

NORTH HERTFORDSHIRE DISTRICT COUNCIL



1 November 2019

Our Ref Planning 14.11.19
Your Ref.
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillors Terry Tyler (Chairman), Daniel Allen (Vice-Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Val Shanley and Michael Weeks

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Gary Grindal, Michael Muir, Kay Tart and Tom Tyson

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

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

On

THURSDAY, 14TH NOVEMBER, 2019 AT 7.30 PM

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION
ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Thompson', written over a thin horizontal line.

Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 19 SEPTEMBER 2019 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 19 September 2019.	(Pages 5 - 16)
3. MINUTES - 17 OCTOBER 2019 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 17 October 2019.	(Pages 17 - 24)
4. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
5. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
6. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
7. 19/00950/FP BLACKETT ORD COURT, STAMFORD AVENUE, ROYSTON, HERTFORDSHIRE SG8 7EB REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Extension to an existing sheltered housing/retirement apartment block and construction of a new sheltered housing/retirement apartment block to provide a total of 17 number new apartments.	(Pages 25 - 46)
8. 19/01748/FP RECREATION GROUND, SWINBOURNE AVENUE, HITCHIN, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Area including play equipment bonded rubber mulch safety surfacing, site furniture, 1m high galvanised steel boundary fencing and access pathway from Swinburne Avenue.	(Pages 47 - 58)

9. PLANNING APPEALS
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

(Pages
59 - 62)

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERNO
ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 19TH SEPTEMBER, 2019 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Terry Tyler (Chairman), Councillor Daniel Allen (Vice-Chairman), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Val Shanley and Michael Weeks*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Advisor), Amelia McInally (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 25 members of the public, including registered speakers.*

40 APOLOGIES FOR ABSENCE

Audio Recording – Session 1 – 19 Seconds

Apologies for absence were received from Councillors Ruth Brown, David Levett and Mike Rice.

Having given due notice the following Councillors advised that they would be substituting:

Councillor Michael Muir for Councillor David Levett; and
Councillor Tom Tyson for Councillor Ruth Brown.

The Chairman informed the Committee that Councillor Ian Moody would be in attendance, however, he would be late arriving.

41 MINUTES - 22 AUGUST 2019

Audio Recording – Start of Item – Session 1 – 56 Seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 22 August be approved as a true record of the proceedings and be signed by the Chairman.

42 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Session 1 – 1 Minute 14 Seconds

There was no other business notified.

43 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Session 1 – 1 Minute 19 Seconds

- (1) The Chairman welcomed those present at the meeting, particularly those who had attended to give a presentation;
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

44 PUBLIC PARTICIPATION

Audio Recording – Session 1 – 3 Minutes

The Chairman confirmed that the 11 registered speakers were in attendance.

45 19/01758/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE

Audio Recording – Session 1 – 3 Minutes 53 Seconds

Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas.

The Principal Planning Officer updated the Committee as follows:

- The applicant had agreed to a Section 106 Obligation making a financial contribution totalling £117,346.22 towards GP Core Services as requested by the NHS Bedfordshire Clinical Commissioning Group;
- Formal comment had been received by Ickleford Parish Council which had been circulated to all Members prior to the Meeting.
- Ickleford Parish Council had raised objections to the development on various grounds including flood risk, loss of agricultural land and highway impact;
- The applicant had submitted an additional plan as part of the flood risk assessment which the Principal Planning Officer advised would be included in his presentation; and
- Councillor Sam North had submitted a statement in objection to the application. The Principal Planning Officer informed the Committee that the statement had been circulated to all Members, but would read it out to all present at the appropriate time.

The Principal Planning Officer further drew the attention of the Members to Paragraph 4.3.93 on page 39 of the report:

“In the light of the above and particularly in view of the Committee’s unequivocal support for this development at its meeting in July 2019 on an identical proposal, together with the fact that there are no other material changes that would warrant a different conclusion being reached, the Committee are recommended to agree the recommendation as set out”.

The Principal Planning Officer presented the report in respect of application 19/01758/FP supported by a visual presentation consisting of photographs and plans.

Mr Ryan Harper, Vice-Chairman of Ickleford Parish Council, thanked the Chairman for the opportunity to address the Committee in objection of application 19/01758/FP and drew attention to the following:

- Flood risk;
- Road safety;
- The increase of traffic on Bedford Road (A600);

- Harm to historic assets;
- Bus service that was not fit for purpose; no service after 18:30 or to train stations;
- There had been 200 individual objections to this development.

The following Member asked questions:

- Councillor Daniel Allen,

The Chairman invited Mr John Rumble, Lead Local Flood Authority, Hertfordshire County Council, to address the Committee.

Mr Rumble referred to the July submission and informed Members that mapping had been revised and superseded. The modelling was now more accurate and Members should be guided to the revision.

The following Members asked questions of Mr Rumble:

- Councillor Michael Weeks
- Councillor Mike Hughson
- Councillor Terry Tyler.

Mr Rumble confirmed that the applicant had worked with the Environment Agency who were satisfied that the model used was accurate and were content with the result.

Councillor Sam North was unable to attend the meeting, however, he would have been speaking as a Member Advocate in objection to the application. He had provided a written statement, which had been circulated to all Members of the Committee prior to the meeting and was read out by the Principal Planning Officer.

Mr Geoff Armstrong, ARP Planning, thanked the Chairman for the opportunity to address the Committee in support of application 19/01758/FP as follows:

- The application was identical to that which was subject to a pending appeal;
- At the Planning Control Committee in July 2019, it was resolved that had North Hertfordshire District been a determining authority, it would have granted planning permission to the 17/01622/FP application;
- The Council had a 5 year shortfall in its housing supply;
- The site was identified in the Council's emerging local plan;
- The site would help address future housing needs;
- There had been a large number of objections to the development. However, no objections had been received from statutory consultees.

The following Members asked questions of Mr Armstrong:

- Councillor Michael Muir;
- Councillor Val Bryant.

In response to questions raised, Mr Armstrong confirmed that:

- The 10 percent provision of car parking spaces designated for plug-in Electric Vehicles was in line with the Council's policy;
- £1,918,226 would contribute to the expansion of Derwent Lower School in Henlow, Central Bedfordshire and £371,931.00 would contribute to the expansion of the Priory School in Hitchin, Hertfordshire.

NB: Councillor Ian Moody arrived at 20:02.

The following Members asked questions of the Principal Planning Officer:

- Councillor Terry Tyler;
- Councillor Michael Weeks;
- Councillor Michael Muir; and
- Councillor Ian Mantle

The Principal Planning Officer advised that:

- There was no right-hand turn requirement, as the Highways Authority had deemed the T-Junction satisfactory;
- The 10 percent provision of Electric Vehicle charging points had been recommended by the Environment Protection Officer and it was not in the remit of this Committee to increase the percentage.

The Development and Conservation Manager advised that the condition regarding Electric Vehicle Charging Points could be amended to read that the applicant shall submit a scheme of Electric Vehicle Charging points in the proportion agreed by the Council this being at least 10 percent. This would, however, be subject to agreement by the Environment Protection Officer.

It was proposed by Councillor Ian Mantle and seconded by Councillor Morgan Derbyshire that the application be granted permission, subject to the amendment of Condition 15 of the report.

Upon the application being put to the vote, it was:

RESOLVED:

That application 19/01758/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the amendment of condition 15 to read as follows:

“Prior to the commencement of the development hereby permitted, full details of Electric Vehicles (EV) car parking spaces provision (of between 10% and 20% of all spaces) within the parking courtyards shall be submitted to and approved in writing by the Local Planning Authority. All approved spaces will have designated plug in points and served by EV charging points prior to the first occupation of the development and shall be retained for that purpose thereafter”.

REASON: To contribute to the objective of providing a sustainable transport network and to help off-set the adverse impact of the development on local air quality.

46 16/01797/1 LAND REAR OF 4-14, CLAYBUSH ROAD, ASHWELL SG7 5RA

Audio Recording – Session 2 – 38 Seconds

30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).

The Senior Planning Officer introduced the report in respect of the Application 16/01797/1 and provided the Committee with the following updates to the report:

- A note had been received from Ashwell Parish Council. A response to this was provided on 18 September 2019 and this had been circulated to all Members of this Committee prior to the commencement of the meeting.
- Concerns regarding drainage had been received from Mr and Mrs Hodson. The Lead Local Flood Authority team had confirmed that the design of the drainage system was the subject of a condition.

Thursday, 19th September, 2019

- A letter from Mr and Mrs Hare had been received on 13 August 2019 objecting to the application on the basis of traffic and safety concerns regarding both the proposed vehicle and pedestrian access. They raised concerns regarding incorrect terminology within the submitted documents and concluded that the proposed development was unsustainable and contrary to the NPPF.
- An amendment was required to Paragraph 4.3.38. Condition 25 requires that the safety measures to Ashwell Street be done before any other development commenced on site.

The Senior Planning Officer presented the report in respect of application 16/01797/1 supported by a visual presentation consisting of photographs and plans.

Mr Norton Mahy, Parish Councillor, Ashwell Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 16/01797/1 as follows:

- Safety of pedestrian access;
- The resurfacing of and installing of street light on Ashwell Street to address safety issues;
- There was no footpath between the site and the public highway;
- Heritage impact;
- Contrary to saved policy SP8; and
- Details of the planning application history for the site were not mentioned within the report.

Councillor Tom Tyson, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection of application 16/01797/1 as follows:

- Ashwell Street was too narrow;
- Larger vehicles such as vans and trucks were not able to drive down the street;
- The additional houses would increase the volume of pedestrians using the street. However, the road was not suitable for pedestrians;
- Condition 24 and 25 were not robust enough to mitigate safety of pedestrians;
- The site failed to meet the requirements of the NPPF which ensured suitable access to the site could be achieved by all users. The site was not suitable for people with mobility issues;
- Future occupiers would be forced to use vehicles to access the facilities in the village if they felt the walk into the village was too strenuous or hazardous and this undermined the objective of sustainability.

The following Members asked questions to Councillor Tyson:

- Councillor Michael Weeks;
- Councillor Ian Mantle.

Councillor Tyson responded to questions as follows:

- Pedestrians were not able to duck into driveways when vehicles came as there were no driveways; and
- The bus service was non-existent.

