general principles against which planning applications for extensions to dwellings must be assessed. The main aim is to ensure that extension proposals are of a suitable design in order to be sympathetic to the character of the existing dwelling, to prevent any unacceptable impact on the amenities enjoyed by occupiers of adjoining residential properties and to prevent increases in on-road car parking.

4.3.2 Taking account of this policy I consider that the main issues in relation to this application are whether the variations that have been carried out are acceptable in design and form in relation to the character of the existing dwelling and whether the variations that have been carried out would have an acceptable relationship with neighbouring properties, in terms of amenity. In view of the location of the additions I do not consider that they would have any significant impact on the visual amenities of the locality.

4.3.3 Design

The variations that have been carried out here are of a simple design and form and of a modest size in relation to the plot. The resulting extended house would not, in my view, harm the character and appearance of the original building, or appear as a disproportionate additions to the dwelling or others in the locality.

4.3.4 Residential Impact

The scale and form of the single storey variations are such that there would be no resulting harm to the amenities currently enjoyed by neighbouring residential property.

The inclusion of the window to the north elevation potentially affects the amenities of the neighbour as it faces across the rear garden of 3 Meadowbank. However the window has been installed with obscure glass and is non-opening so as to prevent any overlooking of the neighbouring property. The window serves a bathroom and I am satisfied that the current situation could be satisfactorily

safeguarded for the future, by the imposition of a condition to ensure that it remains fixed and obscure glazed.

4.4 **Conclusion**

- 4.4.1 Taking account of the issues set out above I conclude that the proposed development would have an acceptable design that would not harm the character or appearance of the existing dwelling and it would not prejudice the amenities enjoyed by occupiers of neighbouring residential properties. The proposal therefore complies with Policy 28 of the North Hertfordshire District Local Plan No. 2 - with Alterations, in my view.

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 condition:

1. The window at first floor level on the front (north) elevation of the development hereby permitted shall be permanently non-opening and glazed with obscure glass.

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

Reason for Decision

The extensions hereby permitted would be of an acceptable standard of design, in keeping with the character of the existing dwelling. They would also not impact unacceptably on the amenities enjoyed by occupiers of adjoining residential properties. The proposal therefore complies with the provisions of the development plan as summarised below.

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

Policy 28 - House Extensions

Policy 57 – Residential Guidelines and Standards

ITEM NO: 13	<u>Location:</u>	2 Meadowbank, Hitchin, SG4 0HX
	<u>Applicant:</u>	Mr & Mrs D Banner
	<u>Proposal:</u>	Retention of detached garden shed/workshop and increase in height of fencing to 2.4 metres
	<u>Ref.No:</u>	07/00559/ 1HH
	<u>Officer:</u>	Joanne Cousins

Date of expiry of statutory period : 18 June 2007

Reason for Referral to Committee

One of the applicants is an employee of the Council

1.0 Relevant History

1.1 See previous report 07/00558/1HH

2.0 Policies

2.1 North Hertfordshire District Local Plan No 2 with Alterations

Policy 28 – House Extensions

Policy 57 – Residential Guidelines and Standards

3.0 Representations

3.1 **Statutory Publicity** expiry date 24th May 2007 - any comments to be reported orally at the meeting.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises a detached dwelling located on a large plot on the western side of Meadow Bank close to the roundabout junction with Cambridge Road. The property is situated on slightly elevated ground and has its main rear garden backing onto Cambridge Road.

4.2 Proposal

4.2.1 The application seeks retrospective planning permission for a single storey garden shed located within of the rear garden of the existing dwelling. The shed requires planning permission as the rear garden backs onto the roundabout junction with Cambridge Road. The shed is 4.58 metres wide to the and 6.4 metres deep, positioned within the south-eastern corner of the garden. The shed has been constructed using green stained shiplap boarding with a low pitch tile effect felt roof covering, to a maximum height of 2.9 metres. The elevations contains a small

door and window that face over the garden area.

