

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



10 January 2020

Our Ref Planning Control 23.01.2020  
Your Ref.  
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To: Members of the Committee: Councillors Terry Tyler, Daniel Allen, 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

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERON  
ROAD, LETCHWORTH GARDEN CITY**

On

**THURSDAY, 23RD JANUARY, 2020 AT 7.30 PM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

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

## **Agenda** **Part I**

<b>Item</b>	<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. MINUTES - 19 DECEMBER 2019</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on the 19 December 2019.	(Pages 5 - 12)
<b>3. NOTIFICATION OF OTHER BUSINESS</b> 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.	
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a 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.	
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>6. 19/01416/HYA LAND AT 25-35 JOHN BAKER PLACE AND 1-36, FREEMANS CLOSE, HITCHIN, HERTFORDSHIRE</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	(Pages 13 - 44)

Development A - Full planning application comprising : Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing buildings. , , Development B - Outline

planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and scale are reserved.

- 7. 19/01748/FP RECREATION GROUND, SWINBURNE AVENUE, HITCHIN, HERTFORDSHIRE** (Pages 45 - 70)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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.
- 8. 19/02192/FP LAND OPPOSITE FLINT HOUSE, LONDON ROAD, ST IPPOLYTS, HERTFORDSHIRE** (Pages 71 - 82)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Creation of vehicular access off London Road, St Ippolyts (as amended by plans received 09/10/2019).
- 9. PLANNING APPEALS** (Pages 83 - 98)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

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

#### MINUTES

**Present:** *Councillors Terry Tyler (Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Mike Rice and Michael Weeks*

**In Attendance:** *Tom Rea (Principal Planning Officer), Kate Poyser (Senior Planning Officer), Ben Glover (Planning Officer), Nurainatta Katevu (Legal Advisor) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

**Also Present:** *At the commencement of the meeting approximately 6 members of the public, including registered speakers.*

#### 72 APOLOGIES FOR ABSENCE

*Audio recording – 11 seconds*

Apologies for absence were received from Councillors Daniel Allen, Sean Prendergast and Val Shanley.

#### 73 MINUTES - 14 NOVEMBER 2019

*Audio Recording – 28 seconds*

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 14 November 2019 be approved as a true record of the proceedings and be signed by the Chairman.

#### 74 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 37 seconds*

There was no other business notified.

#### 75 CHAIRMAN'S ANNOUNCEMENTS

*Audio recording – 40 seconds*

- (1) The Chairman welcomed those present at the meeting, especially 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 clarified that 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 applied 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) 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.

## 76 PUBLIC PARTICIPATION

*Audio recording – 2 minutes 19 seconds*

The Chairman confirmed that the registered speakers were present.

## 77 19/01598/FP - SERVICE STATION, BEDFORD ROAD, HITCHIN, HERTFORDSHIRE SG5 2UG

*Audio Recording – 2 minutes 59 seconds*

Re-development and enlargement of shop, works to existing canopy and increase number of parking spaces, (as amended by drawings received 16/10/2019).

The Principal Planning Officer presented the report in respect of application 19/01598/FP supported by a visual presentation consisting of photographs and plans.

She advised of the following updates to the report:

- Comments had been received from Keep Hitchin Special who objected to the increase in size as this was in a residential area and would create problems as there was no dedicated area for loading and unloading of goods;
- Anglian Water had provided no comment;
- The Highway Authority had recommended an additional informative to read: "The storage of materials associated with the construction of the site shall 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."

Ms Elizabeth Weston thanked the Chairman for the opportunity to address the Committee in objection to application 19/01598/FP as follows:

- She owned 1 Deacons Way;
- This used to be a small petrol station, but had grown over the years;
- It had become very disturbing and she has had to call the police;
- If it gets bigger it will attract more people and be noisier;
- The plans show that large trees would be removed;
- She did not want a larger shop in a residential area;
- This was already a very busy 24 hour shop and off licence;
- There would be more traffic and there was no space for delivery vans;
- This would be an eyesore and reduce the value of properties.

The Chairman thanked Ms Weston for her presentation.

Councillor Ian Albert thanked the Chairman for the opportunity to address the Committee regarding the reasons for calling in application 19/01598/FP as follows:

- Since he called in the application the application had improved, but there were still issues;
- The parking spaces were small and on a slope meaning lights would shine into houses and flats in King Georges Close;
- The 11pm closing time was helpful, but it needed to be earlier;
- It would be an inconvenience for residents;
- The site for holding supplies, near Deacons Way, would disturb residents with loading noise and there were no set times and set space for unloading;
- Residents would be concerned if additional lighting was installed;
- Although Anglian Water has made no comment, there were issues with flooding.

The Senior Planning Officer advised that:

- The compound was to be enclosed by acoustic fencing;
- A condition could be put in place to restrict additional lighting.

The following Members asked questions of Councillor Albert:

- Councillor Michael Weeks;
- Councillor Mike Rice.

In response to questions Councillor Albert advised that the shop and garage were open 24 hours a day.

The Chairman thanked Councillor Albert for his presentation.

Mr Richard Baker and Mr Adam Bamford, Applicant's Agent and noise consultant, thanked the Chairman for the opportunity to address the Committee in support of application 19/01598/FP as follows:

- The garage already held a 24 hour alcohol licence and had been operating 24 hours a day since 2012;
- The business had been operated by the applicant and his family since 2012;
- The application was designed to meet the need of his customers, whilst not causing detriment to the neighbours;
- The application was supported in the emerging Local Plan;
- They had worked closely with officers to put in place conditions;
- Some neighbours had expressed some concern although residents were not completely against the plans;
- Substantial alterations had been made to address concerns raised;
- There had been no complaints from the police or residents since the family had taken over the shop;
- The car was would remain in the current location with no alteration;
- There would be landscaping put in place;
- This was a neighbourhood convenience store and it was envisaged that most sales happening in standard hours;
- The noise assessment complied with National guidelines and was Council approved;
- The noise was assessed over 7 days;
- Measures had been proposed to mitigate noise;
- The scheme was acoustically acceptable.

The following Members asked questions:

- Councillor Val Bryant;
- Councillor David Levett;
- Councillor Terry Tyler.

In response Mr Baker and Mr Bamford advised that:

- They had not researched other convenience stores in the area, but were reacting to the needs of their existing customers;
- The storage of gas bottle was overseen by the Petroleum Officer;
- The noise assessment was undertaken over a 24/7 period.

The Chairman thanked Mr Baker and Mr Bamford for their presentation.

The senior Planning Officer advised that the applicant was not required to demonstrate need.

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

- Councillor Michael Weeks;
- Councillor Sue Ngwala;
- Councillor Val Bryant;
- Councillor Terry Tyler;
- Councillor Mike Rice;
- Councillor David Levett;
- Councillor Tony Hunter;
- Councillor Ian Mantle.

In response to questions and comments the Senior Planning Officer advised:

- Policy 8 outlined what would be normally acceptable, however if Members had objections that this may cause harm to local residents it would be a valid objection;
- There was a condition recommended to restrict parking between the hours of 11pm and 7am, which is considered as the hours of sleep;
- The trees to be removed included leylandi and a few conifers;
- The Leylandi trees had limited aesthetic value;
- A landscaping scheme could be conditioned.

It was proposed by Councillor David Levett and seconded by Councillor Morgan Derbyshire that application 19/01598/FP be granted planning permission with additional conditions regarding lighting and drainage and informatives.

Upon the vote it was:

**RESOLVED:** That, subject to the additional conditions and informatives below, application 19/01598/FP be **GRANTED** planning permission.

Condition 8.

No external lighting shall be installed unless prior agreement has been obtained in writing by the Local Planning Authority. Any lighting agreed shall be implemented as approved.

Reason: in the interests of the living conditions of nearby residential properties.



Condition 9.

Prior to the provision of the new car parking spaces, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be implemented as approved before the new shop is first brought into use.

Reason: In the interests of controlling surface water drainage within the site.

Additional informative to read:

The storage of materials associated with the construction of the site shall 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.

**78 19/02061/FP - 3 COMMONS LANE, KIMPTON, HITCHIN HERTFORDSHIRE SG4 8QG**

*Audio recording – 38 minutes 55 seconds*

Erection of one 4-bed detached dwelling including creation of vehicular access.

The Planning Officer presented the report in respect of application 19/02061/FP supported by a visual presentation consisting of photographs and plans.

He advised of the following updates to the report:

- The reason for call in was for wider public interest;
- The applicant had now agreed to Condition 4 pre-commencement condition.

Mr Mark Houghton, settle, applicant, thanked the Chairman for the opportunity to address the Committee in support of application 19/02061/FP as follows:

- The proposal was for a new 4 bed dwelling in the side garden of the current vacant 3-bed dwelling;
- It was not viable for the property to be developed for social rent
- The proposed dwelling would be promoted for market sale;
- The current dwelling would remain as a social rent home;
- Residents did not require a large garden and development would reduce the risk of poor garden maintenance;
- 61 percent of Commons Lane was owner occupied therefore the introduction of another private dwelling would not be alien to the area;
- Settle would sell the site with the benefit of planning permission and use the funds to provide affordable housing;
- The site would help provide additional homes in a village location.

The Chairman thanked Mr Houghton for his presentation.

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

- Councillor David Levett;
- Councillor Ruth Brown;
- Councillor Michael Weeks.

In response to questions Mr Houghton advised:

- The land would be sold with planning permission;
- Self development of the property did not meet their development criteria.

The Chairman thanked Mr Houghton for his presentation.

It was proposed by Councillor Michael Weeks, seconded by Councillor David Levett and:

**RESOLVED:** That application 19/02061/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

Members expressed concern that some Councillors who had called in Applications to be considered by the Committee were not present to explain their reasons.

**79 19/02501/FPH - 3 Highbury Road, Hitchin, Hertfordshire SG4 9RW**

*Audio recording – 48 minutes 50 seconds*

Single storey rear extension; replacement of garage door with window & brickwork to facilitate garage conversion; clear glazing in existing first floor window in side, (south) elevation and replacement windows in front elevation; 2.5m fence with trellis along part of north boundary; and ancillary works following demolition of existing rear conservatory.

The Principal Planning Officer presented the report in respect of application 19/02501/FPH supported by a visual presentation consisting of photographs and plans.

The application was being considered by the Committee as the applicant was an employee of the Planning Department.

The following Member asked a question:

- Councillor Ian Mantle.

In response to questions the Principal Planning Officer advised that the roof of the extension could be used as a balcony, however this had not been applied for and would not need permission.

It was proposed by Councillor Morgan Derbyshire, seconded by Councillor Michael Weeks and:

**RESOLVED:** That application 19/02501/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

**80 19/02621/AD - LLOYDS PHARMACY, 7 ST MARTINS ROAD, KNEBWORTH, HERTFORDSHIRE SG3 6ER**

*Audio recording – 53 minutes 6 seconds*

Installation of internally illuminated fascia sign and internally illuminated projecting sign.

The Principal Planning Officer presented the report in respect of application 19/02621/AD supported by a visual presentation consisting of photographs and plans.

Parish Councillor Colin Stringer, Knebworth Parish Council and a resident of St Martins Road, thanked the Chairman for the opportunity to address the Committee in objection to application 19/02621/AD as follows:

- St Martins Road was, for 75 percent of its length, a private, un-adopted, entirely residential street;
- The Post Office and retail shop had signs, but they were not illuminated;
- The houses opposite had not been advised of the application;
- The original design showed unilluminated signs, which was considered to be acceptable;
- If grant permission for lights to the Pharmacy the other shops will ask for them;
- Statements in the report regarding signage appeared to be contradictory;
- He asked that the application be rejected as the Illumination of signs was not in character with the surrounding area;
- Given that new external lamp stands had been installed on the site illuminated signage seemed to be unnecessary.

The following Members asked questions:

- Councillor Michael Weeks;
- Councillor David Levett.

In response to questions Parish Councillor Stringer advised that:

- He believed that the Lloyds in London Road was planned to close.

The Chairman thanked Parish Councillor Stringer for his presentation.

The Principal Planning Officer advised that:

- The Parish Council did not object to the original surgery application;
- Comments regarding a 24 hour licence was purely speculative;
- The applicant's had accepted the time limits regarding the signage as set out in the conditions;
- The signage shown on the original application was purely illustrative.

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

- Councillor Terry Tyler;
- Councillor Michael Weeks;
- Councillor David Levett.

In response to questions the Principal Planning Officer advised that:

- The pharmacy could operate from 8am to 8pm on Monday-Friday, 8am to 7pm on Saturday and 10am to 4pm on Sunday with no Bank Holiday opening;
- The applicant had accepted a condition that the illumination was restricted to opening hours of the pharmacy.