Mr Richard Kelly, Croudace Homes, thanked the Chairman for the opportunity to address the Committee in support of application 16/01797/1 as follows:

- 30 houses were proposed, 12 of which were affordable homes – 8 for rent and 4 shared ownership;
- This was an allocated site in the emerging local plan;
- The application had complied with policy AS1;
- There were no objections from statutory consultees

- Sympathetic design and impact to existing area;
- Legal and safe pedestrian access had been provided;
- There was a need for housing; and
- The S106 agreement included affordable housing and a contribution to the replacement of the Ashwell Pavilion.

The following Members asked questions of Mr Kelly:

- Councillor Michael Weeks;
- Councillor Terry Tyler;
- Councillor Daniel Allen; and
- Councillor Michael Muir.

Mr Kelly provided the following responses to questions:

- There was a 30 metre stretch of lane;
- Pedestrians would be able to see vehicles and wait accordingly;
- Vehicles would be driving at a low speed;
- The road would be resurfaced and vegetation cut back to help widen the road;
- It would not be recommended that pedestrians walked alongside the road as it was narrow. However, measures would be put in place to ensure pedestrians could see oncoming vehicles; and
- The steps into the village were already providing a service to the village.

In response to a question, the Senior Planning Officer advised that the affordable homes would be restricted to people with a local connection to Ashwell in the first instance.

As Councillor Tom Tyson had spoken as Member Advocate on this item, he left the Chamber and took no part in the debate or vote.

The following Members took part in the debate:

- Councillor Ian Mantle;
- Councillor Sean Prendergast;
- Councillor Michael Weeks;
- Councillor Daniel Allen;
- Councillor Tony Hunter; and
- Councillor Terry Tyler.

The following points were raised by Members:

- There was a concern with the sustainability of this site as it did not encourage other forms of transport other than cars;
- Villages had to play their part in building new homes;
- The development design was sympathetic to the village;
- Pedestrian access was a concern;
- Pedestrians needed to include those who were cycling, in a wheelchair, mobility scooters or pushing a pushchair.

In response to the points discussed by Members, the Senior Planning Officer advised that:

- The development was Category A, meaning that there were facilities within the village that made it a sustainable development;
- Conditions 24 and 25 needed to be met before any work commenced;
- The road was a shared space thus both pedestrians and drivers needed to be aware of each other; and

- The application would enhance the safety measures of the road by improving visibility to make it as safe as possible.

Members recommended that Condition 24 be amended to take into account all users of the road.

It was proposed by Councillor Michael Muir and seconded by Councillor Ian Mantle that the application be granted subject to the amendment of condition 24.

Upon being put to the vote it was

RESOLVED:

That application 19/01758/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the amended condition 24 as follows:

“Prior to the commencement of the development hereby permitted, full details of a scheme for the safety of all road users”.

47 19/01213/FP BROOKSIDE, BEDFORD ROAD, HOLWELL, HITCHIN, HERTFORDSHIRE SG5 3RX

Audio Recording – Session 3 – 1 Minute

Erection of one detached 4-bed dwelling with associated garden and parking area (following demolition of existing garage) (as amended by plans received 31 July 2019).

The Principal Planning Officer introduced the report and updated the Committee. He advised that comments from Hertfordshire Highways had been received and there were no objections, subject to imposition of a construction traffic management condition, which the applicant had agreed to.

The Principal Planning Officer informed the Committee that there was a typing error on paragraph 2.3. and it should read ‘deliverable housing’.

The Principal Planning Officer presented the report in respect of application 19/01213/FP supported by a visual presentation consisting of photographs and plans.

Members commented that, if an item was “called in” by a Councillor, he or she should be present to address the Committee.

The Planning Lawyer advised that Councillors who had “called items in”, could not be compelled to attend the Planning Committee, however, she stated that the issue would be reiterated at the training sessions held for Members of the Planning Committee.

It was proposed by Councillor Daniel Allen, seconded by Councillor Morgan Derbyshire and upon being put to the vote, it was:

RESOLVED: That application 19/01213/FP be **GRANTED** planning permission subject to the conditions and reasons contained within the report of the Development and Conservation Manager and the additional Condition 8 below.

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction traffics of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of the following:

- Construction vehicle numbers, type, routing;
- Traffic management requirements;
- Construction and storage compounds (including areas designated for car parking);
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Demolition and removal plan for the exiting house;
- Timing of construction activities to avoid school picks up/drop off times;
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway verges

48 19/01505/FPH KIMORO, GUN ROAD, KNEBWORTH, HERTFORDSHIRE SG3 6BP

Audio Recording – Session 3 – 8 Minutes 15 seconds

Detached garage to front of property.

The Principal Planning Officer informed the Committee that the reason for the referral to the Committee was due to the item being called in by Councillor Lisa Nash.

The following details were also updated:

- Paragraph 5.6.1 should read “that there were no pre-commencement conditions”; and
- Condition 3 was not required as it was a repeat of the proactive statement. Therefore, the report should contain Conditions 2 and 3 only.

The Principal Planning Officer presented the report in respect of application 19/01505/FPH supported by a visual presentation consisting of photographs and plans.

Councillor Lisa Nash, Member Advocate thanked the Chairman for the opportunity to address the Committee in objection to application 19/01505/FPH as follows:

- The housing line would alter the street scene significantly;
- There was very little turning room into the garage; and
- Concern that the garage would be converted at a later date under permitted development rights.

The following Members asked questions of Councillor Nash:

- Councillor Michael Weeks

In response to questions raised, Councillor Nash clarified that vegetation would be cut back to allow more parking which would negatively affect the street scene.

The Principal Planning Officer advised that, due to the space in the garage roof being limited, it would not be suitable for the purpose of accommodation.

It was proposed and seconded that the application be granted planning permission subject to a permitted development condition to prevent the garage being converted.

The Development and Conservation Manager, for clarification, explained to Members that the condition was not a permitted development right and would rather that any additional condition would be to retain the building as a garage.

Upon being put to the vote, it was

RESOLVED: That application 19/01505/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

49 19/00455/FP LAND AT THE JUNCTION OF ASHWELL STREET AND STATION ROAD, ASHWELL, HERTFORDSHIRE

Audio Recording – Session 3 – 16 Minutes 28 Seconds

Erection of 9, (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road, (as amended by plans received on 14/06/19 and 23/07/19).

The Development and Conservation Manager presented the report in respect of application 19/00455/FP supported by a visual presentation consisting of photographs and plans.

Mr Norton Mahy, Parish Councillor, Ashwell Parish Council, thanked the Chairman for the opportunity to address the Committee in objection of application 19/00455/FP and expressed concern that the village settlement boundaries would be moved.

The Chairman thanked Mr Mahy for his presentation.

Councillor Steve Jarvis, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 19/00455/FP. Councillor Jarvis stated that his main concern was that a footway was required to connect the development to the existing footways in Ashwell to allow suitable safe form of movement.

The Development and Conservation Manager stated that the footpath and cycle provision could be added to the recommendations.

The following Members took part in the debate:

- Councillor Michael Muir;
- Councillor Michael Weeks;
- Councillor Mike Hughson; and
- Councillor Daniel Allen.

In response the Development and Conservation Manager advised:

- That footpath and cycle provision conditions could be added.
- A condition could ensure that the garage would be retained as such.

It was proposed by Councillor Michael Muir, seconded by Councillor Michael Weeks, and upon being put to the vote, it was

RESOLVED: That application 19/00455/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager, with additional conditions as follows:

Prior to the first occupation of the development hereby permitted, a provision of footway (minimum width as agreed with DM- implementation team) towards North direction of proposed access should be provided and connected with existing footway up to 54 Station Road. Also, provision of tactile paving pedestrians crossing point onto Station Road as shown on drawing (Ref- 263-100, Rev-B) should be provided.

Reason: Policy 1, 7 and 8 of HCC's LTP4

Thursday, 19th September, 2019

No development shall commence until the details of the type, design of at least 9 residential cycle stands, lighting and access lock to the residential cycle store(s) have been submitted to and approved in writing by the Hertfordshire County Council and the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

50 19/01093/FPH THE COTTAGE, UPPER GREEN, ICKLEFORD, HITCHIN, HERTFORDSHIRE SG5 3YF

Audio recording – Session 3 – 34 minutes

Remodel brick garage in rear garden with pitched tiled roof; clad walls with timber ship lapped boards to 3 sides & knapped flint and brick banding to rear garden elevation. Rebuild front garden wall with knapped flint and brick banding, (as amended by plan received 08 August 2019).

The Development and Conservation Manager presented the report in respect of application 19/01093/FPH supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager advised that the description needed to be amended so that brick banding was removed from the proposal.

Mr Keith Hooton and Mr Brian Woodhead thanked the Chairman for the opportunity to address the Committee in objection to application 19/01093/FPH as follows:

- The proposed building would impact on their sunlight;
- The applicant wanted to use the building as a bar;
- They would be hemmed in;
- The building was alien to the setting;
- Those who had supported the application did not appear to live near by;
- There would no benefit or enhancement to the local environment.

The following Member asked questions of the objectors:

- Councillor Michael Weeks.

In response to questions raised, the objectors clarified the amount of sunlight they both currently received.

Mr Mike Pearcey, Applicant's Representative, thanked the Chairman for the opportunity to address the Committee in support of application 19/01093/FPH. The following points were raised:

- The pitched roof was considered;
- The garage was in keeping with the house;
- The roof would be increased from 2.4 metres 4.17 metres;
- The garage would not be used for vehicles;
- Inspiration for this garage was taken from a photo of the cottage in 1890;
- There were no issues with overlooking or overshadowing; and
- Amendments had been made following consultation with North Hertfordshire District Council's conservation officer.

The following Member asked questions of Mr Pearcey:

- Councillor Terry Tyler

The Development and Conservation Manager directed Members to paragraph 3.10 on page 206 and advised that the Conservation Officer had no objections.

The following Members took part in the debate:

- Councillor Daniel Allen;
- Councillor Michael Weeks; and
- Councillor Michael Muir.

Points raised during the debate were as follows:

- The roof height;
- Loss of light;
- The character of the garage; and
- The size of the building.

It was proposed by Councillor Michael Weeks and seconded by Councillor Michael Muir that the application be rejected. Upon being put to vote the motion was lost.