4.2.2 The application seeks to increase the height of fencing around the corner of the site, 5.8 metres in length to the side boundary and 7.6 metres in length to the side boundary, to 2.4 metres in height. The fencing would consist of close boarded panels.

4.3 **Key Issues**

4.3.1 The main issues associated with this proposal relate to the impact of the development upon the character and appearance of the street scene and the impact upon the adjoining residential amenities, in accordance with the provisions of Policy 28 of the current Development Plan.

4.3.2 The development would not have any significant adverse impact upon the amenities currently enjoyed by adjacent residential properties given its location to the rear of the property. The shed is visible in the street scene from views along Cambridge Road, St Michaels Road (opposite) and from the entrance to Meadowbank itself. However, due to the set back from the public highway and the presence of fencing and landscaping within the vicinity of the site the visual prominence in public views is reduced to an acceptable extent. The proposed new fencing would further reduce the visual impact by screening the majority of the structure.

4.4 **Conclusion**

4.4.1 I can see no valid basis upon which a refusal of planning permission could reasonably be sustained in this instance and I have framed my recommendation accordingly.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be **GRANTED**:

Reason for Decision

The development hereby permitted would be reason of its size, design and location have no adverse impact upon the character and visual amenities of the locality or the amenities currently enjoyed by adjoining residents, and as such complies with the relevant provisions of the Development Plan as summarised below.

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

Policy 28 - House Extensions
Policy 57 – Residential Guidelines and Standards

ITEM NO:14	<u>Location:</u>	27 Lawrence Avenue, Letchworth Garden City, SG6 2EY
	<u>Applicant:</u>	Mr & Mrs Davey
	<u>Proposal:</u>	Part two storey and part single storey rear extension with accommodation in roof space following removal of conservatory, rear conservatory and single storey side extension incorporating single garage.
	<u>Ref.No:</u>	07/00889/ 1HH
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 30 May 2007

Reason for Delay

N/A

Reason for Referral to Committee

The applicant is Councillor Melissa Davey.

1.0 Relevant History

1.1 None relevant.

2.0 Policies

- 2.1 **Hertfordshire Structure Plan Review 1991-2011:**
Policy 25 'Car Parking' (and supplementary planning guidance, 'Vehicle Parking Provision at New Development')
- 2.2 **North Hertfordshire District Local Plan No. 2 - with Alterations:**
Policy 28 'House Extensions'
Policy 58 'Letchworth Garden City Design Principles'

3.0 Representations

- 3.1 **Letchworth Garden City Council:**
Has no objections.
- 3.2 **Response to Neighbour Notifications:**
One letter of objection received from the occupiers of no. **25 Lawrence Avenue**.
The grounds of objection are as follows:
* The proposed two storey rear extension will cause a loss of daylight and sunlight to the nearest first floor bedroom window on the rear elevation of their property.
* Loss of daylight to kitchen dining room through the roof lights on the single storey rear extension at no. 25 Lawrence Avenue.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site consists of a semi-detached dwelling sited on a linear plot, off the northern side of Lawrence Avenue, Letchworth Garden City. There is also a timber framed outbuilding on the site, located close to the boundary with no. 29 Lawrence Avenue.

4.2 Proposal

- 4.2.1 Planning permission is sought for the development of a two storey rear extension, second floor rear dormer window, replacement single storey rear conservatory extension and single storey side extension.

- 4.2.2 The proposed extensions would add the following new accommodation: A new side, attached garage, extended study/utility room, kitchen/family room and conservatory on the ground floor. At first floor level the proposed extension would create an extended bathroom, master bedroom with en-suite and other internal alterations at first floor level are shown on the plans which re-arrange existing accommodation. Within the roof space an additional bedroom is proposed which would be lit by the proposed second floor rear dormer window extension. The resultant dwelling would have four bedrooms.