It was proposed by Councillor David Levett, seconded by Councillor Ian Mantle and:

**RESOLVED:** That application 19/02621/AD be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

81 **PLANNING APPEALS**

*Audio Recording – 1 hour 6 minutes 49 seconds*

The Principal Planning Officer presented the report entitled Planning Appeals and drew attention to the following:

- Four appeals had been lodged as detailed in the report;
- Four decisions had been received, with 1 partially granted and 3 dismissed, details could be found in the report.

**RESOLVED:** That the report entitled Planning Appeals be noted

The meeting closed at 8.38 pm

Chairman

<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land At 25-35 John Baker Place And 1-36 Freemans Close Hitchin Hertfordshire</b>
<u>Applicant:</u>	<b>Mrs S Virji</b>
<u>Proposal:</u>	<b>Development A - Full planning application comprising : Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing buildings.  Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and scale are reserved.</b>
<u>Ref. No:</u>	<b>19/01416/HYA</b>
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 27<sup>th</sup> January 2020

### **Reason for Delay**

Negotiations regarding several issues including Highway, parking and transport matters, Surface Water Management, provision of play areas, other infrastructure matters and completion of a satisfactory legal agreement.

## **Reason for Referral to Committee**

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

### **1.0 Policies**

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

Policy 26: Housing proposals  
Policy 29A: Affordable Housing for Urban Local Needs  
Policy 51: Development effects and planning gain  
Policy 55: Car Parking Standards  
Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents  
Design SPD  
Planning Obligations SPD  
Vehicle Parking Provision at New Development SPD (2011)

#### **1.2 National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong competitive economy  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment

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

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy  
Policy SP7: Infrastructure requirements and developer contributions  
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 HS2: Affordable Housing  
Policy HS3: Housing Mix  
Policy HS5: Accessible and Adaptable Housing  
Policy D1: Sustainable design  
Policy D3: Protecting living conditions  
Policy D4: Air quality

Policy NE1: Landscape  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure

**1.4 Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

**1.5 National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

**1.6 NHDC Council Plan 2020 – 2025 (Approved 21/11/19)**

Objective 5: Support the delivery of good quality and affordable housing. Support development John Barker Place.

**1.7 NHDC Annual Monitoring Report 2018 - 2019**

Includes the Council's five year housing land supply figures as at 1<sup>st</sup> April 2019 and the list of Five-year supply sites in Appendix 2.

**2.0 Site History**

2.1 09/00134/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 28 one-bedroom flats, 6 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 3.04.09

2.2 09/01423/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 21.03.14

2.2 13/03021/1: Demolition of existing shops, flats and garages and redevelopment of site with housing retail and community facilities comprising: 15 x two-bed houses, 24 flats (22 x two-bed and 2 x one-bed flats), supermarket (Class A1) and takeaway (Class A5) on ground floor of flat block; associated landscaping, parking and new play area. Provision of new pedestrian crossing and visitor parking on John Barker Place. (as amended by plan nos. 11015 wd2.01 (Rev P1), 02 (Rev P1), 04 (Rev P1), 05 (Rev P1), 11(Rev P1), 13 (Rev P1) received 4/2/13). Granted 13.02.15

### 3.0 **Representations**

3.1 **Site Notice / Adjoining occupiers:** Letters received from residents raising the following matters:

#### Points raised in objection/ raising concerns:

- ☐ A children's play area should be an integral part of the development and of an increased / adequate size
- ☐ Elderly accommodation above shops is unsuitable due to noise
- ☐ Young families and elderly people living close together is not good mix
- ☐ Energy calculations required to show the energy efficiency of the scheme
- ☐ Electric vehicle charging points are required
- ☐ Design and appearance of the new building is overpowering and depressing
- ☐ Inadequate car parking leading to congestion
- ☐ Development needs to be DDA compliant
- ☐ Too many dwellings proposed
- ☐ Consider lifts, fire alarms/sprinklers, more gardens, seating and laundry areas, soundproofing between flats.
- ☐ Existing flats empty.
- ☐ Five stories too high.
- ☐ Existing tenants should be offered options for alternative accommodation
- ☐ Loss of light. A lighter brick should be used for Phase 1
- ☐ Concern at footpath onto Mattocke Road – should be secure
- ☐ Loss of privacy

#### Points raised in support

- ☐ The regeneration is supported and much needed
- ☐ JBP is very rundown and underused
- ☐ New development will provide much-needed new shops and new park
- ☐ New park will be welcomed
- ☐ Will attract more locals and boost the local businesses
- ☐ Older generation housing will be more apt with close access to local shops to help them maintain independence even if mobility is an issue

3.2 **NHDC Environmental Health (noise):**

Advises no objection following the receipt of further information and recommends a condition requiring the development to be carried out in accordance with the submitted Noise Assessment and Technical Note.



- 3.3 **NHDC Environmental Health (Land contamination/ air quality):** Recommends a Phase II Environmental Risk Assessment condition and an EV charging point in each town house and EV charging points for every 10 apartments or car club provider for the flat blocks through a scheme to be agreed with the LPA.
- 3.4 **Hertfordshire Highways:** Raises no objections to the development subject to a Planning Agreement to secure various contributions and works and planning conditions.
- 3.5 **NHDC Waste Manager:** Recommends a refuse collection strategy condition for phases 2 and 3 and various requirements for bin storage and collection.
- 3.6 **Hertfordshire Constabulary Crime Prevention Advisor:** Advises that the development should be built to Secured by Design standard. Prefers play area to be located within the development site where there is better natural surveillance.
- 3.7 **Lead Local Flood Authority:** Confirm that they are not in a position to remove their objections. The LLFA seek confirmation of no increased risk in flooding through a flood map and seek further clarity over run-off rates and confirmation from Anglian Water that they will accept the proposed run-off rates discharging from the site.
- 3.8 **NHDC Community Engagement officer:** Supports the application.
- 3.9 **NHS East and North Herts Clinical Commissioning Group:** Recommends contributions towards GP services and Community and METAL Health care services.
- 3.10 **Anglian Water:** Recommends that the development be carried out in accordance with an agreed surface water strategy.
- 3.11 **Environment Agency:** Advises no objections. Recommends advice to the developer with regard to several matters including risk assessment, site investigation, SuDs and contamination.
- 3.12 **HCC Fire & Rescue Service:** Seeks fire hydrants in accordance with HCC Planning Obligations toolkit
- 3.13 **HCC Growth & Infrastructure Unit:** Requests contributions towards Primary and Secondary Education and libraries
- 3.14 **HCC Minerals and Waste Policy team:** Recommends that the development has regard to the advice in the NPPF and the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. Recommends the submission of a Site Waste Management Plan.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.2 The application site comprises 1.45 hectares (3.6 acres) of land sited within the heart of the Westmill housing estate located on the North West side of Hitchin.

4.3 The site has a frontage to John Barker Place, Mattocke Road and Westmill Road and includes the whole of Freemans Close, a residential cul-de-sac of terraces comprising 36 apartments. The southern boundary of the site adjoins The Crescent and the northeast boundary adjoins Michael Muir House. The John Barker Place frontage consists of a three storey building with shop units on the ground floor and six apartments at first and second storey level. At the rear is a parking area, service yard and garages. The site also includes a children's play area (800sqm) and hardsurfaced area formally a Multi-Use Games Area now re-provided adjacent to the Westmill Community Centre.

4.4 The area is characterised by three and four storey flatted development along John Barker Place with the area south of the site along Mattocke Road and within Freemans Close being dominated by two storey terraced housing.

##### 4.5 **Proposal**

4.6 The proposals involve a hybrid planning application seeking part full and part outline planning permission for an extensive and comprehensive redevelopment of the site above involving the re-provision of housing (both flats and houses), shops and play area facilities together with associated infrastructure including access roads, parking facilities and landscaping. Overall 129 residential units would be provided although 6 of these units would replace the flats above the shops and the 36 apartments in Freemans Close.

4.7 The detail of the redevelopment can be summarised as follows:

###### Full application

###### Phase 1

Phase 1 proposes an L-shaped block of between 3 – 5 stories in height comprising retail units on the ground floor facing John Barker Place (supermarket and takeaway) and 37 x 1 bedroom retirement flats with assisted living facilities including associated office and reception, salon, scooter storage and residents lounge and garden. The block would be of a contemporary design with the fifth floor recessed from all main elevations. The fourth floor would contain a further residents lounge and roof garden. All the flats within this block would have access to a terrace or balcony.

The Phase 1 block would be sited at the junction of John Barker Place and Mattocke Road. The main entrance to the apartments would be off Mattocke Road and the shops would be accessed off John Barker Place. Both frontages would have a new 4 metre wide public footpath separated from John Barker Place by a 3m wide landscaped buffer with new tree planting. Street trees are proposed as part of the footway on Mattocke Road which will also receive a new footpath link into the centre of the redevelopment site. A service yard / access is proposed at the rear of the shop units.

Phase 1 would be predominantly red brick with some grey brick and facing panels and the top floor would be light grey cladding.

Phase 1 would be for affordable retirement living accommodation.

### Phase 2

Phase 2 proposes two apartment blocks. Phase 2A is sited off the John Barker Place frontage and Phase 2B is sited immediately behind separated by a courtyard garden and walkway. Phase 2 will accommodate 46 one and two bedroom apartments with a mix of affordable and open market units. Phase 2 would be four stories. Phase 2A block would be separated from the carriageway by a 5.5 metre wide footpath and landscaped buffer and set back from the pavement by a 2.5m wide amenity area. The ground floor of both blocks would include refuse and cycle storage areas with block 2A including scooter storage.

Phase 2 will be predominantly buff facing brick with grey facing brick panels. As with phase 1 all of the phase 2 flats will have access to a terrace or balcony.

The tenure of Phase 2A will be split between 12 retirement apartments and 12 affordable apartments for people with general needs. Phase 2B will consist of 22 open market apartments.

### Outline application

#### Phase 3

Phase 3 is the largest part of the redevelopment scheme involving the replacement of the whole of Freemans Close with a combination of 32 one and two bed apartments in one block and 14 three bedroom houses. This area will also feature a children's play area of over 1000sqm. All matters of scale, appearance and landscaping are reserved for further consideration by way of a reserved matters application.

### Access and parking

The existing two vehicular access points off John Barker Place will be retained as part of a circulatory vehicular access through the development site which will allow refuse vehicle access to all parts of the site. A two way access off Westmill Road is retained. Footpath access is provided throughout the site linking Westmill Road, John Barker Place and Mattocke Road. Overall, 117 parking spaces are proposed including 12 disabled spaces.

#### **4.8 Key Issues**

#### **4.9 Principle of the development**

4.10 The application site is located within the urban area of Hitchin and an area designated for housing in the Local Plan (Policy 26, site HR 16 Westmill). In the Emerging Local Plan part of the site (i.e. that excluding Freeman's Close) is identified as the Westmill (John Barker Place) Neighbourhood Centre. As such the ELP protects the centre under policies SP4 (Town Centres, Local Centres and Community Shops) and ETC6 (Local Centres). The mixed use development proposed, including shops, would be consistent with the above adopted plan and emerging plan policies.

4.11 In the past few years the Council has consistently supported the regeneration of John Barker Place and this has seen the delivery of a new Community Centre and re-provided Multi-Use Games Area nearby and planning permission granted in 2009 for a similar redevelopment proposal.

4.12 More recently the Council has approved in November 2019 its Council Plan (2020 – 2025). A key objective (Objective 5) in the Plan is to support the delivery of good quality and affordable housing including the provision of sustainable and suitable play provision as part of all larger housing developments and to seek partnerships with Registered Social Landlords (RSL's) to build more social homes. The Objective also seeks to ensure that new developments are designed to integrate them into existing communities and provide a full range of housing including social rented, for families and single people, for young and old. Importantly, the Objective specifically refers to the aim of supporting the John Barker Place development.

4.13 It is considered that the proposed development is consistent with planning policy for the area and in line with the Council's aspirations to achieve a fit for purpose, regeneration scheme for John Barker Place that delivers affordable housing of the type and tenure that the local community needs.

#### **4.14 Character and Appearance**

4.15 The application site is at the centre of the Westmill estate and the prevailing form of development here is relatively high density flatted development of between 3 and 4 stories and terraced housing. Many of the flat blocks have flat roofs particularly in John Barker Place and at the junction with Westmill Road. The high density character of the area continues along Bingen Road and into Moss Way where Dugdale Court consists of many three and four storey blocks of flats. The older part of the estate to the south comprises of two storey terraced housing.