It was proposed by Councillor Daniel Allen, seconded by Councillor Morgan Derbyshire that the application be granted planning permission. Upon the vote, it was:

RESOLVED: That application 19/01093/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

51 19/01094/LBC THE COTTAGE, UPPER GREEN, ICKLEFORD, HITCHIN, HERTFORDSHIRE SG5 3YF

Audio recording – Session 3 – 1 hour, 4 mins

Rebuild front garden wall with knapped flint and brick banding.

The Development and Conservation Manager presented the report in respect of application 19/01094/LBC supported by a visual presentation consisting of photographs and plans.

Mr Mike Pearcey, Applicants Representative,, thanked the Chairman for the opportunity to address the Committee in support of application 19/01094/LBC.

It was proposed by Councillor Morgan Derbyshire, seconded by Councillor Ian Mantle that this application be granted Listed Building Consent.

Upon the vote, it was:

RESOLVED: That application 19/01094/LBC be **GRANTED** Listed Building Consent subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

52 PLANNING APPEALS

Audio recording – Session 3 – 1 hour, 5 minutes, 30 seconds

The Development and Conservation Manager presented the report entitled Planning Appeals.

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The Development and Conservation Manager advised Members that a public enquiry would be held at the District Council Offices on 15 October 2019 regarding application site LS1.

The meeting closed at 10.24 pm

Chairman

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERNO
ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 17TH OCTOBER, 2019 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Terry Tyler (Chairman), Councillor Daniel Allen (Vice-Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Sue Ngwala, Sean Prendergast and Mike Rice*

In Attendance: *Tom Rea (Principal Planning Officer), Richard Tiffin (Principal Planning Officer), Nurainatta Katevu (Legal Advisor), Amelia McInally (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 10 members of the public, including registered speakers.*

53 APOLOGIES FOR ABSENCE

Audio Recording – 7 seconds

Apologies for absence were received from Councillors Ian Moody and Val Shanley.

Having given due notice Councillor Michael Muir advised that he would be substituting for Councillor Val Shanley.

54 MINUTES - 19 SEPTEMBER 2019

Audio Recording – 40 seconds

The Committee Member and Scrutiny Officer advised that the Minutes of the meeting held on 19 September 2019 would be presented to the next meeting of this Committee for approval.

55 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 54 seconds

There was no other business notified.

56 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – 1 minute 3 seconds

- (1) The Chairman advised that, in accordance with Council policy this meeting is being audio recorded. Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but should not disturb the meeting.
- (2) Please could Members, officers and public speakers announce their names each time they speak and speak directly into the microphones to assist members of the public.

- (3) To clarify matters for the registered speakers: Members of the public have 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applies to Member Advocates. The bell will sound after 4½ minutes as a warning and again at 5 minutes, to signify that the speaker must cease.
- (4) Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote;
- (5) The Chairman advised that application 19/00950/FP had been withdrawn at the request of the applicant.

57 PUBLIC PARTICIPATION

Audio Recording – 2 minutes 43 seconds

The Chairman confirmed that the four registered speakers were present.

58 19/00386/RM LAND ADJACENT AND TO THE EAST OF MCDONALDS RESTAURANT, BALDOCK ROAD, ROYSTON, HERTFORDSHIRE SG8 9NT

Audio Recording – 3 minutes 40 seconds

The Principal Planning Officer presented the report in respect of application 19/00386/RM supported by a visual presentation consisting of photographs and plans.

The Principal Planning Officer advised that the Highway Authority had now agreed the layout subject to an additional Condition 9 as follows:

“Prior to the commencement of the works identified on the 'in principle' plans [Drg. No 17181 (D) 015 Rev: V and Drg. No 17181 (D) 016 Rev: W] of the proposed internal site layout, ultimate designs details shall be submitted to, being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) until such time as an agreement has been entered into under Section 38 of the Highways Act 1980. The ultimate design details should include: a) Spine Road Access junctions with Baldock Road b) Pedestrian and Cycleway details and linkages to the proposed school site c) Detailed Proposals for Waiting Restrictions d) Detailed Drainage proposals e) Visibility Splays f) Turning Areas g) Bus stop locations h) Appropriate Road Safety Audits.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).”

The following Members asked questions and took part in the debate:

- Councillor Ruth Brown;
- Councillor David Levett;
- Councillor Mike Rice;
- Councillor Tony Hunter;
- Councillor Ian Mantle;
- Councillor Michael Muir; and
- Councillor Terry Tyler.

Points raised in the debate were as follows:

- The design was improved and more aesthetically pleasing;
- Sewerage issues;
- Whether there was adequate storage for bikes, pushchairs and mobility scooters;
- Whether there were charging points on the site; and
- Pedestrian and cycle access to Ivy Farm Phase 2.

In response to questions the Principal Planning Officer (East Team) advised:

- The developer had submitted a strategy to Anglian Water in relation to sewerage issues;
- There was adequate storage for bikes, pushchairs and mobility scooters;
- Electric Vehicle charging points were referred to in Condition 8.

It was proposed by Councillor David Levett and seconded by Councillor Michael Muir that 19/00386/RM application be granted planning permission.

Upon the vote it was:

RESOLVED:

That application 19/00386/RM be **GRANTED** planning permission subject to the conditions contained in the report of the Development and Conservation Manager, the following additional condition 9:

“Prior to the commencement of the works identified on the 'in principle' plans [Drg. No 17181 (D) 015 Rev: V and Drg. No 17181 (D) 016 Rev: W] of the proposed internal site layout, ultimate designs details shall be submitted to, being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) until such time as an agreement has been entered into under Section 38 of the Highways Act 1980. The ultimate design details should include: a) Spine Road Access junctions with Baldock Road b) Pedestrian and Cycleway details and linkages to the proposed school site c) Detailed Proposals for Waiting Restrictions d) Detailed Drainage proposals e) Visibility Splays f) Turning Areas g) Bus stop locations h) Appropriate Road Safety Audits.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).”

59 19/00950/FP BLACKETT ORD COURT, STAMFORD AVENUE, ROYSTON, HERTFORDSHIRE SG8 7EB

Audio Recording – 22 minutes 5 seconds

The Chairman informed the Committee that application 19/00950/FP had been withdrawn at the request of the applicant.

60 19/01379/FP 80 ASHWELL STREET, ASHWELL, BALDOCK, HERTFORDSHIRE SG7 5QU

Audio Recording – 22 minutes 11 seconds

The Principal Planning Officer presented the report in respect of application 19/01379/FP supported by a visual presentation consisting of photographs and plans.

The Principal Planning Officer advised that Paragraph 3.3.3 of the report should be amended to read:

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“It is necessary to be mindful of the fall back position of what could be built as ‘permitted development’. The proposed single storey element of the development would be approximately 3.28m in depth and 4.2m high where it meets the house and 3.5m at its lowest point . A single storey rear extension 3m in depth and 4m in height where it meets the house and 3m at its lowest point could be built without planning permission (to the rear of the existing house).”

The following Members asked questions:

- Councillor Ruth Brown;
- Councillor Terry Tyler.

In response to questions, the Principal Planning Officer advised that there were no dimensions regarding the garage given in the report. However, the garage width was adequate and it was 5.6 metres deep.

Mr Norton Mahy, Ashwell Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 19/01379/FPH as follows:

- There would be an impact on parking;
- Many residents used the footpath including older people and young families. They would be affected if the footpath were to be closed;
- He asked for conditions to be added in order to:
 - prevent the footpath from being closed during construction work;
 - change the use of the garage.

Councillor Tom Tyson who had called the application in, was unable to attend but had provided the Committee with a written statement in objection to application 19/01378/FPH which was read out by the Principal Planning Officer as follows:

- The rear extension would have a deleterious impact on the neighbours at No 78;
- The height of the eaves exceeded the threshold of permitted development;
- The floor level of the proposed extension was above ground level; and
- The extension would dominate the neighbour’s view at No 78.

Mr Clive Self, CSA Environmental Planning, thanked the Chairman for the opportunity to address the Committee in support of application 19/01379/FPH as follows:

- The development made efficient use of land;
- The application was compatible with the prevailing character of the area;
- There were no material impacts on the character of the area or amenity of residents;
- The terrace was a 1.8 metre high screen which prevented any direct views into the rear garden of the neighbouring property;
- Neighbours had not objected to the development;
- The application provided 2 parking spaces, one of which was the garage; and
- There would be no impact on the public footpath.

The following Member asked questions:

- Councillor Daniel Allen.

In response to questions, Mr Self advised that:

- The client would not have a problem with a condition being added that ensured the garage was used for parking.

In response to points raised, the Principal Planning Officer advised that:

- Condition 3 was in place to ensure that the public right of way was not affected by the proposed works; and
- The Council were not able to enforce garage use as parking only.

The following Members took part in the debate:

- Councillor David Levett; and
- Councillor Michael Muir.

Points raised in the debate were as follows:

- Neighbours had not objected to the application; and
- The loss of sunlight.

The Principal Planning Officer advised that:

- A daylight/sunlight test would not be carried out on a single storey extension.

It was proposed by Councillor David Levett and seconded by Councillor Michael Muir, that application 19/01379/FPH be granted planning permission.

Upon being put to the vote, it was:

RESOLVED: That application 19/01379/FPH be **GRANTED** planning permission subject to the conditions contained in the report of the Development and Conservation Manager.

61 19/01244/FP ODYSSEY HEALTH CLUB, OLD KNEBWORTH LANE, KNEBWORTH, HERTFORDSHIRE SG2 8DU

Audio Recording – 50 minutes 45 seconds

The Principal Planning Officer presented the report in respect of application 19/01244/FP supported by a visual presentation consisting of photographs and plans. He provided the following updates to the report:

- In response to additional comments received from Hertfordshire Ecology, the applicant had submitted a Great Crested Newt Scoping Technical Note following a survey carried out by its ecological consultants. Herts Ecology had been consulted on this document and had advised that the document addressed the issue of Great Crested Newts satisfactorily so that conditions 20 and 25 were no longer required, there will be an informative for newts during the construction phase;
- The applicant had submitted a revised Energy Assessment report. After further assessment it concluded that one of the proposed renewable energy features i.e. ground source heat pumps, was not feasible due to the high costs associated with the extensive ground works required to facilitate the system. In compensation the report considered that the roof mounted photovoltaic panels to be provided on the roof of the flats should be extended to all of the dwelling houses in the proposed development. The applicant had agreed that a further condition be attached so that the Local Authority could receive and approve details of the solar PV system.
- Condition 15 needed to be updated to reflect the approval of a non-material amendment agreed in July this year. The alterations to the wording of the condition are minor and relate to technical matters concerned with the design of the new roundabout on Stevenage Road.