- 4.2.3 The proposed two storey rear extension would project some 3.8m to the rear of the existing dwelling and would be set in 0.7m from the side boundary of the application site, shared with no. 25 Lawrence Avenue, and between 2 and 1.8m from the common boundary with no. 29 Lawrence Avenue. This element of the proposal would have a pitched roof which would complement the roof form of the existing dwelling. The eaves height and ridge line of the two storey rear extension would match the height of the eaves and ridge of the existing dwelling. A pitched roof rear dormer is proposed within the roof slope of the rear elevation.

- 4.2.4 The single storey conservatory extension would project a further 4m to the rear of the proposed two storey rear extension, also set in 0.7m from the common boundary with no. 25 Lawrence Avenue. It would be of traditional conservatory shape and design but with no glazed panels proposed on the west elevation, facing the boundary with no. 25.

- 4.2.5 The proposed single storey side extension would project almost up to the side boundary shared with no. 29. It would have a pitched roof for the front garage section and a mono-pitched lean-to roof for the part of the extension behind the proposed garage.

4.3 Key Issues

- 4.3.1 Taking account of development plan policies referred to above and comments received from interested parties I consider that the key issues to be determined in relation to this planning application are as follows: Whether the design of the proposed extension is acceptable in relation to the character and form of the existing dwelling and the area in general. Whether the extension would have an acceptable relationship with neighbouring residential properties in terms of amenity and whether sufficient car parking space is available on the site to accommodate the extended dwelling.

4.3.2 **Design in Relation to Character of the Area**

The existing dwelling is one of a group of 1930s semi-detached houses along Lawrence Avenue. Important characteristics of which are the traditional bay window at ground level on the front elevation and the sloping hipped roof form. The proposed two storey rear extension has been designed to complement this traditional roof form. When seen from directly in front of the dwelling the proposed two storey rear extension would not be visible in the street scene. It would have a roof slope which matches the existing roof pitch and would not project further to the side than the existing roof therefore integrating well with the character and form of the dwelling, in my opinion.

4.3.3 The single storey side extension would be set back slightly from the front elevation of the dwelling. It would have a generally unobtrusive appearance and with a maximum ridge height of less than 4m above ground level it would remain 1m below the eaves level of the existing dwelling. Given this relationship, in design terms, I consider that it is acceptable for the single storey side extension to project almost up to the boundary with no. 29 Lawrence Avenue. The extended dwelling would then have an acceptable appearance in the street scene, in my view.

4.3.4 **Relationship with Neighbouring Properties and Car Parking issues**

Turning to the relationship with neighbouring residential properties in terms of amenity, the following paragraphs include an assessment of each relationship in turn.

4.3.5 The least problematic relationship in my view is with no. 29 Lawrence Avenue. Due to the generous spacing between the dwelling on the application site and no. 29 Lawrence Avenue I am satisfied that the proposed two storey rear extension would have an acceptable relationship with this property. If Members are minded to grant planning permission, I am however recommending a restrictive condition to prevent the insertion of further windows above ground floor level in the flank elevation of the proposed extension, which faces no. 29 Lawrence Avenue, in order to prevent any future overlooking of this property.

4.3.6 I am also satisfied with the relationship between the proposed single storey side extension and no. 29 Lawrence Avenue. However, at present, there is a gap in the boundary fence between the dwelling on the application site and no. 29 Lawrence Avenue. This gap is located close to the position of the proposed windows and doors on the side elevation of the extension. Taking account of this and the need to maintain privacy between the two properties I am recommending a condition to ensure that suitable replacement fencing is erected before the first occupation of the extension.

4.3.7 In my opinion, the relationship with no. 25 Lawrence Avenue is more problematic and needs to be considered very carefully given the objections received from the occupiers of this property.