4.16 Given the central location within the estate of the application site and the prevailing forms of development described above it is considered that a high density mixed use development, particularly along the John Barker Place frontage as proposed with Phases 1 and 2 would not be out of keeping. The Phase 1 block is of particularly significant scale and is, arguably, at the upper limit of what would be appropriate.

However, the Phase 1 block has been designed to address its prominent corner location and fulfil the requirement of accommodating the retail floorspace necessary to maintain the vitality and viability of this neighbourhood centre. The block reduces in scale to 3 stories along the Mattocke Road frontage to mark a transition in scale down to the two storey housing further south. The fourth (top) floor is recessed in from the main elevations and clad in a contrasting material in order to minimise the bulk and scale of the building. The projecting staircase feature along the John Barker Place frontage together with its grey brickwork breaks up the façade of the building assisted by a suitable proportion of openings to brickwork. The many balconies on all elevations also help in reducing the perceived scale of the building as well as providing relief and interest to the elevations.

- 4.17 The flat blocks on Phase 2 are four storey and again signal the drop in scale away from the main feature, mixed use building on Phase 1 setting an intermediate scale towards the three storey flats at Michael Muir House at the junction with Westmill Road. Phase 2 is, nevertheless, of the same storey height as the existing flats opposite.
- 4.18 The street scene drawing (AEL 300) demonstrates how the wide frontage that is John Barker Place can comfortably accommodate the scale of the blocks on Phase 1 & 2. Significant gaps are maintained between the two phases and Michael Muir House on the south side of the carriageway and the 25m distance between the blocks and flats opposite is not dissimilar to the existing pattern of development along John Barker Place.
- 4.19 Red brickwork is the predominant material used on existing buildings in this part of John Barker Place which then gives way to lighter coloured brickwork and other materials such as render towards the periphery of the centre. The proposal red and buff coloured brickwork for Phases 1 and 2 provides a contrast between the two buildings and introduces some degree of variety into the street scene. The use of brickwork as the main external material is consistent with the widespread use of brick work in this part of the estate and is a material known for its longevity, superior weathering characteristics and low maintenance.
- 4.20 There are several key areas of public realm throughout this development. Firstly, the wide public footpath along John Barker Place is maintained and enhanced with soft landscaping and planting. In particular the footway around Phase 1 is of a significant width (between 4 and 5 metres) which allows for ease of circulation and access into the retail units as well as parking for cycles, buggies and scooters. Secondly, there are two courtyard gardens to Phases 1 & 2 and the internal footpaths with crossing points provide for a legible, pedestrian friendly environment. Finally, a children's play area comprising of two parcels of land is set aside within Phase 3. The whole of the site is extremely permeable and well integrated with adjoining roads in the estate with the pedestrian access points on Westmill Road and Mattocke Road, a footway link maintained to The Crescent in addition to the two access points onto John Barker Place.

- 4.21 The proposed development is without question of significant scale and density however by and large this is reflective of the surrounding pattern of development and commensurate with the site's location at the centre of the estate close to the community centre and school and as a local shopping destination. The development will establish a strong sense of place, has the potential to function well with its permeable layout and will add to the overall quality of the area in the longer term.
- 4.22 In view of all of the above it is considered that the development would not be harmful to the character and appearance of the area.
- 4.23 **Impact on the living conditions of existing and future residents**
- 4.24 With regard to the impact of the development on existing residents I consider that the redevelopment of the existing shops and play area with better quality and larger facilities would benefit existing residents and help to reduce crime and anti-social behaviour in the locality, improving the pedestrian access and landscaping in the area, providing play areas for children that have natural surveillance from housing and generally contributing to an enhanced living environment. It is not anticipated that the re-provision of the shopping facilities will involve any greater levels of noise and disturbance than the existing use particularly with the benefit of up to date building fabric including high performance glazing. The submitted noise survey concludes that the pattern of usage of the proposed retail unit and takeaway are expected to be the same as the current situation and that no mitigation is considered necessary and I would agree with this view. It is recommended however that full details of the fume extraction system for the A5 takeaway unit is secured by condition.
- 4.25 Whilst the siting of the blocks on Phases 1 & 2 will affect the outlook from the nearest properties in Mattocke Road the distances are such that residential amenity is unlikely to be affected. In terms of the direct impact of the block on Phase 1 the Mattocke Road properties are to the south of Phase 1 and therefore there would be no loss of daylight / sunlight and the separation gap with the intervening footpath does provide some buffer space. Furthermore the rearwards projection of Phase 1 does not breach a 45 degree angle of view from the rear elevation of No. 45 Mattocke Road.
- 4.26 The properties in Westmill Road and The Crescent will experience a different outlook however again the distances are such that residential amenity is unlikely to be adversely affected.
- 4.27 In terms of living conditions of the proposed residents there has been some concern that noise from the shops units would affect occupiers of the retirement accommodation and that young families and elderly residents living in close proximity to each other is *'not a good mix'*.
- 4.28 In terms of the shop units noise, the submitted Noise Assessment and its Technical Note Addendum (November 2019) sets out the various sound performance requirements for the blocks on Phase 1 and Phase 2 analysing each façade and every floor in the blocks and assessing the required glazing and ventilation mitigation necessary. It also assesses the performance requirements for the residential accommodation on Phase 3 (all floors).

The Noise Assessment has been carried out by professional noise consultants and has had regard to British Standards (BS) 8233: 2014, & (BS) 4142 : 2014 + A1: 2019, World Health Organisation (WHO) Guidelines for Community Noise and other noise standards, legislation and guidance. Sound surveys were undertaken to establish typical sound levels at the site including traffic noise. The assessment has taken into account the expected delivery times for the retail units and the opening hours of both the shop and takeaway. The noise survey readings suggest that a maximum required sound reduction performance for Phase 1 & 2 would be 32dB which can be achieved with a high performance glazing unit such as a Pilkington Insulight unit. Standard thermal double glazing is sufficient for any other location requiring a sound reduction performance of 25dB or less. Standard background ventilation such as trickle ventilation can be used to allow residents to open windows and control heating. The noise assessment concludes that with use of appropriate glazing and ventilation specification noise will not pose a constraint to the development. The Council's Environmental Health officer has advised that the noise report is acceptable and proposes a condition that the development is carried out in accordance with the suggested mitigation.

4.29 The accommodation provided in Phases 1 and 2 meet the minimum space standards as set out in the Government's published document 'Technical housing standards – nationally described space standard (as amended May 2016).

4.30 In terms of the concern regarding retirement accommodation and family accommodation being in close proximity to each other it is important to have regard to the following:

Existing demographics – this part of the Westmill estate is characterised by its variety of accommodation types and wide population age range. The juxtaposition of elderly, family houses and young persons accommodation in close proximity to each other is a strong feature of the existing community.

Westmill Lawns – the proposal is to re-provide the retirement accommodation at Westmill Lawns into Phases 1 and 2A. Westmill Lawns is already part of the estate and a short distance from the site and the community consultation carried out by the applicants identified that the current occupiers wished to stay in the locality and remain part of the community. Indeed the development is entirely appropriate for retirement living as it provides access to the facilities necessary and / or desirable for this type of accommodation.

Planning policy guidance - national planning policy advice requires planning decisions to achieve healthy, inclusive and safe places for people to live and which promotes social interaction through, for example, mixed use developments and strong neighbourhood centres that are easily accessible.

4.31 The John Barker Place development provides for an inclusive environment that meets the needs of the local community. The design meets the needs of a range of users including disabled people, older people and families with children. It includes shops and a play area, is close to the primary school and community centre and a short walk from a large area of public open space (Swinburne Recreation Ground).

Phases 1 & 2 are focussed on meeting the needs of older people providing accommodation that is suited to their requirements helping them to live independently for longer and more connected to their communities helping to reduce costs to the social care and health systems. Phase 3 is more family orientated accommodation separated from the first two phases but still an integral part of the development and the community as a whole. In short I consider this development to be inclusive and accessible to all enabling people from all parts of the community to benefit without discrimination and disadvantage in housing.

4.32 In summary it is considered that the development will achieve acceptable living conditions for existing and prospective residents.

4.33 **Highway, access and parking matters**

4.34 Access

The application is supported by a detailed Transport Assessment which sets out the existing highway and accessibility conditions that affect the site, assesses what the trip generation and distribution of traffic is likely to be, analyses the impact of the development on existing key junctions and their capacity to absorb the development and assesses car parking requirements.

4.35 The site is currently considered to be highly accessible. There are 4 bus stops within several minutes walk of the site (Swinburne Avenue, Moss Way, Westmill Road and Milestone Road and there is a continuous network of generally wide footpaths in the area providing routes to several destinations and a range of services including nearby schools, Oughtonhead Common, the Redhill Road neighbourhood centre and Hitchin Town Centre. The topography of the area is generally flat and the roads and pavements well lit. As such the location of the site is conducive to the use of public transport, mobility scooters and cycling as well as generally being a pedestrian friendly environment. The redevelopment of the site would generally be in accordance with Hertfordshire County Council's Local Transport Plan (LTP4) policies aimed at providing developments in locations which support and encourage the greater and safer use of sustainable transport modes and generally reduce travel demand (Policies 1, 2, 3 & 5).

4.36 The development envisages the re-use of the existing vehicular access points off John Barker Place and Westmill Road and maintains a pedestrian access off Mattocke Road. The access roads and footpaths are proposed at a standard considered acceptable by the Highway Authority. The layout can satisfactorily accommodate refuse vehicles and refuse storage areas are within recommended pull distances. In addition, the tracking diagram confirms satisfactory access for emergency and other service vehicles.

4.37 Pedestrian and cycle linkages to and from this development have been well considered. There are several routes through the site – two into John Barker Place, two leading onto The Crescent, and one each onto Westmill Lane and Mattocke Road. New footways will be at least 2m wide widening in places to achieve greater shared space improving permeability and connectivity.



4.38 A number of highway mitigation measures are proposed through consultation with the Highway Authority. These provisions and any associated works will be secured through the legal agreement, planning conditions and a Section 278 Highway Agreement They include:

- ☐ Funding towards the provision of a dedicated on-carriageway cycle route along Bedford Road linking Hitchin town centre and northern Hitchin serving local schools
- ☐ Local bus stop improvements (including shelters and information screens)
- ☐ New pedestrian crossing facility in John Barker Place
- ☐ Widening of exiting footways
- ☐ Pedestrian dropped kerbs and tactile paving across Westmill Road to access bus stops
- ☐ Travel information and vouchers as part of Travel Plan

4.39 Traffic generation

The TA has assessed the traffic generation of this development using the recognised TRICS database method. The Highway Authority advises that the traffic generation would not present an unacceptable impact on local highway conditions and would not constitute a 'severe' increase in traffic. In terms of existing junction capacity to accommodate the development (taking into account traffic growth forecast) the Highway Authority is satisfied that all of the affected junctions would operate well within capacity. The authority will monitor the submitted Framework Travel Plan for the Residential and Retail elements of the scheme which are designed to encourage non-car modes of travel to and from the development in accordance with Hertfordshire County Council's Local Transport Plan (LTP4) policies.

4.40 Construction Traffic Management

A Construction Traffic Management Plan is required by a planning condition and will be agreed in consultation with the Highway Authority. This is a phased development and the programme of works will be managed in order to minimise the impact of Construction traffic on the local highway network. A condition is recommended concerning the provision for Traffic Regulation Orders if required both during the construction phase and the operational phase of the development.

4.41 Parking

The parking assessment and provision for this development has been informed by a parking survey (existing on-street occupancy), the requirements of the Council's parking standards SPD document and the type and tenure of the accommodation proposed, the location of the site and access to various modes of transport and the submitted Travel Plan.

4.42 The mix of uses on this development include Class A1, A5, C2 (Residential Institutions) and Class C3 (General residential). The Class A1 and A5 uses are already operational and parking for these uses has been included in the parking survey which reveals that there is a maximum on-street parking demand of 60% (97 parking spaces occupied out of 161 spaces). The sustainable location of the site allows for a reduction in parking demand in accordance with the SPD guidance and it has been calculated that the maximum parking demand for this development, taking into account all of the above factors would be 149 spaces.

The proposed development is to provide 117 spaces. Taking into account the relatively low levels of car ownership in the Hitchin Oughton ward together with the capacity of the existing highway to accommodate on-street parking, in addition to all of the sustainable transport measures referred to above, it is considered that the on-site car parking provision is appropriate for this development.