Councillor Steve Deakin-Davies, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 19/01244/FP as follows:

- There was very little affordable housing;
- The development only offered 25% affordable housing instead of 40%;
- There was a parking problem in Knebworth;
- There was 128 car parking spaces for dwellings and 15 car parking spaces for visitors which was below the Council's standards;
- Cumulative highway impact as Knebworth gate development already had highway issues; and
- He had received a large number of comments from public.

Mr Sean Burroughs, Bonham Property, thanked the Chairman for the opportunity to address the Committee in support of application 19/01244/FP as follows:

- Work had been done to improve the Scheme;
- He had worked closely with officers since January 2019;
- He believed that the proposal was better designed and in keeping with the local area;
- The scheme provided more affordable;
- Provided an enhancements to the health club that would secure its future;
- No objections had been received from Members of the Public save the Parish Council;
- Provides open space; and
- The scheme was fundable and deliverable.

The following Members asked questions:

- Councillor Sue Ngwala;
- Councillor Val Bryant; and
- Councillor David Levett.

In response to questions raised, Mr Burroughs confirmed the following:

- They were complying with current policy in relation to the percentage of social housing needed;
- Properties would be built to robust details to ensure that warm air was recycled within the home; and
- There would be a lift available in the apartment block.

The following Members entered into debate:

- Councillor Michael Muir;
- Councillor Daniel Allen;
- Councillor David Levett;
- Councillor Sue Ngwala;
- Councillor Sean Prendergast;
- Councillor Ian Mantle;
- Councillor Terry Tyler; and
- Councillor Tony Hunter.

Points raised by Members were as follows:

- The amount of trees that would be cut down;
- The number of parking spaces available;
- The amount of social housing;
- Electric vehicle charging points; and
- The viability assessment.

In response to questions raised, the Principal Planning Officer advised that:

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- He was not able to provide an accurate figure of the number of trees that would be removed;
- A viability assessment had been completed by the applicant which outlined the reasons that more social housing could not be given and this had been reviewed by our external consultants and they were satisfied with the assessment;
- The amount of social housing met the emerging local plan policy;
- Condition 4 could be amended to ensure that any trees that were cut down, would be replaced;
- In future, Councillors would be able to see the viability assessment;
- The EV charging point condition was Condition 24 of the report; and
- The development complied with Paragraph 145 (g) of the National Planning Policy Framework.

It was proposed by Councillor Daniel Allen and seconded by Councillor Morgan Derbyshire that application 19/01244/FP be granted planning permission.

Upon the vote, it was:

RESOLVED: That application 19/01244/FP be **GRANTED** planning permission subject to the conditions contained in the report of the Development and Conservation Manager and the following additional and amended conditions:

Prior to its installation full details of the proposed roof mounted solar PV array system to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure compliance with the submitted Energy Assessment and in the interests of safeguarding the appearance of the development'

Condition 15 to be amended to reflect the approval of a non-material amendment agreed in July 2019. The minor alterations to the wording relating to technical matters concerned with the design of the new roundabout on Stevenage Road would be confirmed by the Planning Officer.

Conditions 20 and 25 to be deleted.

62 PLANNING APPEALS

Audio Recording – 1 hour 32 minutes 40 seconds

The Principal Planning Officer presented the item entitled Planning Appeals. He advised the following:

- There were 6 appeal decisions;
- 6 appeals had been lodged, all of which were dismissed; and
- There was currently 1 appeal lodged.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 9.05 pm

Chairman

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ITEM NO:	
<u>Location:</u>	Blackett Ord Court Stamford Avenue Royston Hertfordshire SG8 7EB
<u>Applicant:</u>	Mr Steve Hogben
<u>Proposal:</u>	Extension to an existing sheltered housing/retirement apartment block and construction of a new sheltered housing/retirement apartment block to provide a total of 17 number new apartments.
<u>Ref. No:</u>	19/00950/FP
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 23.07.2019

Reason for Delay

Negotiation.

Reason for Referral to Committee

Cllr Green considers that there would be too many apartments and this would exacerbate problems with car parking.

1.0 Relevant History

1.1 An application similar to this was submitted in 2018 under ref 18/01026/FP. This specified 18 new apartments as an extension to the existing Blackett Ord Court retirement/sheltered housing establishment. Following advice from officers around scale and impact on neighbours this scheme was withdrawn.

1.2 A second scheme was submitted and further amended during consideration by officers. This scheme has been subject to two rounds of neighbour and Town Council consultations. These are set out below.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved) :

Policy 8 – Development in Towns
Policy 26 – Housing Proposals
Policy 29A – Affordable Housing
Policy 55 – Car Parking
Policy 57 – Residential Guidelines and Standards

Three supplementary planning documents are applicable. These are **Design, Vehicle Parking Provision at New Developments** and **Planning Obligations**.

2.2 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map:**

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HDS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE5 New and improved public open space and biodiversity
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

2.3 **NPPF:** Generally and specifically:

6. Delivering a wide choice of quality homes;
7. Design;

3.0 **Representations**

3.1 **Royston Town Council** - Objects for the following reasons:

"It is an overdevelopment of the site. It is an overdevelopment by way of scale and being out of proportion with the surrounding residential buildings.

It overpowers houses on Mill Road and Stamford Avenue. At 3 storeys high it would overlook 2 storey Victorian buildings.

There is insufficient parking on site.

It would worsen the parking situation in an already congested area."

2nd consultation

"Members of Royston Town Council raised an OBJECTION to this application. Members appreciate the efforts to reduce the scale of the building and increase parking but it is still an overdevelopment of the site. There is inadequate access to the rear of the property for emergency vehicles. More electric car charging points are needed."

3.2 **Highway Authority** – Recommends the imposition of conditions.

3.3 **Environmental Health (noise and contamination)** - No objection subject to an informative regarding noise during construction.

3.4 **Archaeology** - No objection

3.5 **Local Lead Flood Authority-** No objection subject to conditions

3.6 **Environment Agency** – No objection subject to conditions

3.7 **Anglian Water** – No objection subject to informative

3.8 **Affinity Water** – No objection

3.9 **Local Residents** (1st and 2nd consultation) – The occupiers of properties in the vicinity of the development have raised the following concerns by way of objection:

- ☐ Complete overdevelopment of the site
- ☐ Poor design adverse impact on street scene, particularly at 3 storey element fronting Mill Road.
- ☐ Adverse impact on street parking as this is permit controlled already.
- ☐ Increase congestion in the street.
- ☐ Loss of trees and historic wall fronting Mill Road
- ☐ Overlooking
- ☐ Loss of natural light to 15 Stamford Avenue and 45 Mill Road
- ☐ Concerns over construction disturbance

3.10 **Herts Ecology** – No objection subject to informative

3.11 **HCC Growth and Infrastructure** – No contributions required

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site is currently occupied by the existing sheltered housing scheme known as Blackett Ord Court. The proposed site is approximately 0.9 acres / 0.38ha and extends from Stamford Avenue to Mill Road. The site is currently occupied by a Retirement/Sheltered Housing Scheme containing 22 flats and operated by the provider Housing & Care 21.

4.2 **Proposal**

4.2.1 The applicant describes the scheme as follows in their DAS:

***“Housing &Care 21 has a long standing relationship with North Herts DC and an increase in provision is supported by Housing Services (Strategy & Development) in a town that currently has an under-supply. The proposal is also supported by the Homes and Communities Agency. Recent research by the Client shows that demand in the area is strong with a high proportion of over 65/60’s. 64% of people in the local area are owner occupiers and 70% in North Hertfordshire, which should provide demand for downsizers. Although the current supply meets demand in the District demand is forecast to soar in the next 5-15 year period.*”**

The development proposes 17 new affordable units specifically designed to meet the needs of over 55's and will all be available on a mixed tenure basis, with 11no Affordable Rented units and 6no for Shared Ownership. The proposed tenure mix as part of this application has been adjusted from that indicated as part of the previous application which consisted of 8no Market Sale and 10no Affordable units.

The apartments are a mix of 1 & 2 bedroom units arranged within 2 new blocks on a site currently used to provide 22 sheltered housing/retirement apartments. Once complete the site would provide a total of 39 apartments."

4.2.2 The application proposes two new blocks of accommodation. A two storey block fronting Stamford Avenue (Block B) would provide 2 x 1bed and 4 x 2 bed units making total of 6 new units. A 3 storey block fronting Mill Road (Block A) would provide 3 x 1 bed and 8 x 2 bed units making a total of 11 new units. Of these 17 new units 11 would be let at affordable rents and the remaining 6 would be shared ownership.

4.2.3 Block A is specified as a 2.5 storey structure fronting Mill Road employing the use of a crown roof to reduce the impact of a full three storey design. Within the site, and in particular adjacent to the garden boundary with 45 Mill Road, the design specifies a two storey element immediately opposite the garden boundary of 45 to reduce impact. A flat roof is specified to link this element to a partial three storey element along the western elevation. Windows in this two storey element are angled away from No 45 and high level lights are specified to avoid overlooking. The building is specified in a buff brick with slate roof to reflect the Victorian terraces in Mill Road. The existing old boundary wall to Mill Road is proposed to be replaced with a new retaining wall with native hedging atop.

4.2.4 Block B is specified at two storey only and is conventionally designed with a pitched roof. This element is set back from the boundary with No 15 Stamford Avenue and there are no first floor windows on the elevation facing this property. Block B would extend rearward of No 15 Stamford Avenue by some 9m set in from the boundary by 5m. Landscaping is specified in this space.

4.2.5 Car parking provision is set out below:

<u>Existing units</u>	<u>Spaces</u>	
22	9	
<u>Proposed units</u>	<u>Spaces</u>	
17	17	
Total units	Total spaces	Space to unit ratio
39	26	

4.3 Key Issues

4.3.1 The key issues in considering this amended scheme centre on the following:

- ☐ Principle of development
- ☐ Impact on reasonable living conditions of neighbours
- ☐ Design and street scene
- ☐ Parking provision, highway safety and convenience.
- ☐ Planning balance.
- ☐ Other matters including obligations

Principle of development

4.3.2 In terms of principle, the application site lies within the urban boundary of Royston and as such Saved Policy 8 (Development in Towns) of the adopted Local Plan and Policy SP2 (Settlement Hierarchy) of the emerging local plan (ELP) allow for general development subject to compliance with other relevant policies, supplementary guidance and the National Planning Policy Framework (NPPF).