4.3.8 The first point of concern mentioned by the neighbours is the potential loss of daylight and sunlight to the nearest first floor rear bedroom window. Given that the two properties are located off the northern side of the East-West facing Lawrence Avenue, the issue of daylight and sunlight is of direct relevance to consideration of the impact of this proposal. In order to calculate acceptable levels of daylight and sunlight, a broad guideline can be established by drawing 45 degree lines on the horizontal and vertical axis from the centre of the effected window. If the extension proposal crosses both of these lines a more thorough daylight and sunlight test would need to be carried out. The extension in this case would only cross the line drawn on the horizontal axis and as a consequence I conclude that the proposed extension would not lead to an unacceptable loss of daylight or sunlight to this

bedroom window.

- 4.3.9 The second point relates to the daylight and sunlight impact of the kitchen/dining room within no. 25 Lawrence Avenue. This space is contained within an existing single storey lean-to rear extension. The extension projects as far to the rear of no. 25 Lawrence Avenue as the proposed two storey rear extension would project on the application site. Given this relationship it is clear that there would be no loss of daylight or sunlight caused to the rear facing windows of the extension at no. 25. The main concern which is illustrated on photographs submitted by the next door neighbour (which will be displayed at the Committee) relates to the potential loss of daylight and sunlight from the proposed two storey rear extension in through the roof lights on the roof of the single storey rear extension. In this respect, I consider that the proposed extension would cause some loss of daylight and sunlight to the roof light nearest to the proposed extension. However, this space is one room which would continue to benefit from daylight and sunlight through the other roof light and the French window and kitchen window which light this room. Given the existing light levels into this room I do not consider that the loss of daylight caused to one of the two roof lights is sufficiently harmful to justify a refusal of planning permission. In essence, the two roof lights which light this room provide additional daylight over and above normal daylight situations and a slight shadowing of one roof light would not cause demonstrable harm to the amenities enjoyed by the occupiers of this property, in my opinion.
- 4.3.10 In terms of car parking, the resultant dwelling would benefit from at least two off street car parking spaces, within the proposed garage and on the driveway. I consider that this is a sufficient level of off street car parking to accommodate the extended, four bedroom dwelling.
- 4.3.11 In the above, and in all other respects I consider the proposed development to be acceptable.

4.4 **Conclusion**

- 4.4.1 In my opinion, the proposed extension has been designed in such a way that it would have an acceptable appearance in the street scene and is of an overall form and design that relates well to the character of the existing dwelling and the area in general. I am also satisfied that the proposed extension would have an acceptable relationship with neighbouring residential properties on either side of the application site, subject to the imposition of various conditions recommended below. I am also of opinion that sufficient off street car parking would be available to serve the needs of the extended dwelling.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no windows or other openings shall be installed above ground floor level in the flank elevation of the extension hereby permitted without the specific grant of planning permission by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over future alterations to the dwelling and to protect the privacy of neighbouring occupiers.

5. **Prior to the commencement of development, details of suitable replacement fencing on the boundary of the application site which adjoins no. 29 Lawrence Avenue shall be submitted to and approved in writing by the Local Planning Authority. Such fencing shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development hereby permitted and thereafter retained and maintained to satisfaction of the Local Planning Authority.**

Reason: To ensure acceptable levels of privacy on the boundary between the application site and no. 29 Lawrence Avenue.

Reason for Decision

In the opinion of the Local Planning Authority, the proposed development would be of an acceptable standard of design in relation to the character of the dwelling and the area in general. It would also have an acceptable relationship with neighbouring residential properties in terms of amenity. There would also be sufficient car parking available off-site to serve the needs of the extended dwelling. The proposal therefore complies with the provisions of the development plan, as summarised below:

Hertfordshire Structure Plan Review 1991-2011:

Policy 25 'Car Parking' (and supplementary planning guidance, 'Vehicle Parking Provision at New Development')

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

Policy 28 'House Extensions'

Policy 58 'Letchworth Garden City Design Principles'