4.43 Cycles and mobility scooters

Secure mobility scooter storage is provided in Phases 1 and Phase 2. Secure cycle parking is provided in Phase 2. In addition there is external rack cycle storage provided in various locations convenient for the various land uses (shop, takeaway and retirement living apartments). Phase 3 cycling and scooter storage will be provided at the reserved matters stage when more detailed proposals of the design, appearance, scale and landscaping of the development will be submitted. The Highway Authority have expressed some reservations over the amount of short stay cycle provision and the type (e.g. the vertically hanged cycle spaces are not child friendly and difficult to use for some cycle types) and therefore a planning condition securing further details and provision overall is recommended.

4.44 In summary, taking into account the accessible location of the site and the alternative options for transport other than the private car, the package of measures to mitigate the highway impact of the development and the fact there is no objection to this scheme from the Highway Authority, it is considered that the proposals are acceptable in highway and transport terms. In reaching this conclusion I am also mindful of the advice at Paragraph 109 of the NPPF which states that:

*“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.”*

4.45 **Affordable housing and housing mix**

4.46 Previous proposals for the redevelopment of John Barker Place have been largely dominated by provision of affordable housing comprising a range of tenures and household sizes. The proposed scheme is also a primarily affordable housing scheme when considering that a significant part of Phases 1 and 2 would secure the re-provision of existing affordable accommodation at Freemans Close and nearby Westmill Lawns. Whilst part of Phase 2 and Phase 3 propose open market accommodation, the Council will expect 40% of these as affordable units to achieve a policy compliant level of affordable housing consistent with emerging local plan Policy HS2. A condition is recommended to ensure the open market element of the scheme, including phase 3, delivers affordable housing in line with the local plan.

4.47 Emerging Local Plan policy HS3 ('Housing Mix') seeks a target of 60% larger (3+ bed) and 40 % smaller (1 or 2 bed) homes to ensure an overall mix is achieved. Setting aside the re-provision element, phase 2B and Phase 3 would provide 20.6% larger and 79.4% smaller units. The policy does allow flexibility of housing mix taking into account the location of the site and prevailing density. The local affordable housing need, which is for smaller units, is also a key consideration.

4.48 The development will secure a significant amount of affordable housing in excess of planning policy requirements when considered as a whole. In addition the development will enable improved standard of accommodation for existing tenants on the site and those nearby in Westmill Lawns. The housing mix is in accordance with Policy HS3 which takes into account the density, scale and character of development appropriate to its location and surroundings.

#### 4.49 **Environmental mitigation**

4.50 The environment is one of the three elements of sustainable development as defined by the National Planning Policy Framework. The relevant environmental implications have been considered within this report and balanced against the other two elements 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 Electric Vehicle charging points
- ☐ Fewer parking spaces and a requirement to operate the scheme in accordance with a travel plan in order to encourage walking and cycling rather than carbon based transport
- ☐ Provision of retail uses as part of the scheme and proximity to other services and facilities
- ☐ High performance external envelopes to the buildings to include robust thermal insulation and high performance glazing and windows.

4.51 Although an energy assessment document has been submitted as an addendum to the Sustainability section of the Design and Access statement a condition is recommended to secure full and specific details of energy reduction and efficiency measures following a fuller assessment prior to the construction phase.

#### 4.52 **Planning Obligations**

4.53 In considering Planning obligations in relation to this development the Framework (paragraph 56) advises that:

‘Planning Obligations should only be sought where they meet all of the following tests:

- ☐ necessary to make the development acceptable in planning terms;
- ☐ directly related to the development; and
- ☐ fairly and reasonably related in scale and kind to the development.

The Community Infrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.

4.54 The applicant has submitted a Unilateral Undertaking which offers the following infrastructure contributions:

- ☐ Health Care - General Medical Services GP provision in Hitchin (£48,130.61)
- ☐ Libraries - enhancement of Hitchin library (£9,739.00)
- ☐ Primary education – expansion of Oughton Primary School (£69,036.00)

- ② Secondary Education – expansion of The Priory School, Hitchin (£54,440.00)
- ② Sustainable Transport - £60,125.00 (bus stop enhancements and cycle route)
- ② Travel Plan monitoring (£6,000)
- ② NHDC Waste collection and recycling (£3,984.00)
- ② Youth services – capacity improvements to Nightingale House, Hitchin (£1,247.00)

4.55 It is considered that the above contributions, as negotiated by the Local Planning Authority and agreed by the applicant, meet the tests set out in paragraph 56 of the NPPF and mitigate the impact of the development to an acceptable degree.

4.56 **Other matters**

4.57 At the time of writing this report there remains an objection from the Lead Local Flood Authority on technical matters relating to the surface water run-off discharge rates and the capacity of the existing infrastructure. Further information has been received from the applicants to address the concerns raised and the LLFA has been reconsulted. An update will be available at the Committee meeting. At present however any recommendation to grant permission for this development will be subject to the resolution of the objection of the LLFA.

4.58 **Planning Balance**

4.59 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.

4.60 The proposed development will provide 129 units of residential, accommodation, a significant proportion of which would be affordable housing. The accommodation includes a substantial element of elderly accommodation at a time when it is well known that the number and proportion of older residents in the community is growing. The re-provision of accommodation from Westmill Lawns is likely to free up that site for further housing need. This development also includes 14 family sized homes within Phase 3. A new supermarket approximately one third larger than the existing shop is proposed. These are social and economic benefits of some significance in the planning balance.

4.61 The scheme will introduce significant form and scale of buildings into the aspect currently enjoyed by some residents and the play area moved to an arguably less central location. The re-provided play area will also not be available until the latter stages of the development. That said, I do not consider that nearby occupiers will suffer undue harm to their residential amenity and the play area proposed will be larger than the existing facility and under close natural surveillance close to family homes.

4.62 The scheme would underprovide car parking against current standards. However, the available evidence suggests that this will not result in any significant harm. Furthermore, the scheme promotes a switch from the private car to sustainable transport modes in line with Local Transport Plan policies and there is no objection raised by the Highway Authority.

4.63 In environmental terms, there will be some negative impact as a consequence of high density development e.g. traffic generation, noise and CO2 emissions. That said the scheme seeks to include on-site renewable and low carbon technologies to minimise energy use (for example EV charging points) and contribute positively to environmental sustainability. Ultimately however, the application site is previously developed land and the development would be in step with NPPF advice which encourages the re-use of such land within settlements to meet identified housing need where land supply is constrained and where available sites could be used more effectively. The NPPF states that substantial weight should be given to the value of using brownfield land.

4.64 Lastly, the new Council Plan 2020 – 2025 expressly supports the development of John Barker Place.

4.65 In summary, I am of the view that the adverse impacts of this development would not significantly and demonstrably outweigh the benefits. As a consequence, the presumption in favour of sustainable development and the granting of planning permission applies, as directed by paragraph 11 of the National Planning Policy Framework.

#### 4.66 **Conclusion**

4.67 The proposal is acceptable in planning, environmental and highway terms.

#### 4.68 **Alternative Options**

None applicable

#### 4.69 **Pre-Commencement Conditions**

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

### 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:

A) A satisfactory resolution to the objection raised by the Lead Local Flood Authority and the applicant agreeing to an extension of time to the statutory period as required;

B) The submitted Unilateral Undertaking and the following conditions:

## **Development A**

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. Notwithstanding the submitted details and prior to the commencement of the relevant phase precise details of the external materials, including windows, for phases 1 and 2, shall be submitted to and approved in writing by the Local Planning Authority.

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

4. The development shall not begin until a scheme for the provision of at least 40% 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.

This condition shall not be binding on :- a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee

under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

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.

5. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31<sup>st</sup> October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin – Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

6. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans 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.

7. 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

8. 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.

9.

- (a) No development (excluding demolition) approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

10.

- (a) Prior to occupation, each apartment block, shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.
- OR**
- (b) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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.



11. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phases 1 and 2 of the development hereby approved 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: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

12. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

13. Prior to its installation and operation full details of the fume extraction equipment for the proposed Class A5 takeaway unit proposed within Phase I 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 residential amenity.

14. The opening hours of the retail uses within the development shall be restricted to between 0630 hours and 23.00 hours on any day.

Reason: In the interests of residential amenity

15. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

16. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

17. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

18. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

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).

19. No gate / door / ground floor window if installed shall open outwards over the highway.

Reason: In the interests of highway safety.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

21. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

22. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: to protect the residential amenities of existing and future residents

23. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, 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: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

24. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved further details of residential and visitors cycle parking 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: 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.

### **Development B**

1. Before the development hereby permitted is commenced, approval of the details of the design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

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, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

3. The development shall not begin until a scheme for the provision of at least 40% 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.

The 40% housing shall include units within phase 3 from the development in view of the re-provided accommodation on phases 1 and 2a from Westmill Lawns and Freeman's Close. .

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.

This condition shall not be binding on :- a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver OR any of the affordable housing units of which a registered provider shall be required to dispose pursuant to a right to acquire under Part V of the Housing Act 1985 or Section 16 of the Housing Act 1996 or any similar or substitute right applicable or shall be required to sell to a tenant with the benefit of a voluntary purchaser grant provided under Sections 20 and 21 of the Housing Act 1996 (or any similar provision in any subsequent legislation) or any voluntary disposal to a tenant OR bind any service supplier that purchases or leases or takes a transfer of any part of the Affordable Housing Units or any voluntary disposal to a tenant OR apply to any affordable housing unit demised by way of a shared ownership lease where the lessee or any assignee of such lease has staircased his her or their interest in that unit such that he she or they acquire one hundred per cent (100%) of the equity in that unit. These obligations shall not be binding on a mortgagee or chargee or a receiver appointed by mortgagee or chargee or any successors in title to such mortgagee chargee or receiver in relation to a shared ownership lease.

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.

4. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31<sup>st</sup> October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin – Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

5. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans 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.

6.

(a) No development (excluding demolition) approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(iii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(iv) The results from the application of an appropriate risk assessment methodology

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

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

(iii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(iv) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

7.

- (a) Prior to occupation, each of the 14 town-houses, shall incorporate one Electric Vehicle (EV) ready domestic charging point.
- (b) Prior to occupation the apartment block in Phase 3 shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.

**OR**

- (c) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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.

8. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phase 3 of the development hereby approved 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: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

9. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

10. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

11. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

12. The existing pedestrian access points from the application site leading to The Crescent shall be permanently maintained as part of the approved development unless otherwise approved in writing by the Local Planning Authority

Reason: In the interests of maintaining pedestrian permeability and integration with the surrounding residential environment

13. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

14. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

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).

15. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

16. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: to protect the residential amenities of existing and future residents

18. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, 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: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

## **Informatives:**

### **Environmental Informatives**

1) EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).



- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

### **Highway Informatives:**

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: • Upgrades to three access junctions in John Barker Place; • Provision of tactile paving at the junction of John Barker Place and Westmill Road; • new pedestrian crossing facility in John Barker Place; • Widening of the footway to a minimum of 2.5m or 3m along the John Barker Place and Matocke Road site's frontage; • Removal of any proposed lay-by parking • Pedestrian dropped kerbs and tactile paving across Westmill Road to access Milestone Road bus stop 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.

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.