4.3.3 At the time of writing this report the ELP is well advanced. Accordingly, and given this advanced status, some weight can be attributed to the ELP in determining planning applications. This acknowledged, the Council can not currently demonstrate a five year supply of housing land and this being the case the provisions of paragraph 11 of the NPPF require that permission be granted unless the harm of doing so would **significantly and demonstrably** outweigh the benefits of development. This tilted balance must be applied in the planning balance when assessing the relative weight of harm and benefit (see below).

Impact on the reasonable living condition of neighbours

4.3.4 One of the key concerns in this case is the impact the proposal would have on the reasonable living condition of neighbouring residential properties. A development of this scale has the potential to occasion harm in terms of the restriction of natural light, both direct (sun path) and indirect (skylight). Further, the scale of the proposal has the potential to dominate adjoining properties such that neighbouring residents may feel oppressed or dominated by the scale of development on their boundary. Further, the ill considered placement of windows may give rise to overlooking. These are matters which need to be carefully evaluated. Other issues such as the adequacy of car parking and the impact the design might have in the street scene generally, may also adversely affect living conditions. However, these issues are considered separately below.

4.3.5 In terms of daylight and sunlight, the applicant was asked to commission a study based on the BRE industry recognised publication *Daylight and Sunlight a Guide to Good Practice (Littlefair, P 1991)*. The applicant commissioned a study using this guidance in respect of the original application (withdrawn). As this withdrawn scheme was greater in scale than that now being considered it is reasonable to assume that the results of the study would still be valid for the truncated proposal (on a worst case basis). The study considered daylight and sunlight at the following neighbouring properties:

41 Mill Road
45-51 Mill Road
44-46 Mill Road
48 Mill Road
10 Stamford Avenue
12 Stamford Avenue
12a Stamford Avenue
15 Stamford Avenue
27-31 Stamford Avenue
68 Queens Road
70 Queens Road
72 Queens Road
74 Queens Road
95 Queens Road

- 4.3.6 The study is comprehensive and concludes that the originally submitted scheme would not occasion a material degradation in either daylight or sunlight levels. Given that the scheme now before the Council is substantially smaller than that tested, I have no concerns that the amended proposal would occasion a material loss of daylight or sunlight to adjacent residential properties as defined by the BRE guidance.
- 4.3.7 The application proposal would introduce additional built mass into the rear aspect of both 15 Stamford Avenue and 45 Mill Road. Both properties have been visited and the proposals assessed from the rear gardens with the occupiers present. In terms of 45 Mill Road, the presence of the proposed two storey element of Block B would be some 8m from the boundary with the three storey element some 14m to 16m distant. The architect has re-designed the block such that the two storey element of the scheme would not present first floor windows overlooking the rear garden of the No 45. This is achieved by specifying angled windows with high level openings only facing the adjacent property. The presence of some mature boundary landscaping would also assist in reducing overall impact. In my view this renders the impact on No 45 acceptable in terms of perceived dominance and overlooking. The three storey element of the building which fronts Mill Road itself, while level with the No 45, would intrude somewhat into the aspect of that property by the specification of a second floor side window in the crown roof. The architect has been asked to amend this detail (remove the window) and this being the case I can see no material grounds for objection in relation to No 45.
- 4.3.8 In terms of the impact of the scheme (Block B) on 15 Stamford Avenue, the revised scheme is much improved over the original submission in that its depth has been reduced and it contains no first floor windows facing that dwelling. The removal of an entire block from the original scheme and its replacement with a car park, would act to retain the current open feel of the land which runs along the boundary with No 15. The specification of mature trees in the gap between Block B and No 15 would assist further in softening the impact of the new building. However, following discussions with the occupier of No 15 it is clear that what they value most is light. In this regard, I am of the view that two of the three specified trees can be omitted in favour of just one substantial tree at the northern end of the block.
- 4.3.9 Overall I am of the view that, subject to the agreed minor changes, the re-designed scheme would not adversely impact on the reasonable living conditions of either No 45 Mill Lane or No 15 Stamford Avenue.

Design and Street Scene

- 4.3.10 There are two principal street scene elevations associated with this proposal – that fronting Mill Road and that addressing Stamford Avenue. In the terms of the latter, the proposed two storey design would not in my view strike a discordant note. The scale of the proposal is not out of kilter with the domestic scale of existing buildings. Moreover, the varied nature of the Stamford Avenue street scene allows for a wider range of building styles and the proposal's well mannered proportions and the specification of vernacular materials would sit comfortably within this range of aesthetic tolerance in my view.
- 4.3.11 This concluded, I consider the range of acceptable design solutions to be narrower in Mill Road. I reach this conclusion because the Mill Road street scene in the area of the application site is less varied, comprised as it is of modest Victorian terraces and buildings of a similar scale and type. This said, it is not a wholly homogenous street scene and some interpretation is possible in my view without compromising sense of place. The proposal fronting Mill Road is three storey and while this scale of building is somewhat at variance with existing properties, especially the adjacent terrace of modest Victorian dwellings, the specified slate crown roof and the considered specification of window form does act to link new with old in my opinion. Eaves heights between the existing terrace commencing No 45 and the proposed building are broadly similar and this equivalence, coupled with the pastiche design approach, renders the proposal acceptable in the wider street scene in my estimation.
- 4.3.12 The Mill Road frontage at the application site is currently defined by a wall of some age behind which a small but prominent area of self sown trees undoubtedly adds something to the general quality of the street scene. The implementation of the proposal would involve the loss of both wall and the self set area beyond. In its place the scheme specifies a new wall, hedge and the planting of a specimen tree to compensate for the loss of exiting established landscaping. While the replacement landscaping would in no way compensate for the loss of the existing vegetation I am of the view that the proposal would retain a sufficiently verdant frontage in what is clearly an urban street scene. This acknowledged I would recommend a condition requiring further landscaping detail such that would enhance that specified in the application and better address the issues raised above in relation to boundary treatments adjacent No 45 Mill Road and 15 Stamford Avenue. In summary and subject to such a condition I conclude that the amended scheme is now acceptable in design terms and will deliver

Parking provision, highway safety and convenience.

- 4.3.13 The submitted transport statement accurately summarises the Council's parking SPD requirement as follows:

Provision for 39 retirement units at 1 space per unit = 39 spaces

Provision for visitors at 0.25 spaces per unit = 10 spaces

TOTAL: 49 spaces

The revised scheme proposes an additional 17 spaces to current provision making a total of 26 spaces overall, somewhat short of the number required by the standard. This said the SPD qualifies this requirement by advising that a reduction may be possible:

(For the above two standards reduction considered where)

1. Alternative publicly available off-street parking is available within 2 minutes walk of site

2. Where visitor parking arising from small scale (i.e. infill) development can be accommodated on street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate.

3. Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand)

4.3.14 In this case the applicant has commissioned a transport assessment. This assessment acknowledges the shortfall against the standard:

“It is apparent, therefore that the proposed level of overall provision (26 spaces) would be below the level required by the standards. However, it should be noted that this level of provision would provide a parking space: residential unit ratio of 0.66 spaces per unit, compared to the existing situation whereby there are 0.4 spaces: unit. Furthermore, in terms of the additional development proposed, this will be provided with the equivalent of 1 space per unit. 2 of the spaces will be allocated for people with disabilities and 1 an electric car charging point. Nonetheless, as summarised in Section 3 of this report, at Page 17 of the District Council’s Parking SPD it is noted that a reduction in provision would be considered in situations where, among others:

Alternative publicly available off-street parking is available within 2 minutes’ walk of the site;

Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand.

It is therefore appropriate to assess the location of the site and the current demand for parking, when considering the suitability of the site and proposed car parking provision to serve the additional accommodation.”

4.3.15 The applicant operates a similar facility at another site in Cornwall and they site this by way of comparison with the post – development situation here:

“As stated above, a study of a similar type of senior living accommodation operated by the applicant, Housing & Care 21, at Trennick Villas in Cornwall, determined that for a development of 26 ‘assisted living’ units, equivalent to that available and proposed at Blakett-Ord Court, served by a 12-space car park, the maximum demand in that car park was 9 cars between 07:00 – 10:00 and thereafter demand peaked at 8 cars at noon and thereafter trailed off to only 2 cars by late afternoon before increasing again to 8 cars overnight. On this basis, the maximum demand for parking was only some 0.35 spaces per unit.”

On this issue, in a recently determined appeal for retirement living accommodation in Mill Road, Royston the inspector accept the applicant’s expert analysis on car parking demand and provision:

“The development would provide 20 parking spaces within the site, which would fail to comply with the requirements of the North Hertfordshire District Council Vehicle Parking at New Development Supplementary Planning Document 2011 (the SPD) which requires a minimum of “1 space per dwelling” to be provided. The appellant, however, is an experienced provider of retirement accommodation and within its Transport Statement (TS), sought to demonstrate that such accommodation generates an average parking demand of some 0.28 spaces per residential unit. Thus, as the development would provide some 0.49 spaces per unit, there wouldn’t be a requirement to provide one space per unit as it would not generate a demand for such levels of parking provision.”

- 4.3.16 Notwithstanding the assurance of the applicant’s comparison site in Cornwall, the transport assessment addresses the requirement of the Council’s parking SPD:

“Nonetheless, and with due regards to, for example, the supporting notes in the North Hertfordshire District Local Plan 1996 which state that a reduction in provision would be considered in situations where, among others:

Alternative publicly available off-street parking is available within 2 minutes’ walk of the site;

Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand.

It is determined that the current parking demand by local residents within a 2-minute walking distance of the site leaves capacity for at least a further 40 cars to be legally parked on-street within the area. The evidence provided by the operator as set out above concludes that the proposed on-site provision is totally appropriate to cater for the forecast use, but any additional demand from, for example, family visitors, can easily, legally and appropriately be accommodated on-street nearby without any highway safety issues arising. On this basis, the proposed on-site car parking is forecast to be totally adequate to accommodate the general needs of the over Blakett-Ord Court site, and any additional parking occasionally required can legally and safely be accommodated on-street without affecting the amenities of local residents.”