ITEM NO: 15	<u>Location:</u>	Sites A B And C On Northern Edge Of Royston On South Side Of A505, Old North Road, Royston
	<u>Applicant:</u>	Fairview New Homes Ltd
	<u>Proposal:</u>	Creation of Earth bund and belt of parkland forming a screen of vegetation along the boundary of three parcels of land on the northern edge of Royston on the south side of the A505 NORTH HERTS DISTRICT COUNCIL: CONSULTEE ONLY
	<u>Ref.No:</u>	07/00872/ 1CM
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 26 April 2007

Reason for Referral to Committee

The purpose of this report is to seek the views of the Committee to provide a formal response to Hertfordshire County Council upon their consultation with the Local Planning Authority under Article 10 of the General Development Procedure Order 1995, regarding an application seeking permission for the creation of earth bunding and belt of parkland along the boundary of three parcels of land on the northern edge of Royston on the south side of the A505.

1.0 Relevant History

- 1.1 None relevant

2.0 Policies

- 2.1 **Hertfordshire County Structure Plan**
Policy 1: Sustainable Development
Policy 41: Tree and Hedge Cover
Policy 55: Waste Management
- 2.2 **Hertfordshire County Waste Local Plan 1999**
Policy 7
- 2.3 **North Hertfordshire District Local Plan No. 2 with Alterations**
Policy 1: Pattern and Character of North Hertfordshire
Policy 9: Royston's Development Limits
Policy 13: Countryside Areas
Policy 14: Nature Conservation
Policy 21: Landscape and Open Space Pattern
- 2.4 **Central Government Advice:**
PPS 9: Biodiversity and Geological Conservation (August 2005)

3.0 Representations

- 3.1 **Royston Town Council:** 'No objection. Members welcomed the landscaping and boundary of trees which will help to screen Royston from the noise of the bypass and feel it is a necessary step that needs to happen. However, they do support residents concerns in the area over the entrances and exits of the transportation of the infill material. The roads on the local estates are not designed for movement of heavy vehicles. They have had many enquires from residents and feel that they need an explanation of the processes that will be taken and that perhaps a public meeting where they can ask questions would be appropriate for this'.
- 3.2 **Hertfordshire Highways:** Advises that the Transportation and Policy unit have responded to the County Council (recommendation of refusal).
- 3.3 **Hertfordshire Biological Records Centre:**
Recommends the following:
- Following the guidance given in PPS 9, HBRC recommends that planning permission is not granted until a site assessment has been carried out to ascertain the presence and risks to reptiles and a written report submitted to and approved in writing by North Hertfordshire District Council.
 - In the event of a species of reptile being found on the development site, a condition should be attached protecting the species. This should be in the form of a written Method Statement and Mitigation Strategy, which should be produced in full consultation with English Nature.
 - The proposed planting scheme for the site is not in sympathy with the local landscape. Therefore, it should be changed to create suitable habitats for reptiles and other species (invertebrates). The species and number of trees and shrubs should be reduced to limit the amount of shading. Open ground should be created to produce a sunnier, warmer micro-climate at ground level. The use of turf would be unsympathetic to the local plant communities.
 - Site clearance – tree/shrub removal, and ground vegetation clearance – should not be conducted during the period 1st March – 30th September in order to protect breeding birds, including their nests, eggs and young.
- 3.4 **Site Notices/Consultation:** Consultation with neighbours and statutory consultees is a matter for the County Council as the determining authority.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1 The three application sites (5.75 hectares) are located on the northern edge of Royston adjoining the south side of the A505. Site A is north of Burns Road and sites B and C are located either side of the mainline railway to the north east of Burns Road and Coombelands.

4.2 Proposal

- 4.2.1 The proposal is to create earth bunds along the boundary of the three sites with the A505 between 3 - 12m in depth. The bunds would be planted in accordance with a detailed landscaping scheme. The infill materials required to create the bunding would consist of 12,500 tonnes of inert material and 4,500 tonnes of topsoil. The application includes the proposed vehicular accesses to the sites for the duration of the works.