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/business-and-developer-information/business-licences/business-licences.aspx> by telephoning 0300 1234047

**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.

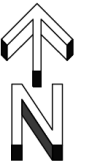
## Application Validation Sheet

19/01416/HYA Land at 25-35 John Barker Place and 1-36, Freemans Close, Hitchin, Herts

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



Scale 1:1,250  
Date: 08/01/2020



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Recreation Ground Swinburne Avenue Hitchin Hertfordshire</b>
<u>Applicant:</u>	<b>Ms J Felix</b>
<u>Proposal:</u>	<b>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.</b>
<u>Ref. No:</u>	19/01748/FP
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 23.09.2019

### **Reason for Delay**

Amended details and Committee cycle

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

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

### **1.0 Background**

1.1 Members will recall that this application was deferred from consideration at the Planning Control Committee of 14<sup>th</sup> November 2019 (the original report is attached as **Appendix A**) for the following reasons:

### **RESOLVED:**

That application 19/01748/FP be **DEFERRED** planning permission for the following reasons:

- ☐ In respect of Condition 4 within the report – CCTV Monitoring - Members requested that they be provided with fuller, in-depth detail and specification with respect to the type of surveillance system proposed, hours of operation and monitoring, positioning and height;
- ☐ In respect of Condition 5 within the report – Members requested that they be provided with more detailed information and specification to include the type of lighting proposed, a programme of maintenance and operation, position and height; and

- Paragraph 3.2 within the report - In light of the concerns raised by the Police Crime Prevention Design Advisor, Members felt that they would be in a position to make an informed decision once they had been supplied with and were satisfied with the outcome of information with respect to CCTV and lighting.
- 1.2 The applicants have produced a supporting statement and plan regarding lighting and CCTV at the site of the proposed play area (attached at **Appendix B**)
- 1.3 The applicants consider through their supporting statement and consultation with the Local Planning Authority, the Police and Hertfordshire CCTV Partnership Ltd that they have addressed the issue of lighting and CCTV as raised by the Planning Committee on 14<sup>th</sup> November. In view of the information submitted and consultations received the application is reported back to the Planning Committee for determination.
- 2.0 **Policies**
- 2.1 See original report at **Appendix A**
- 3.0 **Representations**
- 3.1 All those notified of the original application, including statutory consultees have been re-notified of the proposed additional information. Responses received at the time of writing this report are set out below. Any further comments will be reported at the Committee meeting.
- 3.2 **Hertfordshire Constabulary (Crime Prevention Design Advisor):**
- Advises as follows:
- ‘Having had consultations with Settle Homes, following my previous concerns with this development a revised solution has been submitted and I can confirm that, in light of this, the Police Crime Prevention design Service now support this application in respect of these revisions.’*
- 3.3 **Hertfordshire CCTV Partnership Ltd (Operations Manager):**
- Advises no objections
- 3.4 **NHDC Environmental Health Officer (Noise):**  
Any comments will be reported at the meeting
- 3.5 **NHDC Service Manager Greenspace:**
- Comments as follows:
- ‘The provision of play within the Westmill Estate has always been an issue in that it has never met the needs of the community.’*

*Development of JBP has resulted in Settle undertaking significant consultation with the residents regarding a number of locations throughout Westmill in the past. Unfortunately this didn't conclude with an agreement. As such this proposal at Swinburne is now the only reasonable alternative still available for a facility of this size.*

*Without this development there would be no formal play provision on the Westmill Est for the community. This development brings an opportunity to introduce a new facility with a significantly higher play value than to old play area at JBP.*

*While there is a potential for an impact upon the neighbours to the proposed location, I do not believe that this would be any worse than that already experienced at JBP by the neighbours in that location.*

*As such, and in the round, I am supportive of the proposal at Swinburne. I would suggest however, that there is still a potential option to introduce condensed facilities at locations previously identified that would meet the needs for young children (toddlers) with their parents and perhaps this aspect needs further consideration.'*

**3.6 Sport England:**

Advise that Sport England do not wish to make any further comments.

**3.7 Hertfordshire Highways:**

Advise no further comments on highway grounds

**3.8 Adjoining residents consultation.**

Comments have been received from the occupiers of 78 Swinburne Avenue and No. 112 Swinburne Avenue. Full details of the correspondence can be viewed on the web site however they can be summarised as follows:

- ❑ Strong objection to play area
- ❑ Will be an expensive white elephant
- ❑ Not conveniently located
- ❑ Not what the community wants / no one will use it
- ❑ Query whether the play area will be temporary
- ❑ Query whether Police have been consulted
- ❑ Request the play area is kept in John Barker Place
- ❑ Not the answer
- ❑ Query precise location of the play area
- ❑ Concern at view of pole and privacy
- ❑ Request camera is located to another area of the site

**4.0 Discussion**

- 4.1 The supporting statement and plan address the issue of lighting and CCTV provision at the proposed Play Area on the Swinburne Recreation Ground:

#### 4.2 Lighting

Following the Committee resolution in November 2019 the applicants produced a lighting plan for the play area in consultation with Herts Police Crime Prevention Design Advisor. The lighting plan was considered by officers and following further consultation with the Police and the Hertfordshire CCTV Partnership Ltd the lighting scheme is no longer proposed for the following reasons:

- ☐ The site is within the green belt and lighting would negatively impact the rural character of the area
- ☐ The play area is close to residential properties and will affect residential amenity
- ☐ Potentially negative impact of lighting on wildlife as the site is close to Oughton Nature Reserve which has protected species
- ☐ Lighting may encourage anti-social behaviour rather than deter.

4.3 The above concerns are understandable and reasonable and the combination of such adverse impacts make a fairly compelling case against a lighting scheme for the play area. It is not usual for play areas in public parks or recreation grounds to have directly associated lighting and given the concern over potentially attracting anti-social behaviour it is considered that a lighting scheme should not form part of the proposals in this case.

#### 4.4 CCTV

A single infra-red camera installed on 5 metre pole overlooking the play area is proposed. In view of the concerns regarding privacy raised by a resident above the applicants advise that the camera would be directional and would be positioned to provide coverage of the play area without overlooking residential properties. Full details are shown in Appendix B and on the application documents on the Council's Web site.

4.5 In visual amenity terms it is considered that the camera installation and pole at only 1 metre higher than the highest piece of play equipment proposed for the site, will have limited adverse impact on the character and appearance of the area.

4.6 The principle of using CCTV cameras at play areas within the district is already established e.g. cameras are in place at the play area sites at Howard Park and Avenue Park in Letchworth and at King George V recreation ground in Hitchin.

4.7 The Hertfordshire Police's Crime Prevention Design Advisor now supports the proposals.



## 5.0 Conclusion

- 5.1 The proposed Play Area is intended to provide a high quality, fit for purpose facility for the Westmill estate. Following the revisions to the regeneration scheme at John Barker Place which now includes a re-provided local play area, the proposed facility at Swinburne Recreation Ground will deliver additional play provision for the estate. It will meet the growing recreational needs of the community and specifically the Hitchin Oughton Ward which is underprovided for in terms of children's play facilities.
- 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 easily accessible by cycling, walking and those using public transport.
- 5.4 No objections to the development have been received from the statutory consultees including the Police Crime Prevention officer
- 5.5 To address the concerns regarding privacy an additional condition is recommended requiring the CCTV camera to provide surveillance over the proposed play area only.
- 5.6 The new play area is deliverable now as the first part of the John Barker Place regeneration scheme and would compensate for the loss of the existing facility during the construction period.

## 5.6 Alternative Options

A smaller play area is proposed as part of the John Barker Place regeneration scheme.

## 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. Condition 4 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. 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.

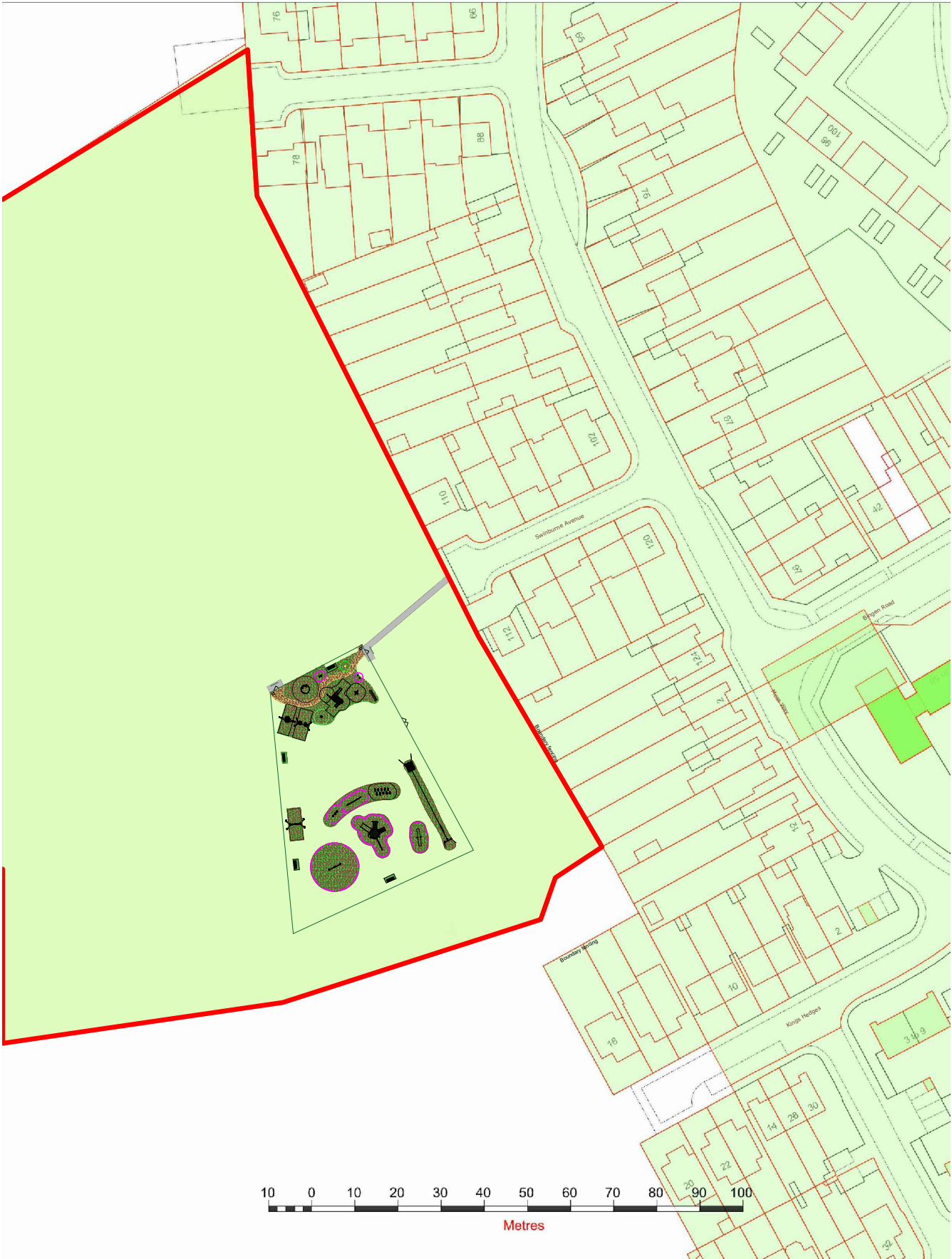
5. The proposed CCTV camera shall be installed and operated so as to prevent any loss of privacy to the adjacent residential occupiers.

Reason: In the interests of residential amenity

**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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## APPENDIX A

THIS REPORT WAS CONSIDERED BY THE PLANNING CONTROL COMMITTEE AT THE MEETING HELD ON 14 NOVEMBER 2019

<b>ITEM NO:</b>	
<u>Location:</u>	<b>Recreation Ground Swinburne Avenue Hitchin Hertfordshire</b>
<u>Applicant:</u>	<b>Ms J Felix</b>
<u>Proposal:</u>	<b>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.</b>
<u>Ref. No:</u>	19/01748/FP
<u>Officer:</u>	<b>Tom Rea</b>

**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):**

Advise 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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Tom Rea  
Principal Planning Officer  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

13<sup>th</sup> December 2019

Re: Supporting statement for the Swinburne Avenue play area

Dear Tom,

I am writing with an update on options to install lighting and CCTV equipment on the site of the children's play area at Swinburne Avenue. We have consulted the Police and experts in the provision of this equipment and I am pleased to provide further information and recommendations now.

#### Lighting

Following guidance from Mark Montgomery (Crime Prevention Design Advisor for Hertfordshire Police) and review of comments provided on the planning application, we have worked with Urbis Schreder, who are experts in lightability, to design a lighting plan for the play area site. The Local Planning Authority team have subsequently reviewed the lighting plan and, after discussing this with Mark Montgomery and advisors from Hertfordshire CCTV Partnership, their recommendation is that this is no longer required for the area, due to the following reasons:

- The site is within the green belt and lighting would negatively impact the rural character of the area
- The play area is close to residential properties and will affect residential amenity
- Potentially negative impact of lighting on wildlife as the site is close to Oughton Nature Reserve which has protected species
- Lighting may encourage anti-social behaviour rather than deter.

The Local Planning Authority team have recommended that we proceed only with the provision of CCTV equipment.

#### CCTV

We have consulted both Mark Montgomery from Hertfordshire Police and Mike Read (Operations Manager for Hertfordshire CCTV Partnership Ltd) on the appropriate solution and, following their advice, propose installing an infra-red CCTV camera solution mounted on a 5m high pole.

The installation and maintenance of the equipment will be carried out by Eurovia, the incumbent engineers for Hertfordshire CCTV Partnership Ltd, on behalf of settle.

Following advice from Mike Read we propose installing a multi-camera which would provide appropriate surveillance of the play area. Details of the camera are on the following page:



*3 x 2 Mega Pixel Infra-Red Pan, Tilt & Zoom with 20 x Optical Zoom*

The CCTV camera is directional and would be positioned to provide full coverage of the play area without overlooking any residential properties. Please find enclosed with this letter a site plan of the Swinburne Avenue play area highlighting the position of the CCTV equipment.