- 4.3.17 I have no reason to doubt this analysis and it is at least clear that the ratio of accommodation to car parking would increase post development over that currently available. Moreover, I am mindful of the NPPF advice at paragraph 109:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

While some residents who have objected may take issue with the applicant’s assessment of the amount of publicly available parking locally, there is clearly on-road parking available in the vicinity. Further, this is a reasonably well located site in terms of access to facilities, including the town centre and the railway station. Moreover, it is clear that the demand for car parking is undoubtedly much lower than would be for a conventional housing scheme and in this regard the proposal is specified on the basis of one car parking space per every additional unit of accommodation. In the round therefore and in light of the evidence available, I can see little basis for concluding that

the proposal would be likely to exacerbate highway problems in the area to such a degree as to warrant a refusal of planning permission. A condition should be imposed which requires the submission of travel plan which is available for inspection on request by the Planning Authority once approved. This plan should be monitored and updated by the operator of the scheme going forward.

Planning Balance

- 4.3.18 The Council is currently unable to demonstrate a 5 year supply of housing land and in these circumstance permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits of the development.
- 4.3.19 This scheme would provide 17 units of needs housing in a sustainable location. The type of housing being proposed would cater for older people at a time we know the population generally to be ageing. This type of accommodation is likely free up dwellings which could then become available for younger families. These are social and economic benefits of some significance in the planning balance.
- 4.3.20 The scheme would underprovide car parking against standard. However, the available evidence suggests that this under-provision would be unlikely to occasion significant environmental harm. The scheme would also introduce building mass and form into the aspects of adjacent properties and occasion the loss of self sown areas fronting both Mill Road and Stamford Avenue. This accepted, I am now satisfied that re-designed scheme has acceptably addressed these concerns and would occasion little or no material harm.
- 4.3.21 In sum therefore, I am of the view that the changes to this scheme have moved it to a point whereby the harm would not significantly and demonstrably outweigh the benefits of approval.

Other Matters

- 4.3.22 The proposal is for 17 additional units. This exceeds the threshold for affordable housing in the ELP but below the threshold in the Saved Local Plan. This said, the proposal represents an extension to an existing affordable / sheltered housing scheme and would provide 11 affordable rented units and 6 units for shared ownership. In the circumstance no affordable housing requirement exists to be secured by legal agreement. No other obligations have been sought in this case. The imposed age restriction precludes any education contributions and HCC Growth and Infrastructure team has confirmed that no library contribution is required on this occasion. Further, modest scale and type of project and the presence of a pooling limit at the time of submission, militates against any pooled District Council contributions in my judgement.
- 4.3.23 The Highway Authority (HA) had asked for a contribution of £36k toward sustainable transport (bus stops and pedestrian crossings). However, following negotiations the HA has determined that the developer should directly deliver offsite highway improvements via the s 278 process and has recommended conditions to secure this.
- 4.3.24 Given the Town Council's comments regarding electric charging facilities a condition requiring the provision of at least shared EV charging points has been recommended.

4.4 Conclusion

- 4.4.1 That permission be granted subject to conditions

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

4.7 **Environmental Mitigation**

4.7.1 The environment is one of the three pillars of sustainable development as defined by the National Planning Policy Framework. All relevant environmental implications have been considered within this report and balanced against the other two pillars namely the social and economic impacts. However, the recommendation below is offered on the basis that the following measures will help to offset the schemes impact in relation to climate change:

- ☐ Requirement for EV charging points
- ☐ Fewer car parking spaces and travel plan to encourage walking rather than carbon based transport
- ☐ Location close to services

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 and receipt of a satisfactory unilateral undertaking such that will deliver sustainable transport measures.

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 listed above.

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

3. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Statement carried out by GH Bullard and Associates LLP reference 264/2017/DS Rev P dated April 2019, submitted and the following mitigation measures:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Undertaking appropriate drainage strategy based on infiltration or attenuation and discharge into Anglian surface water sewer restricted at 8l/s for all events up to and including the 1 in 100 year + climate change event.
3. Undertake the drainage to include permeable paving as indicated on drawing 264/2017/01 P3.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement carried out by GH Bullard and Associates LLP reference 264/2017/DS Rev P dated April 2019

1. Undertaking appropriate drainage strategy based on infiltration or attenuation and discharge into Anglian surface water sewer restricted at 8l/s for all events up to and including the 1 in 100 year + climate change event.
2. Full detailed engineering drawings of all SuDS features including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. All calculations/modelling and drain down times for all storage features.
4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site. 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM. 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for

contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary. 4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

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

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

7. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

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

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

9. Prior to the first occupation of the residential units hereby approved, details of a scheme Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be operated in accordance with the approved Travel Plan in perpetuity and shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

10. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to works commencing to implement this permission. The landscaping details shall include:

Details of all hard landscape surfaces
Details of all new trees and shrubs including species, size and planting densities
Details of all trees and shrubs to be removed
Landscape maintenance arrangements

Reason: To safeguard the appearance of the completed scheme

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

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

12. The scheme shall be carried out in accordance with the recommendations specified in the submitted Preliminary Ecological Appraisal dated Jan 2018 and carried out by MKA Ecology except recommendation 9 (badgers).

Reason: To protect and enhance site ecology

13. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

the numbers, type and tenure on the site of the affordable housing provision to be made;
the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

14. No persons under 55 years of age, with the exception of a partner living with them who is not less than 50 years of age, shall occupy any of the apartments hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the submitted planning application.

15. The approved scheme shall incorporate at least 2 Electric Vehicle (EV) ready domestic charging points. These will be available prior to first occupation.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

16. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 33 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Footway Visibility: Prior to the commencement of the use hereby permitted the first occupation of the development hereby permitted a footway visibility splays measuring 0.6m in height above the footway for a distance of 2.0 m horizontal from either edge of the vehicular access should be provided. This visibility is to be measured from a point 2.0m back from the edge of the footway. Such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent footway.

Reason: To ensure construction of a satisfactory development and in the interests of highway and pedestrian safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Redundant Access: Prior to the first occupation of the development hereby permitted the existing point of vehicular access, which will become redundant, to and from the adjoining highway of Mill Road/Queens Road junction along the site's boundary, shall be permanently closed and removed, and the footway shall be reinstated in accordance with the Local Highway Authority's adopted construction standards.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Improvements to walking: Prior to first occupation of the development hereby approved the improvement works to walking, including the following: a. installation of a dropped kerb pedestrian crossing at a suitable location at the junction of Queens Road and Mill Road, with the provision of tactile paving at the crossing points as necessary to accord with DDA standards, to enable the provision of an uncontrolled crossing of the carriageway. All kerbing and footway works to conform with the Local Highway Authority's adopted construction standards. b. installation of tactile paving on both the northern and southern side of the carriageway at the existing pedestrian crossing point of Samford Avenue at its junction with A10 as appropriate to accord with DDA standards. All footway works to conform with the Local Highway Authority's adopted construction standards. Shall be undertaken. The works shall be fully completed to the satisfaction of the Highway Authority before first occupation of the new development.

Reason: So that all users of the development can safely walk to and from the site, in compliance with paragraphs 108 and 110 of the NPPF.

20. Bus stop improvements: Prior to the occupation of the site, the bus improvement works including installation of a Bench, Shelter and Kessel kerb at the Northbound (St Marys Roman Catholic School) bus stop in Melbourn Road, have been undertaken in accordance with the Local Highway Authority's adopted standards for bus stop upgrades. This work shall be fully completed to the satisfaction of the Highway Authority before first occupation.

Reason: So that all users of the development have the option of using bus transport, and to maximise its appeal, in compliance with paragraphs 108 and 110 of the NPPF.

21. Residents cycle parking: Prior to first occupation of the development hereby approved the details of the type, design of twelve cycle parking spaces should be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. Residents cycle parking should be in the form of lit, lockable and weather resistant cycle lockers or stores and be sited away from bin stores. Cycle parking shall be fully completed to the satisfaction of the Local Planning Authority and the Highway Authority before first occupation of the new development.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the North Hertfordshire's parking standards.

22. Visitors cycle parking: Prior to first occupation of the development hereby approved the details of the type, design of at least two cycle parking spaces, should be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. Visitors cycle parking should in the form of well lit, 'Sheffield' loops, located within a short distance of the building entrance, offering natural surveillance, sited away from bin stores or other features that may deter use, be clearly signed. Cycle parking shall be fully completed to the satisfaction of the Local Planning Authority and the Highway Authority before first occupation of the site.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the North Hertfordshire's parking standards.

23. No development shall commence until plans have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority to illustrate the hard surfacing and surface water drainage in the car park area. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

24. Prior to the first use of the new development hereby permitted the "STOP" markings and stop sign/or similar should be provided within the site's boundary for vehicles to stop and give way to pedestrians on the footway before exiting the site. This should be submitted, agreed and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

25. Construction Traffic Management Plan- No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include: a) map showing the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; b) access arrangements to the site; c) the date of start and finish of works on site; d) siting, methodology and facilities for wheel cleaning; e) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities; f) cleaning of site entrances, site access roads and the adjacent public highway and: g) details of provisions for temporary car parking, loading/unloading and vehicle turning areas; h) hours of construction operations including times of deliveries and removal of waste; i) the estimated number and type of vehicles per day/week; j) details of any vehicle holding area; k) details of the vehicle call up procedure; l) details of any changes to on-street waiting and loading restrictions that will be required; m) access and protection arrangements around the site for pedestrians, cyclists and other customers; n) details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent; o) details of a construction phasing programme; The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size

Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)

Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

Development hectare size

Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1

year greenfield run off rate on the following HR Wallingford website -

<http://www.uksuds.com/drainage-calculationtools/>

greenfield-runoff-rate-estimation. For Brownfield sites being demolished, the site should be treated as

Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site

and subject to capacity, permit the 1 in 1 year calculated rate)

Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface

water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Planning

Ecology

Any vegetation clearance or removal/repositioning of nest boxes, should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from an appropriately qualified and experienced Ecologist or Natural England.