4.3 Key Issues

- 4.3.1 The key issues regarding this proposal are considered to be the principle of landscaping, the detail of the earth bunding and landscaping and consequent visual impact, ecological impact and highway matters.
- 4.3.2 In principle, the provision of landscaping in the areas identified on the submitted plans would not be considered inappropriate development in the rural area and would be generally consistent with the criteria for new development as set out in Policies 1, 9 and 21 of the local plan. PPS 9 states that planning policies and decisions should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources.
- 4.3.3 The proposals do not show how the proposals will take account of existing planting and the particular landform of each site. Sites B and C are above the A505 while site A drops down and is clearly visible from the A505 and also from within the site. The proposals do not show how the peripheral planting relates to any proposed development within the site and any landscape strategy for the internal planting. A key question is how the proposals will relate to the form of development proposed in terms of height and buildings and layout.
- 4.3.4 Concern is expressed at the question of public access along the boundary with the A505 and whether the proposals will provide the opportunity for footpaths to be integrated within the landscaped area and whether there is to be boundary fencing along the A505. There is also some concern over the significant use of evergreen species which are not typical of the area. Planting with indigenous species of trees could soften and enhance the rural aspect along the northern boundary of the site and it is essential that existing hedgerows are retained. The proposals also need to address how the planting is to be established and maintained in the future - i.e. through a long term management plan and with an identified funding source.
- 4.3.5 The contouring of the bunding is indicated on the site plans however there are no sections or final height measurements of the bunding included in the application.
- 4.3.6 With regard to ecological impact of the proposals the Committee will note the comments of Hertfordshire Biological Records Centre as set out above. HBRC have stated that: *'there is a reasonable likelihood of reptiles being present on all three areas of land identified in the application. Reptiles are a protected species.'* In view of these comments and the advice in PPS 9 which states *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or habitat'* it is recommended that the applicant carries out an ecological site survey.
- 4.3.7 Finally, concern is raised at the impact on the local highway network of the importation of large amounts of infill material. Access to the site is proposed through Burns Road and Thackeray Close, directly from the A505 and from Melbourn Road (A10/A505 junction). It is understood that the Highway Authority have recommended refusal on the grounds that the traffic generated by this proposal is likely to interfere with the free and safe flow of traffic on the local road network and give rise to conditions prejudicial to highway safety. It would not be considered appropriate to access these sites through existing residential roads and therefore it is considered that the advice of the highway authority should be given due consideration.

4.4 **Conclusion**

- 4.4.1 That Members of the Planning Control Committee endorse the following comments in respect of the proposals and forward this to the County Council in response to its formal consultation:

The District Council, whilst welcoming the principle of landscaping, would express concerns regarding the impact of the proposed development on the landscape character of the area and how the landscaping and bunding would relate to both existing and future development. Concern is also expressed with regard to the potential for public access to the landscape area and the type of species proposed. The District Council would support the recommendations of Hertfordshire Biological Records Centre with regard to the potential ecological impact of the development. The District Council expresses significant concern with regard to the detrimental impact of the development on the local road network and would endorse the comments of the Highway Authority in recommending refusal of the development on highway safety grounds.

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

16

TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

See attached report.

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PLANNING CONTROL COMMITTEE

DATE: 23 May 2007

PLANNING APPEALS LODGED

APPELLANT	DESCRIPTION	ADDRESS	REFERENCE	PROCEDURE
Mr & Mrs Ramsey	Single storey front and part single part two storey side and rear extensions. Front porch canopy.	Meadow Cottage, Damask Green, Weston	06/02583/1HH	Written Representations
Mr M E Fairey	Single storey side extension and wall following relocation of summer house.	Churchfields, Hitchin Road, Codicote, SG4 8TH	07/00369/1HH	Written Representations

PLANNING CONTROL COMMITTEE

DATE: 23 May 2007

PLANNING APPEAL DECISIONS

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Elite Retirement Account of P K Shadbout & B Smith	Detached 3 bedroom dwelling with 2 car parking spaces	Land at The Wratten, Wratten Road East, Hitchin, SG5	06/02374/1	APPEAL DISMISSED On 23 April 2007	DELEGATED	Inspector agreed that the proposal would harm the setting of the existing listed building and fail to preserve or enhance the character and appearance of the Conservation area.