Benefits

The proposed infra-red CCTV system would ensure the play area can be monitored at all times. The proposed camera is a sophisticated model using wireless technology that provides the ability to review the premises remotely at any time. We have been advised that this is a very cost-effective form of security that is easy to maintain.

The CCTV cameras would be visible on the site with prominent signs highlighting their presence, providing reassurance to those using the play area and an increased deterrent to prevent criminal activity.

In closing, we welcome the feedback we have been given on these proposals and are committed to working on the advice of the Police, Local Planning Authority and experts in the provision of the equipment required to provide the best possible solution for the Swinburne Avenue play area.

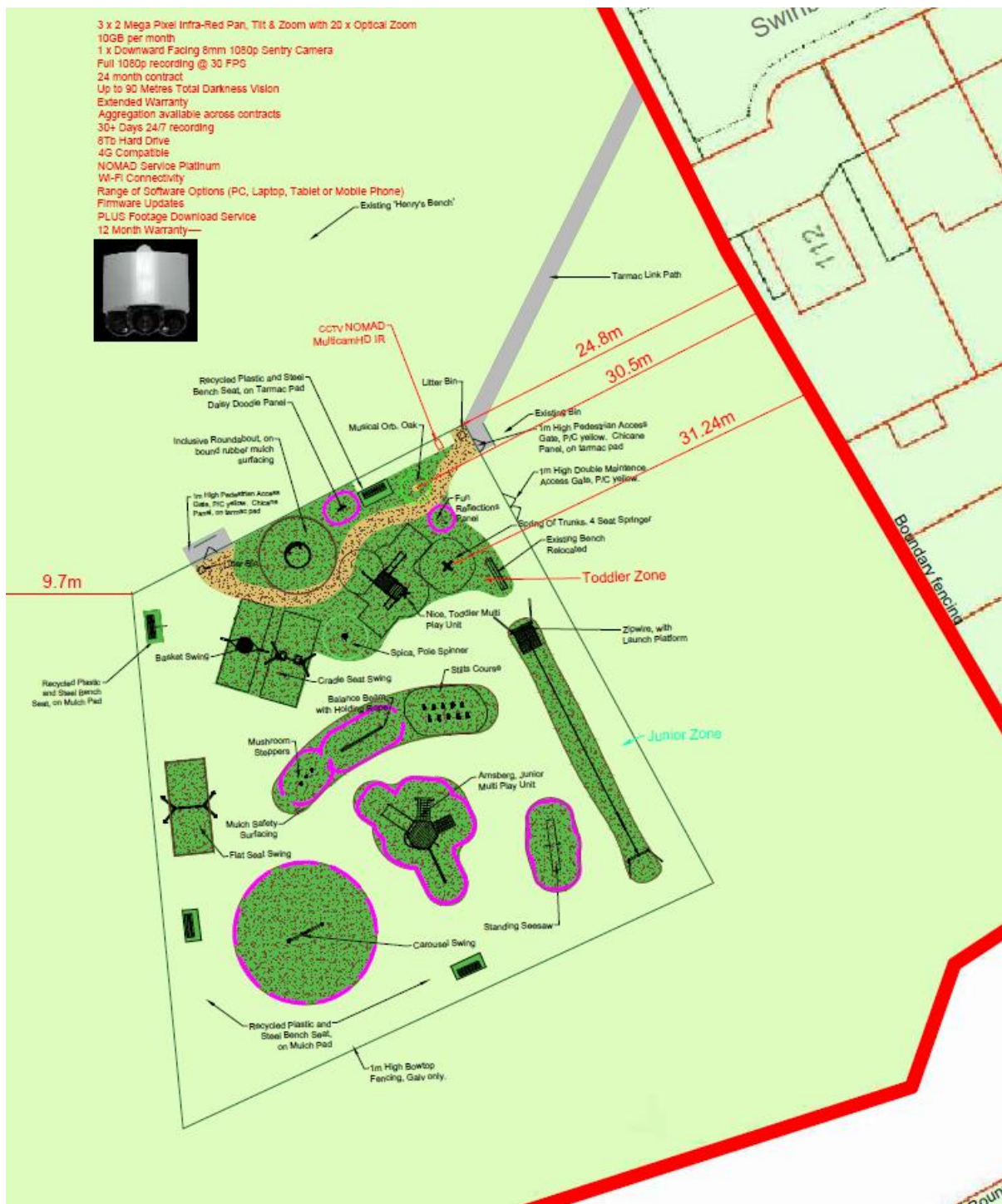
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dionne Dumas'.

Dionne Dumas

Development Graduate Trainee at settle

- 3 x 2 Mega Pixel Infra-Red Pan, Tilt & Zoom with 20 x Optical Zoom
- 10GB per month
- 1 x Downward Facing 8mm 1080p Sentry Camera
- Full 1080p recording @ 30 FPS
- 24 month contract
- Up to 90 Metres Total Darkness Vision
- Extended Warranty
- Aggregation available across contracts
- 36+ Days 24/7 recording
- 8Tb Hard Drive
- 4G Compatible
- NOMAD Service Platinum
- Wi-Fi Connectivity
- Range of Software Options (PC, Laptop, Tablet or Mobile Phone)
- Firmware Updates
- PLUS Footage Download Service
- 12 Month Warranty—



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land Opposite Flint House London Road St Ippolyts Hertfordshire</b>
<u>Applicant:</u>	<b>Ms Tracey Grainger</b>
<u>Proposal:</u>	<b>Creation of vehicular access off London Road, St Ippolyts (as amended by plans received 09/10/2019).</b>
<u>Ref. No:</u>	19/02192/FP
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 10.12.2019

**Date of expiry of statutory period:** 10/12/2019

**Extension of statutory period:** 24/01/2019

**Reason for Call in:** Application called in by Cllr Claire Strong for the following reason – “In the interests of wider public safety”

## 1.0 **Submitted Plan Nos.:**

- LD367-E01 – Location and Block Plan
- LD367-E02 – Road Plan & Photographic Road Elevation
- LD367-E03 – Existing Field Access Details & Photographs
- LD367-PO1B – Proposed Vision Splay Details
- LD367-P02B – Road Plan & Road Elevation
- LD367-P03 – New Uncontrolled Pedestrian Crossing Details

## 2.0 **Policies**

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

- Policy 2 – Green Belt
- Policy 55 – Car Parking Standards

### 2.2 **National Planning Policy Framework**

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land

**2.3 North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable Development in North Herts  
SP5 – Countryside and Green Belt  
SP9 – Sustainable Design  
D1 – Sustainable Design  
T2 – Parking

**2.4 Supplementary Planning Document**

Vehicle Parking at New Development SPD

**3.0 Site History**

13/02866/1 - New vehicular access to existing field opposite to Flint House, London Road, St Ippolyts (as amended by plan LD148-P02A received 04/02/2014) – Granted Conditional Permission on 07/02/2014.

**4.0 Representations**

**4.1 Site Notice:**

Start Date: 10/12/2019

Expiry Date: 02/01/2020

**4.2 Press Notice:**

Start Date: 12/12/2019

Expiry Date: 04/01/2020

**4.3 Neighbouring Notifications:**

N/A

**4.4 Parish Council / Statutory Consultees:**

St Ippolyts Parish Council – “It was agreed by St Ippolyts Parish Council to object to this planning application on safety grounds. The access is too close to the crossing refuge and represents additional risk to road users and pedestrians.”

HCC Highways – “Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:



If the planning authority resolves to grant permission, the highway authority recommend inclusion of the following conditions and advisory note to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980

Condition1: Footway connection and pedestrian access

Prior to first use of the proposed access, the proposed dropped kerb and installation of tactile paving crossing point as shown on the drawing (Ref- LD367 P01& P02, Rev-B) should be completed in accordance with guidance set out in Roads in Hertfordshire under s278 agreement with HCC.

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

Condition 2: Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted a visibility splay of 2.4 x43 metres along London Road as proposed on the drawing (Ref- P01, Rev-B) shall be provided to each side of the access and such splays shall always thereafter be maintained and 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).

Condition3: Provision of installation of gates:

Any entrance gates shall be set back in perpetuity a minimum of 8metres from the highway boundary or back edge footway and shall open inwards into the site. [Reference- Roads in Herts, section 4, chapter 1, page 6]

Reason: In the interest of highway safety so that a vehicle may be parked within the cartilage of the site without obstructing the public highway.

Advisory Note (AN1): 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

Advisory Note (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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

General works within the highway (major/s278) - construction standards AN3)

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 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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Description of the Proposal The developer has sought the views of Hertfordshire County Council to create a new vehicular access to serve the filed. Policy Review As part of the Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (July 2018); • Hertfordshire County Council's (HCC) Local Transport Plan-4 [2018-2031, May2018] • Roads in Hertfordshire Design Guide 3rd Edition -2011 • North Herts Local Planning policy [2011-2031]

Planning History: The application site has no previous planning histories Site Description: The application site is located at London Road opposite to Flint House, St. Ippolyts, in Hitchin. London Road is a classified road type-B and has the title of secondary distributor in road hierarchy. The speed limit on this section of London Road with is restricted to 30mph. The site has an exiting shared access to the northern side. There is a 2m wide (Approximately) footway in the applicant side runs in North South direction. On the other hand, the opposite side footway is stopped just before the proposed access. Highway Layout: Vehicle Accesses: A site visit reveals that the site has an existing shard access at the Northern side. Also, there is an existing dropped kerb in the southern side at front of the application site. In the submitted application, the applicant has appealed that the site has additional existing access which would be extended to provide better access to the filed. The highway authority would like to conform that this is not a filed access. This existing dropped kerb is an informal pedestrian crossing point which enables pedestrian to cross the road. However, the proposed filed access would be acceptable in the highway terms and subject to providing a new pedestrian crossing point with provision of 3x3 full row tactile paving.

The location of new pedestrian crossing point onto London Road would be at the middle of two existing vehicular access at opposite side or could be agreed with the development management implementation (DMI) team during s278 works.

Therefore, a section 278 agreement would be required to carry out such works within public highways with the HCC. The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the creation of the new access and footway connection with provision of tactile paving crossing point onto London Road. The proposed access has limited visibility in both directions along London Road due to grown up hedges. Therefore, a standard highway planning condition has been recommended.

Provisions of Pedestrians crossing Point There is an existing approximately 2m wide footway on the opposite side of the applicant site and connected with footway network and leads to local shops at Southern side. According to the adopted local transport plan 4 (LTP4), the county council will seek to encourage and promote walking and cycling by:

- Implementing measures to increase the priority of pedestrians relative to motor vehicles and creating walking friendly town and neighbourhood centres.
- Delivering infrastructure to provide safer access to key services, and pedestrian facilities to enable and encourage walking.
- Identifying and promoting networks of pedestrian priority routes.
- Promoting walking as a mode of travel and for recreational enjoyment.

Therefore, in order to improve the pedestrian accessibilities in the vicinity, a tactile paving pedestrian crossing would need to be provided onto London Road.

Emergency Vehicle Access: The proposed access arrangements would enable emergency vehicle access to the site. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwelling houses Conclusion: Hertfordshire County Council as the Highway Authority have considered that the proposal of creating a new vehicular filed access would not substantial impacts on the traffic flows of the adjoining road networks. Therefore, the proposal will be acceptable in the highway terms and HCC hasn't raised objections to the proposal and subject to the conditions. In this instance, the developer may need to enter a s278 agreement with HCC in order to implement the proposed highway works.”

## **5.0 Planning Considerations**

### **5.1 Site and Surroundings**

5.1.1 The application site is a large field situated on the east side of London Road (B656), St Ippolyts. The site features an existing 1.8m wide dropped kerb and currently gains access to the field via a shared access via the neighbouring field. The application site is situated within the Green Belt.

### **5.2 Proposal**

5.2.1 Planning permission is sought for the creation of a vehicular access off London Road with an 8m hard standing area allowing for vehicles to pull off the public highway before entering the field through the proposed timber access gate supported by a timber post and rail fence.

5.2.2 As part of the scheme, amendments have been submitted to include the creation of a pedestrian crossing adjacent to the proposed access.

### 5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and Local Development Plan.
- The effect the proposal would have on the openness of the Green Belt
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on Highway Safety and car parking provision in the area.

#### Impact on the Green Belt:

5.3.2 Chapter 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 134 of the NPPF sets out five purposes the Green Belt serves.