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Highways

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The requirement as part of the offsite s278 works is to: o permanently close up the redundant point of vehicular access to and from the adjoining highway of Mill Road/Queens Road junction and reinstate the footway; o provide a new pedestrian crossing near outside the site in Mill Road/Queens Rd junction to allow residents to access the Royston BR Station; o upgrade the pedestrian crossing in Stamford Road, where it joins with the A10, to the DDA standard to safely access the nearest bus stops towards Town Centre o the bus improvement works including provision of raised Kassel kerbing at the Northbound bus stop (Norton Common Northbound) in Norton Way North, have been undertaken.

The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

















AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway

Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

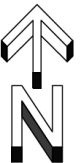
Application Validation Sheet

19/00950/FP Blackett Ord Court, Stamford Ave, Royston, Herts, SG8 7EB

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
sp.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prcrea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbt.shp
-  Health & Safety Consultation Zone
Prhjszone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:1,250
Date: 24/09/2019



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ITEM NO:	
<u>Location:</u>	Recreation Ground Swinburne Avenue Hitchin Hertfordshire
<u>Applicant:</u>	Ms J Felix
<u>Proposal:</u>	Installation of a new Children's Play Area including play equipment bonded rubber mulch safety surfacing, site furniture, 1m high galvanised steel boundary fencing and access pathway from Swinburne Avenue.
<u>Ref. No:</u>	19/01748/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 23.09.2019

Reason for Delay

Committee cycle

Reason for Referral to Committee

The application has been called in to Planning Committee by Councillor Stears-Handscomb in the wider public interest.

1.0 **Site History**

1.1 None

2.0 **Policies**

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

Policy 2: Green Belt

Policy 14: Nature Conservation

Policy 55: Car Parking Standards

Supplementary Planning Documents

Vehicle Parking Provision at New Development SPD (2011)

Green Space Management Strategy 2017 - 2021

2.2 **National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

2.3 North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP5: Countryside and Green Belt
Policy SP7: Infrastructure requirements and developer contributions
Policy SP9: Design and sustainability
Policy SP10: Healthy communities
Policy SP12: Green infrastructure, biodiversity and landscape
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy NE1: Landscape
Policy NEx: Biodiversity and geological sites

3.0 Representations

3.1 Hertfordshire Highways:

Any comments received will be reported at the meeting.

3.2 Hertfordshire Constabulary (Crime Prevention Design Advisor):

Advises as follows:

I have previously comments on this proposal when it was mentioned in the application concerning John Barker Place, which is located nearby. The comment is shown below; "I do have substantive concerns in regard to 'Plan A' for the children's play area having visited the site together with the local Police Safer Neighbourhood Officer. The proposed site is roughly 500m away from its existing play provision. The new location is on an existing sports field on the edge of the current housing estate. Because of this the site is remote and has poor natural surveillance opportunities from the existing dwelling. The local Officer has also made me aware that he has had issues with the local youths using this field for smoking drugs etc. I would prefer the Plan B option as this is not only closer but also has excellent natural surveillance opportunities."

Having reviewed the proposal and previously carried out a site visit these comments are still relevant. These concerns could be partially mitigated by the use of suitable video surveillance systems and appropriate lighting.

In light of these concerns the Police Crime Prevention Design Service are not in a position to fully support this development currently but should the surveillance systems be installed together with appropriate lighting this position could change.

3.3 Hertfordshire Ecology:

Advise as follows:

'The application replaces a previous children's play area within the recreation ground which adjoins Oughton Head Local Wildlife Site (LWS). I have no reason to believe the proposed development will have any impact on the LWS and am not aware of any protected species that will be affected by the proposal. Consequently I do not consider there are any fundamental ecological constraints to the application, which can therefore be determined accordingly'.

3.4 **NHDC Environmental Health Officer (Noise)**

Advise as follows:

'There will be some noise arising from users of the proposed children's play area, located within an existing recreation ground. However, due to the distance separating the site from nearby residential properties in Swinburne Avenue and Kings Hedges I am satisfied that residential amenity will not be adversely affected. I therefore have no objections to the proposed development.'

3.5 **Sport England:**

Advise that Sport England do not wish to raise an objection.

3.6 **NHDC Community Engagement Officer**

Advise that the Community Engagement team support the proposals.

3.7 **Site Notice / Adjoining residents consultation.**

59 local residents have been consulted and a public notice posted on site.

9 residents have raised a number of objections / concerns including the following:

- ☐ Not the best position for the health and safety of the users
- ☐ Should be closer to the car park allowing access for emergency vehicles and drop off / pick up
- ☐ A regular equipment cleaning scheme and refuse bin emptying programme will be required
- ☐ Increased security will be required to deal with anti-social behaviour / likely to attract anti-social behaviour
- ☐ Lack of parking to cater for increase patronage of the recreation ground
- ☐ Proposal would be out of character with the undeveloped rural location
- ☐ Overbearing, noise and disturbance to existing residents. General reduction in quality of life for residents.
- ☐ Concern over future additional development
- ☐ Lack of public awareness of the proposal
- ☐ Facility would not be used during the week
- ☐ Concern at children being 'out of sight, out of mind'
- ☐ Play Area should be retained at John Barker Place where it is central to the estate
- ☐ Would encourage people to drive to the Play Area from other parts of Hitchin
- ☐ Loss of view

All correspondence / comments received can be viewed on the Council's web site.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 The application site (0.2 hectares / 0.49 acres) forms part of the Swinburne Avenue recreation ground located on the west side of Hitchin. The site would be approximately 25m from the nearest properties that are sited adjacent to the recreation ground and would be sited 100m to the east of the Oughtonhead Common Local Nature Reserve and Wildlife site. The whole of the site falls within the Green Belt as designated in the adopted local plan (District Local Plan No. 2 with Alterations 1996 – Saved Policies 2007) as well as the Emerging Local Plan 2011 – 2031.

4.3 Proposal

4.3.1 The proposal is for an equipped children's play area catering for children up to 14 years of age. All equipment will be laid over a bonded rubber surface and separated into toddler and junior areas. The area will be enclosed by 1.0m high bow top fencing and will include seating and refuse bins. All equipment would be under 4 metres in height. Footpath access is proposed to the nearby cul-de-sac entrance off Swinburne Avenue.

4.4 Key Issues

4.5 The key issues are the principle of the development, impact on the character and appearance of the area, impact on neighbouring properties, access and car parking and environmental implications

4.6 Principle of the development

4.7 The site is within the Green Belt. Paragraph 145 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are listed in paragraph 145 and include:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

In addition paragraph 146 of the NPPF allows for other forms of development that are also not inappropriate in the Green Belt including:

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds

The proposals do not involve 'buildings' but rather the provision of an outdoor recreational facility that involves a limited amount of low level equipment enclosed by low railing fencing which would have little, if any effect, on the openness of the Green Belt. As far as paragraph 146 is concerned the site is already a recreation ground therefore no material change of use is involved. As such I consider that the development is not inappropriate development and no very special circumstances are required to be demonstrated.

Paragraph 134 of the NPPF sets out the five purposes of Green Belts as follows:

*a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

I consider that the proposed development does not conflict with the five purposes of Green Belts and therefore there can be no objection in land use / planning policy terms.

4.8 Impact on the character and appearance of the area

4.9 The Swinburne Recreation ground lies adjacent to the built up Westmill estate. It functions as a valuable area of open space and recreational facility for the local population and the wider community and is particularly attractive to residents and visitors given its location adjacent to the Oughtonhead Common and Nature Reserve. The recreation ground has two football pitches, a pavilion and a small car park. The provision of a children's play area on this land, sited close to the urban boundary, would not in my view be an alien feature in landscape or visual amenity terms particularly in view of the limited scale of equipment involved and the nexus between the development and the urban area. Furthermore, the play area would provide a complementary use to the recreation ground and adjacent Common, not unlike for example the children's play area on Walsworth Common or at Purwell Meadows (also within the Green Belt).

4.10 Concern has been expressed at the impact of the play area on the rural character of the area. As alluded to above, the site is an urban edge location influenced by the movement of people into and out of the urban area and subject to the associated leisure and recreational activities normally expected on undeveloped land next to urban areas especially those which are heavily developed with limited or no public open space, such as the Westmill estate. Whilst acknowledging that the application site is within the Green Belt it has nonetheless all the characteristics of a recreation ground with its football pitches, car park, seating etc and arguably has a greater association with the immediately adjoining urban land than the open countryside beyond the Nature Reserve to the west. Government guidance in the NPPF emphasises the importance of providing access to high quality open space and recreation to assist the health and well-being of communities and it is often these edge of settlement locations where these facilities can be provided. Taking the above matters into account I do not consider that the development would have an adverse impact on the rural character of the area and I have already established above that the proposals are not an inappropriate form of development in the Green Belt or harmful to the openness of the area.

4.11 In view of the above, I conclude that the development would not be harmful to the character and appearance of the area.

4.12 Impact on neighbouring property

4.13 There are a number of residential properties that either back onto the recreation ground or are located in the Swinburne Avenue cul-de-sac through which pedestrian access is proposed to the Play Area. The enclosed Play Area itself is to be located at least 25 metres from the nearest dwelling. The Fields in Trust charity (formerly the National Playing Fields Association) suggest various guidelines for the provision of outdoor play areas including that nearby houses should be a minimum of 20m from the activity zone which is exceeded in this case. In terms of noise, whilst it is recognised there will be some noise associated with the use the Council's Environmental Health officer does not raise any objections. The applicant has confirmed that the zip wire equipment will be fitted with spring loaded dampers to mitigate noise. Bearing in mind that the site is within a recreation ground where some background noise levels would be expected from sport and recreation activities e.g. from the existing football pitches and given the siting of the play area in accordance with FiT guidelines I conclude that the development would not have a detrimental effect on residential amenity in terms of noise.