TITLE OF REPORT: PLANNING ENFORCEMENT CASELOAD

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

See attached report.

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Enforcement No.	Address	Details (EN BOC SN PCN Prosecution)	Authorisation by Mary Caldwell	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
00/00085/1ENF	Old Forge, Church Lane, GRAVELEY	Enforcement Notice served car depot	17-Jan-01		25-Jan-01		1 month	Graveley PC to monitor (form sent 30/11/06), then arrange surveillance? Advise from Legal 28/11/06, no further action unless evidence received.
02/00100/1ENF	Pulmore Water, St Albans Rd, CODICOTE	Enforcement Notice bungalow						Appeal lodged, Inquiry to be held
04/00294/1ENF	Lower Titmore Farm LOWER TITMORE GREEN	Unauthorised works to Listed Building	25-Jan-07	28-Nov-07				File with Legal 28/11/06 to assess for prosecution
05/00069/1ENF	Pulmore Water, St Albans Rd, CODICOTE	Enforcement Notice change of use to caravan site	24-Aug-06	12-Sep-06				Legal to write to agent/await outcome of appeal for bungalow
05/00204/1ENF	67 Hampden Rd HITCHIN	Enforcement Notice side extension	13-Dec-05	5-Jan-06	17-May-06	17-May-06	4-May-07	Appeal dismissed, Enforcement Notice upheld
05/00358/1ENF	41 Bygrave Rd BALDOCK	Breach of Condition Notice annex to self contained unit	19-Mar-07	28-Mar-07	1-May-07	1-May-07	1-Aug-07	07/357/1EUD refused, to Legal for Breach of Condition Notice 28.3.07, served 30/4/07
05/00376/1ENF	Cedar House Beckfield Lane SANDON	Enforcement Notice change of use to residential	22-May-06	7-Jun-06	14-Jun-06	14-Jun-06	23-Jul-07	23/1/07 appeal dismissed, Enforcement Notice upheld with variations. 6 mths compliance, check end July 07
06/00015/1ENF	adj. Hare Park Farm Royston Rd BALDOCK	Enforcement Notice change of use for residential caravans	25-Jan-07	28-Nov-07	14-Feb-07	14-Feb-07	3 months 14-June-07	No site license. Enforcement Notice served 14/2/07
06/00019/1ENF	land at Green Farm BENDISH	EN vehicular access, Prosecution adverts	24-Aug-06	5-Sep-06				06/2538/1 to retain for personal use granted, John Chapman memo to Legal 20/3/07 for Enforcement Notice for unauthorised access.
06/00035/1ENF	Lane End Lodge Pottersheath Rd WELWYN	EN flue & boilerhouse	6-Feb-07	7-Feb-07				Referred to Legal for Enforcement Notice, letter rec'd from developer.

06/00156/1ENF	r/o Hillcrest House Bedford Rd HOLWELL	EN caravan, containers, shed	18-Jan-07	7-Feb-07	20-Mar-07	20-Mar-07	5 months 20-sep-07	Enforcement Notice served 20/3/07, check compliance 20/9/07
06/00308/1ENF	4 Cross St, LETCHWORTH	LB EN windows	11-Jan-07	18-Jan-07				Appeal rec'd against refusal of Listed Building consent, await outcome before action.
06/00313/1ENF	43 The Avenue, HITCHIN	Prosecution works to tree		7-Feb-07				Interview under caution cancelled, advise rec'd from developers solicitor 18/1/07, referred back to Legal 7/2/07