5.3.3 Policy 2 of the District Local Plan takes the view that *"Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact."*

5.3.4 The proposed development would comprise the creation of a new public access onto London Road. The access would be related to the existing use of a field in agricultural use. The proposal would therefore fall under the exceptions under Paragraph 145 of the NPPF. The development is therefore considered to not represent inappropriate development and would not result in a loss to openness. The proposal would be in compliance with Section 12 of the NPPF.

5.3.5 The proposal would include the creation of hard standing, timber gate and post and rail timber fencing. The proposal is not considered to result in any unacceptable visual impact upon the Green Belt given the appropriate use of materials and design. The proposal would be in compliance with Policy 2 of the Current Local Plan.

#### Design and Appearance:

5.3.6 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places).

5.3.7 The application site is situated within a predominately rural area of the district. The development would retain much of the existing boundary treatment to the site and make use of appropriate materials in the creation of the track. Furthermore, the gate proposed would be of appropriate design within this countryside location. The proposal would be in compliance with both local and national planning policies.

Impact on Neighbouring Properties:

5.3.8 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The application site is isolated within this countryside location. The development would not directly neighbour any other residential properties and would therefore not result in any adverse impact upon the amenities of other properties within the locality. The proposal would be in compliance with both local and national planning policies.

Highways and Parking:

5.3.9 The proposal includes the creation of a 5.4m wide dropped kerb and 8m of hard standing before gaining access to the field via a 3.6m wide timber gate. The scheme also proposes to create an uncontrolled tactile paving pedestrian crossing point.

5.3.10 As part of the design and access statement provided alongside the application, the access is required to allow access to the field by larger vehicles. Whilst there is an existing access via a separate field, the existing access is described as “tortuous, having to make a very tight right-hand turn through several gates”. The existing access does not allow for off-road parking whilst opening gates to allow access to the application site via the neighbouring field.

5.3.11 Following consultation with County Highways, no objection has been raised to the proposed creation of vehicular access and pedestrian crossing. No concerns have been raised with regards to the impact of the proposed development upon pedestrian or vehicle safety. Any approval would be subject to conditions recommended by the County Highways Officer including the need for the development to enter into a s278 agreement with HCC in order to implement the proposed highway works.

5.3.12 It is considered that the proposed development would not result in any unacceptable impact upon the safe operation of the public highway.

**5.4 Conclusion**

5.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

**5.5 Alternative Options**

5.5.1 None applicable

## 5.6 Pre-Commencement Conditions

5.6.1 N/A

## 6.0 Legal Implications

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

## 7.0 Recommendation

7.1 That 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 first use of the proposed access, the proposed dropped kerb and installation of tactile paving crossing point as shown on the drawing (Ref- LD367 P01& P02, Rev-B) should be completed in accordance with guidance set out in Roads in Hertfordshire under s278 agreement with HCC.

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

4. Prior to the first occupation of the development hereby permitted a visibility splay of 2.4 x 43 metres along London Road as proposed on the drawing (Ref- P01, Rev-B) shall be provided to each side of the access and such splays shall always thereafter be maintained and 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).

5. Any entrance gates shall be set back in perpetuity a minimum of 8metres from the highway boundary or back edge footway and shall open inwards into the site. [Reference- Roads in Herts, section 4, chapter 1, page 6]

Reason: In the interest of highway safety so that a vehicle may be parked within the cartilage of the site without obstructing the public highway.

**Proactive Statement:**

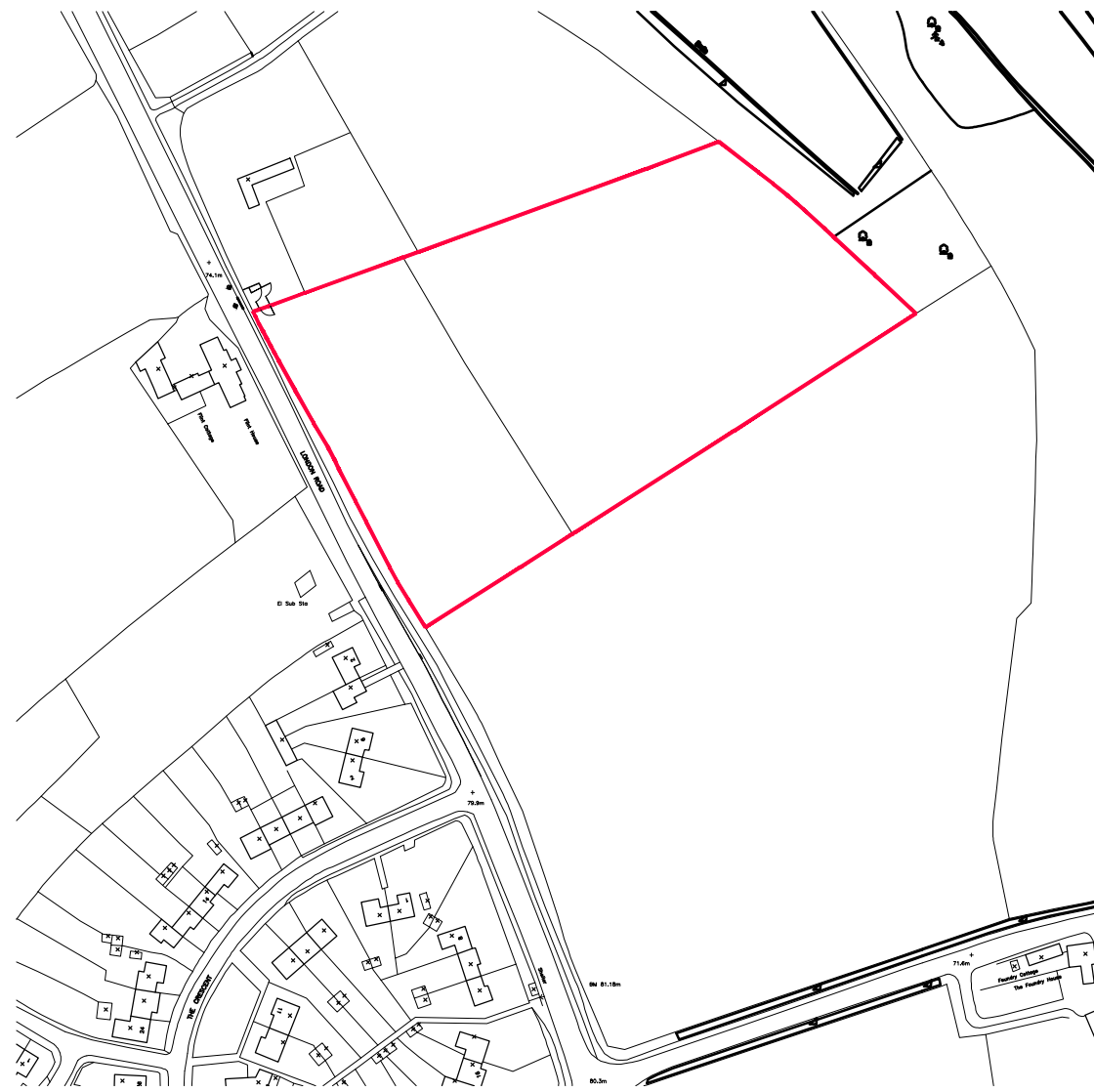
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph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

**Informative/s:**

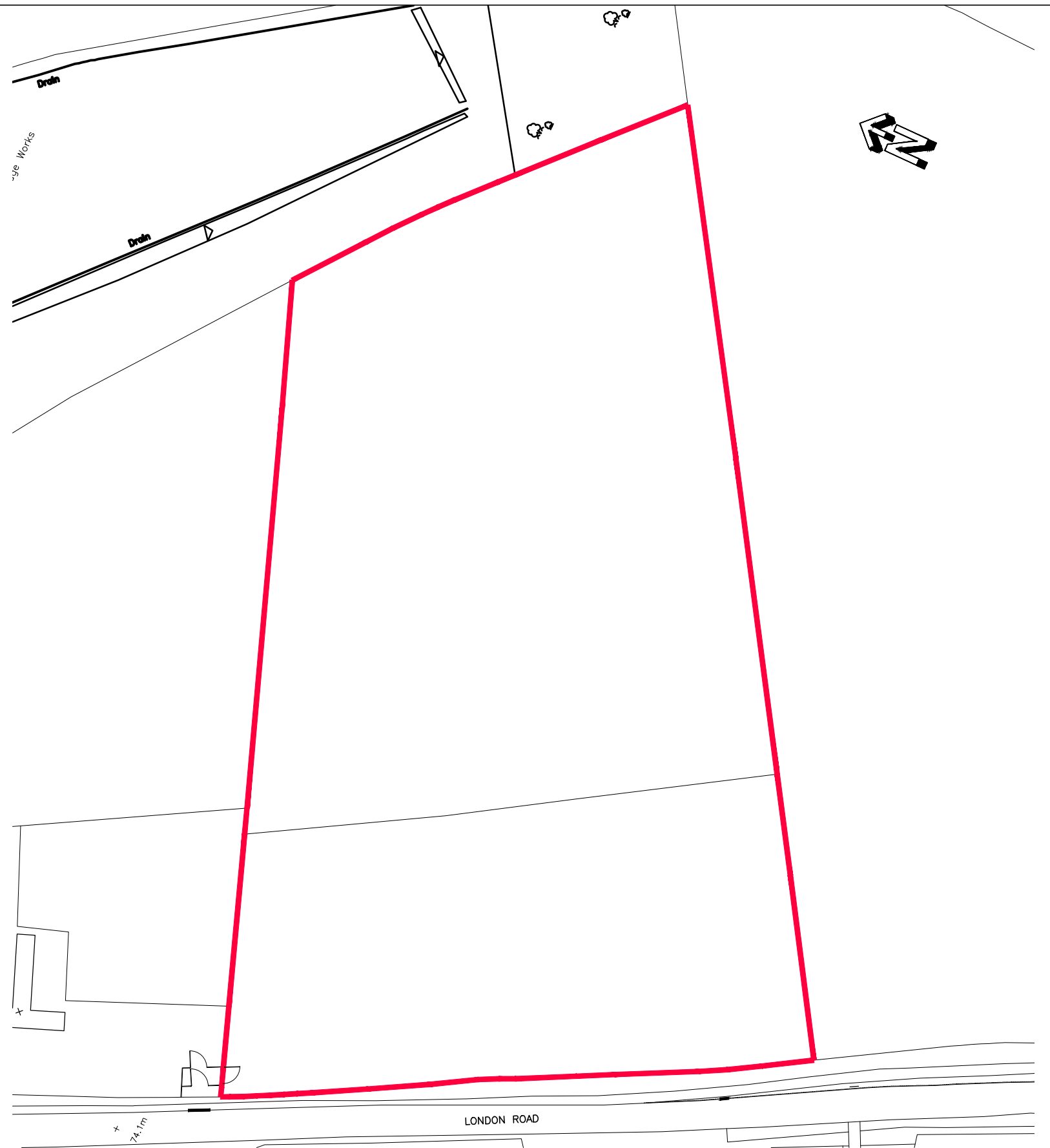
1. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all 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
2. 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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
3. 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 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.







LOCATION PLAN 1:2500



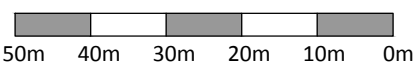
BLOCK PLAN 1:1000

**NOTES AND REVISIONS**

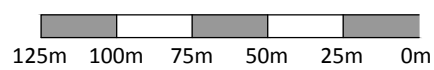
No dimensions are to be scaled from this drawing. All stated dimensions must be verified on site. Lobs Design must be advised of any discrepancies.  
 This drawing must be read together with the specification/Bill of Quantities and related drawings.  
 This drawing is for the purpose of obtaining Planning & Building Regulations Approval only. Should the contractor use them to build from then they assume full responsibility for the design.