- 4.14 The play area would be visible from several of the nearest properties so there would be a certain level of surveillance. Other surveillance would also arise from other users of the park e.g. dog walkers and those playing on the football pitches and from people crossing the park to and from Oughtonhead Common. It is recognised however from the representations received, including from the Police Crime Prevention advisor, that there are concerns that the location of the play area could lead to anti-social behaviour. To mitigate this it is recommended that two conditions are attached regarding the provision of security lighting and a CCTV / video surveillance system should planning permission be granted. The Police Crime Prevention Advisor has confirmed that such conditions would help to mitigate his concerns and increase formal surveillance of the site.
- 4.15 The proposed play area is on slightly sloping ground with the direction of slope falling towards the football pitches. Because of this topography together with the distance from residential property boundaries and given the limited height of the equipment, there would be no overlooking or overbearing impact on neighbouring property.
- 4.16 Overall, it is considered that the provision of the play area would not have a significant effect on the living conditions of nearby residents.
- 4.17 **Access and car parking**
- 4.18 The recreation ground is very accessible through several access points off Swinburne Avenue and from the network of footpaths forming part of Oughtonhead Common. The site is easily reached by public transport with two nearby bus stops on Swinburne Avenue. The Oughton Primary and Nursery School is a short distance away accessed along Moss Way and Swinburne Avenue via public footpaths. A new pedestrian tarmac surfaced footpath is proposed to the play area across a short stretch of the recreation ground from Swinburne Avenue to facilitate all year round, DDA compliant access. Cycle and buggy parking can be easily accommodated within the play area enclosure. A public car park is located to the north of the Play Area. There are no on-street parking restrictions in Swinburne Avenue, Moss Way or Bingen Road. The site would be a few minutes walk from the Westmill Community Centre and the shops on John Barker Place.
- 4.19 Concern has been raised that the play area will attract additional traffic that will lead to congestion / disturbance to local residents through inadequate parking. However I consider that the play area is proposed in an accessible location in view of the factors set out above. Furthermore, the NPPF encourages focusing development in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. The site is readily accessible for people walking or cycling and is on a bus route and close to the school and shops. In view of these factors together with the available capacity on the local road network I do not consider that there is a compelling argument to refuse planning permission on highway safety or amenity grounds.

4.20 Environmental matters

- 4.21 Hertfordshire Ecology have advised that the development will not affect the Local Wildlife site nor are there any fundamental ecological constraints. The type and operation of any lighting can be controlled by condition.
- 4.22 Concerns have been raised over health aspects relating to litter and bird mess. The lease agreement between the applicant and the Council will include a repairs and maintenance clause so that the site and equipment is kept in a good condition. As belt and braces however a maintenance and management condition is recommended.
- 4.23 The site is within Flood Zone 1 where there is a low probability of flooding. The main surfacing material – bonded rubber mulch – is made from re-cycled material and fully porous. The remainder of the site will be grass.
- 4.24 In the event that the play area and equipment is no longer in use or required a reinstatement condition is recommended which, similar to a 'yield up' clause in the separate tenancy agreement will require all of the equipment, surfacing and railing enclosure to be removed and the land returned to grass.

5.0 Conclusion

- 5.1 The proposed Play Area is intended to provide a high quality, fit for purpose facility for the Westmill estate and to compensate for the loss of the existing smaller facility at John Barker Place to allow for a large scale mixed use regeneration scheme including new shops and a high percentage of affordable housing units. The regeneration scheme follows an earlier phase of the regeneration of the area that has seen the delivery of a new community centre and Multi-use Games Area.
- 5.2 The provision of the Play Area would complement the existing Swinburne Recreation Ground providing a more inclusive range of recreational facilities particularly for younger children.
- 5.3 The Play Area would be provided in a safe and healthy environment not surrounded by built development and roads but close to existing recreational facilities. It is easily accessible by cycling, walking and those using public transport.
- 5.4 No objections to the development have been received from the statutory consultees and the concerns of the Police Crime Prevention officer can be addressed by planning conditions relating to lighting and video / CCTV surveillance equipment.
- 5.5 Ultimately the proposed new play area is deliverable now as the first part of the John Barker Place regeneration scheme. If required to be re-provided on the John Barker Place redevelopment then a smaller facility, surrounded by access roads and built development would be the result. It would also be delayed by up to three years whilst the flats and houses on Phases 1, 2 and 3 are constructed – subject to the grant of planning permission.

5.6 Alternative Options

An alternative proposal for a play area on the John Barker Place regeneration scheme is an option although no details are available.

5.7 Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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 Environmental / Sustainability implications

7.1 This section of the report draws attention the broad range of environmental matters that I have considered and identifies appropriate mitigation that can be secured by means of suitably worded planning conditions

7.2 To this end recommended condition 3 deals with management and maintenance. Conditions 4 and 5 deal with security (lighting and CCTV) and condition 6 deals with the reinstatement of the land if required. Condition 2 (approved plans) seeks to ensure that the pedestrian route from the development to Swinburne Avenue is secured and therefore encouraging less reliance on the private car.

8.0 Recommendation

8.1 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 listed above.

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

3. Prior to the commencement of the use of the Play Area hereby approved details of the management and maintenance of the facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of health and safety and the visual amenities of the locality

4. Prior to the commencement of the use of the Play Area hereby approved, full details of a CCTV / Video surveillance system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height and type of camera equipment to be installed and a programme for its maintenance, operation and monitoring. The development shall be carried out in accordance with the approved details.

Reason: In the interests of crime prevention and community safety

5. Prior to the commencement of the use of the Play Area hereby approved, full details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height and type of lighting to be used as well as the hours of operation and a programme for its maintenance and operation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of crime prevention and the safety and amenity of residents and users of the Play Area.

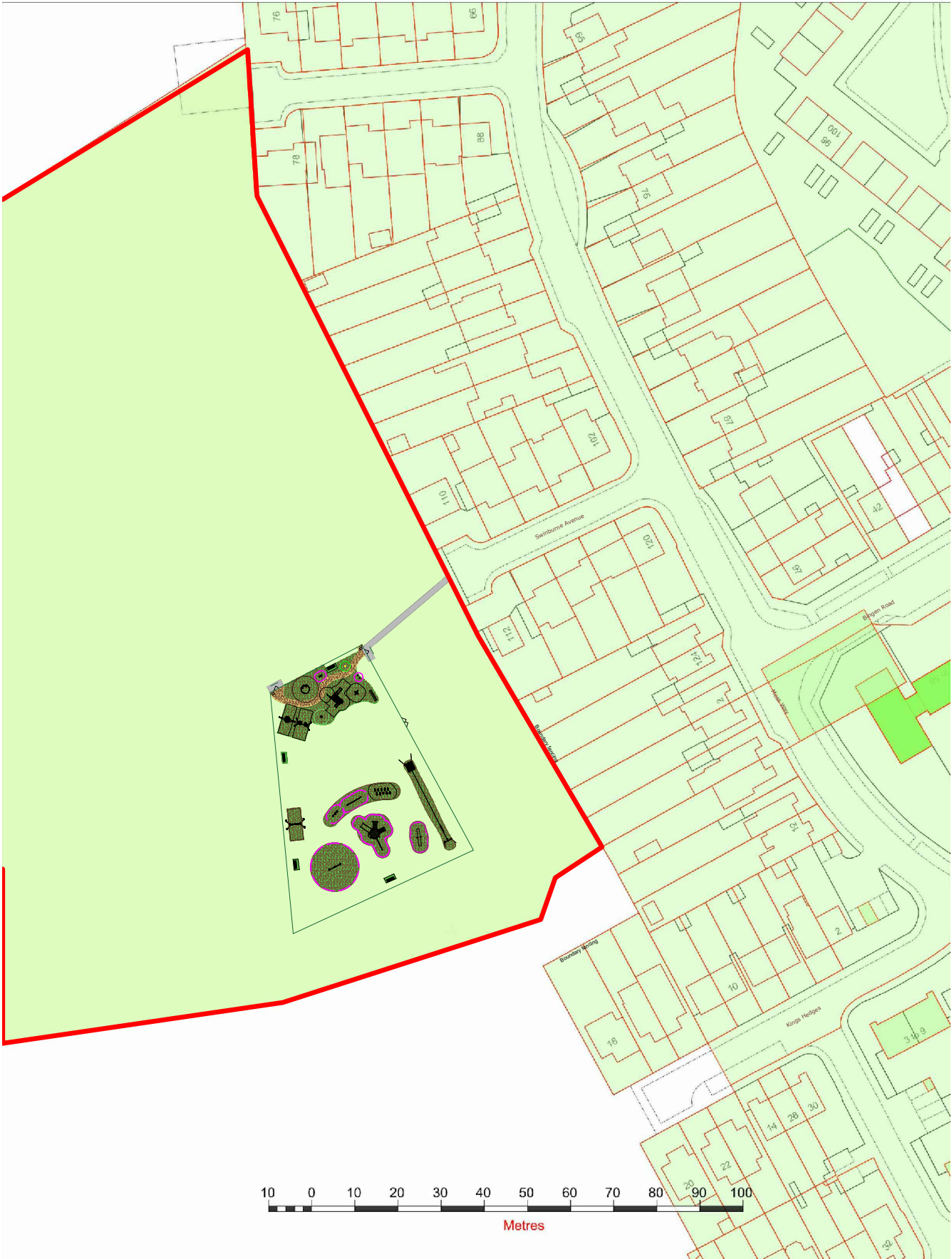
6. The proposed play area hereby permitted shall be used only for recreational purposes and shall not be used for any other purpose without the specific grant of planning permission. In addition, within 12 months of the first use of the Play Area hereby permitted a scheme for its decommissioning and removal (including any hardstanding and associated fencing) shall be submitted to and approved by the Local Planning Authority. The decommissioning and removal scheme shall thus be observed as approved at such time that the Play Area is no longer required for the stated purpose.

Reason: To safeguard the character and appearance of the area.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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PLANNING CONTROL COMMITTEE

DATE: 14 November 2019

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr J Stellato	02 October 2019	Development A: Part first floor and single storey extensions following demolition of existing two and single storey rear extensions (as amended by drawings 2097-09A, 10A, 11A, 12A, 13A, 14A and 15A received 18/06/2019). Development B: Installation of new entrance gates.	75 Park Lane Old Knebworth Knebworth Hertfordshire SG3 6PP	19/00088/FPH	Written Representations
Ms C Martin	02 October 2019	Installation of flexible energy generation plant	Land South Of Odyssey Health Club Stevenage Road Knebworth Hertfordshire	18/02907/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 14 November 2019

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Barratt David Wilson North Thames	Erection of 144no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas (as amended 25th October 2018).	Land To The East Of Bedford Road And West Of Old, Ramerick Manor, Bedford Road, Ickleford	18/01622/FP	Appeal Withdrawn on 15 October 2019	Appeal Against non-determination	

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