REV	DESCRIPTION	DRWN	CHKD	DATE

Scale @ 1:1000



Scale @ 1:2500



Client  
**Mrs T. Grainger**  
 14 Church View, Portmill Lane,  
 Hitchin, SG5 1EU

Project  
**Proposed Field Access**  
 London Road  
 St Ippolyts, Hitchin, Herts

Drawing Title  
**Location & Block Plan**

Scale As Shown	Date Aug 2019	Drawn ipl	Checked
Project No <b>LD367</b>	Drawing No <b>E01</b>	Revision	



**Lobs Design**  
 Architectural Services  
 17 Northfields  
 Letchworth Garden City  
 Hertfordshire SG6 4RJ  
 Tel: 01462 677756  
 Mob: 07960 006077  
 email: info@lobs-design.co.uk

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**PLANNING CONTROL COMMITTEE**

**DATE: 23 January 2020**

**PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr R Marshall	11 December 2019	Erection of one 5-bed detached dwelling house incorporating linked double car port	Land Adjacent To Pirton Footpath 012 And Burge End Lane Pirton Hertfordshire	19/01175/FP	Written Representations
Mrs Sarah Hendricks	02 January 2020	Installation of entry gates	15 Deards End Lane Knebworth SG3 6NL	19/01289/FPH	Householder Appeal Service

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**PLANNING CONTROL COMMITTEE**

**DATE: 23 January 2020**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr J Stellato	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 SG3 6PP	19/00088/FPH	Appeal Allowed on 11 December 2019	Delegated	The Inspector concluded that the proposal would not be inappropriate development in the Green Belt. and that the development would not cause significant harm to the character and appearance of the host building or the surrounding area.
Conrad Energy (Developments ) Limited	Installation of flexible energy generation plant	Land South Of Odyssey Health Club Stevenage Road Knebworth Hertfordshire	18/02907/FP	Appeal Dismissed on 13 December 2019	Delegated	The Inspector concluded that the benefits of the appeal scheme and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with the Framework and policy 2 of the North Hertfordshire District Local Plan No 2 with Alterations 1996. Amongst other things, these aim to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

Property And Construction Services	Development A: fencing around pond and Development B: retention of cricket wicket and bunding along boundary as a variation to the approved use and landscaping (LPA refs: 08/02926/1, 12/00359/1DOC and 12/00532/1DOC).	Land To Rear Of Putteridge High School And Community College Putteridge Road Offley Hertfordshire	18/02320/FP	Appeal Allowed on 23 December 2019	Committee	The Inspector concluded that the proposal would not be inappropriate development in the Green Belt as described by the Framework. The proposal would therefore accord with Policy 2 (Green Belt) of the District Local Plan No 2 with Alterations 1996. The Inspector also concluded that the proposal would have an acceptable effect on the significance of the Grade II listed park and garden Putteridge Bury. It would accord with Policy 19 (Historic Park and Gardens) of the District Local Plan No 2 with Alterations 1996.
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## Appeal Decision

Site visit made on 2 December 2019

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 December 2019**

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**Appeal Ref: APP/X1925/W/19/3235977**

**75 Park Lane, Old Knebworth, Hertfordshire SG3 6PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Stellato against the decision of North Hertfordshire District Council.
  - The application Ref 19/00088/FPH, dated 14 January 2019, was partly refused by notice dated 19 June 2019.
  - The development proposed is the demolition of existing double and single storey rear extensions and replace with new double and single storey oak framed extension, within the footprint of the existing rear extension footprint. New set of entrance gates to street elevation.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing double and single storey rear extensions and replace with new double and single storey oak framed extension, within the footprint of the existing rear extension footprint. New set of entrance gates to street elevation at 75 Park Lane, Old Knebworth, Hertfordshire SG3 6PP in accordance with the terms of the application, Ref 19/00088/FPH, dated 14 January 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the details as specified on the application form and the following approved plans: 463 01 revision A, 2097 09A, 2097 10A, 2097 11A, 2097 12A, 2097 13A, 2097 14A, 2097 15A, 463 17 revision A.
  - 3) The replacement gates hereby permitted shall be hung to open inwards and shall be maintained as such in perpetuity.

### Procedural Matters

2. The description of development in the heading and decision above has been taken from the planning application form. However, Part E of the appeal form states that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council's decision notice refers to the emerging North Hertfordshire Local Plan Proposed Submission Document 2016. This plan may be the subject of

future amendment, so I have attached limited weight to its policies in my determination of this appeal.

4. The Council issued a split decision with planning permission granted for the replacement gates but refused for the proposed extensions. However, section 79(1)(b) of the Town and Country Planning Act 1990 allows that, on appeal under section 78, the Secretary of State may deal with the application as if it had been made to him in the first instance. I have therefore assessed all elements of the proposed development.

### **Main Issues**

5. The appeal site is located within the Green Belt and so the main issues are:
  - whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policy; and
  - the effect on the character and appearance of the host building and surrounding area.

### **Reasons**

#### *Whether inappropriate development in the Green Belt*

6. The front part of the appeal property is 2 storeys high and faces the road. A single storey extension projects out at the back, linking to a 2 storey rear wing with flat roof addition and conservatory. The proposal includes the demolition of the rear elements and the erection of a new extension.
7. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. However, paragraph 145 c) of the Framework defines the extension of a building as being not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. Policy 2 of the Council's District Local Plan No. 2 With Alterations 1996 (LP) is consistent with the Framework in resisting inappropriate development.
8. Under Annex 2 of the Framework, an 'original building' means a building as it existed on 1 July 1948. Whilst the rear elements are additions to the front part of the house, the appellant's historic map evidence demonstrates that in 1939 the property had a similar footprint to the existing house. From this evidence and my observations, I consider the original building to be the same as the existing apart from the conservatory and rear roof extension.
9. The appellant's figures indicate the proposal would result in a smaller building in terms of footprint, floor area and volume compared to the existing house. These figures fail to take into account that the conservatory and rear roof extension do not form part of the original building. However, even when omitting these later additions, the proposal would result in a slight reduction in footprint and only modest increases in floor area compared to the original.
10. The proposal would result in the link and part of the rear wing having a higher roof than the same elements of the original house. However, the height increases would be modest and would only affect part of the property. As such, the proposed higher roofs would not markedly add to the size of the building.



11. The Framework and the LP do not provide a definition for 'disproportionate additions'. However, the proposed house would not be significantly larger than the original building by reason of its height, land coverage or overall size. Therefore, the proposal would not result in a disproportionate addition to the original building, would comply with paragraph 145 c) of the Framework and would not be inappropriate development in the Green Belt.
12. None of the parties explain why the replacement gates would be acceptable in Green Belt policy terms. Under the Town and Country Planning Act 1990 a building includes any structure or erection and therefore gates would fall under this definition. Moreover, under paragraph 145 d) of the Framework, the replacement of a building is not inappropriate development provided it is not materially larger than the one it replaces. Whilst slightly higher, the proposed gates would not be materially larger than the one they would replace. As such, they would comply with paragraph 145 d) of the Framework and would not represent inappropriate development in the Green Belt.
13. The concerns in respect of the loss of openness are noted. However, there is no requirement to consider the effect upon openness when assessing a proposal against paragraphs 145 c) and 145 d) of the Framework.
14. For the reasons set out above, I conclude that the proposal would not be inappropriate development in the Green Belt. It would therefore, in this regard, accord with saved policy 2 of the LP and the Framework. These aim, amongst other things, to resist inappropriate development in the Green Belt unless very special circumstances exist.

#### *Character and appearance*

15. The existing link element and most of the rear wing are hidden from the road by the front part of the house and front hedge. Being in a similar position, most of the proposed extension would not be seen from the highway apart from a car port that would project out to the side of the front part of the house.
16. The rear wing includes a bulky flat roof extension that, by reason of its size and horizontal emphasis, is unsympathetic to the rest of the property. The replacement rear extension would be more sympathetic as it would have a pitched roof and include architectural features with a vertical emphasis. Furthermore, whilst partly higher than the buildings they would replace, the proposed extensions would be lower than the front of the house. The car port would be set back from the road and so would not be prominent. The replacement gates would be visible from the highway but would be in keeping with the property. As such, the proposal would be sympathetic in appearance, would not be prominent and would not cause visual harm to the area.
17. For these reasons, I conclude that the development would not cause significant harm to the character and appearance of the host building or the surrounding area. Consequently, and in this regard, it would accord with saved policies 28 and 30 of the LP, as well as the Framework, which all aim, amongst other things, to ensure that development is of high quality design and to avoid harm to the character and appearance of an area.

#### **Conditions**

18. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary

to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition requiring the replacement gates to open into the site is needed to avoid obstruction on the public highway.

**Conclusion**

19. For these reasons, I allow the appeal as set out in the formal decision above.

*Jonathan Edwards*

INSPECTOR



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## Appeal Decision

Site visit made on 3 December 2019

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 December 2019**

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**Appeal Ref: APP/X1925/W/19/3236028**

**Land between Stevenage Road to the east and railway line to the west, Stevenage Road, Knebworth, Stevenage SG2 8QQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Catherine Martin (Conrad Energy (Developments) Limited) against the decision of North Hertfordshire District Council.
  - The application Ref 18/02907/FP, dated 31 October 2018, was refused by notice dated 28 February 2019.
  - The development proposed is the installation of four gas fuelled generators with radiator arrays, a DNO building, HV building, transformers, gas kiosk, client building, CCTV cameras on 4m posts, waste and clean oil tank and associated infrastructure for the generation of electricity during times of peak demand.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The site address above is taken from the application form. For reasons of precision, I have added the description of its position in relation to Stevenage Road and the railway line.
3. The appellant has submitted a surface water drainage strategy that was not with the Council when it made its decision. As the Council has submitted comments on its contents, I have taken the strategy into account. In addition, the appellant has provided an addendum to the drainage strategy which sets out different drainage proposals. The Council has not commented on this addendum and so it may cause prejudice or injustice if I take it into account. As such I have had no regard to the addendum in my assessment.
4. The Council's decision notice refers to the emerging North Hertfordshire Local Plan Proposed Submission Document 2016. This plan may be the subject of future amendment, so I attach limited weight to its policies in my assessment.

### Main Issues

5. Albeit for different reasons, the main parties agree that the proposal represents inappropriate development in the Green Belt as defined under the National Planning Policy Framework (the Framework). I agree with this position. As such, the main issues are:
  - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and

- the effect on highway safety by reason of heavy goods vehicle (HGV) movements; and
- whether the proposal would incorporate acceptable surface water drainage; and
- whether the harm to the Green Belt by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## **Reasons**

### *Openness and the purposes of Green Belt*

6. The appeal site consists of part of an open field and an unmade track that leads from Stevenage Road along the southern field boundary. Immediately to the west lies a railway line set on an embankment.
7. Apart from a fence on the field boundary, there is no development on the appeal site. Its openness contributes to the spacious rural character of the field and the area in general. By reason of their height, volume and overall extent, the proposed buildings and structures would undoubtedly have a significant impact on the spatial openness of the site.
8. A roadside hedgerow would partially screen the proposed development from the highway, although gaps would allow views from the roadside footway, particularly during times of leaf-fall. Also, the hedgerow lies outside the control of the appellant and therefore it would be unreasonable to secure its retention through a planning condition.
9. Furthermore, by reason of its height and proximity, the development would be visible to train passengers passing the site. It is unlikely that proposed planting would fully screen the taller elements of the scheme from the railway. In addition, the proposed works to the track would formalise a discrete field access, thereby introducing a form of development visible from the road.
10. The appellant is willing to accept a condition that requires the removal of the appeal development after 25 years. Even so, the proposal would still have an impact on the openness of the area for a significant length of time. As such, the identified impact on the spatial and visual openness of the Green Belt could not be made acceptable through a temporary permission or any other measure.
11. For the above reasons, the proposal would cause a visual and spatial loss of openness. The effects in these regards would go against the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Also, by introducing development on part of an open field, the proposal would go against the purpose of Green Belt to safeguard the countryside from encroachment. Furthermore, as the site lies in a narrow stretch of open land between Stevenage and Knebworth, the proposal would prejudice the Green Belt purpose to prevent neighbouring towns merging into one another.

### *HGV movements*

12. The proposed works to the access would enable HGV movements on and off the site during construction of the development. The appellant has submitted plans that indicate how the access would accommodate HGV's and that show visibility splays to facilitate safe egress from the site.

13. From my observations, there would be reasonable visibility from the access in both directions along the highway. Furthermore, no evidence has been submitted that demonstrates the appellant's swept analysis plans are inaccurate or unrealistic. Also, the proposal would only attract HGV movements for a temporary period.
14. For these reasons, I conclude the proposal would not have an unacceptable harmful effect on highway safety by reason of HGV movements. Consequently, and in this regard, the proposed development would be in accordance with the Framework, which aims, amongst other things, to prevent development that would cause an unacceptable impact on highway safety.

#### *Surface water drainage*

15. Whilst raising objection to the appellant's surface water drainage strategy, Hertfordshire County Council as local lead flood authority have suggested alternative measures such as above ground storage facilities. These comments indicate that suitable surface water drainage could be provided to serve the development. The plans show the appellant controls land surrounding the appeal site and so I am satisfied that sufficient space would be available to provide a drainage system that would prevent flood risk elsewhere. A planning condition could be imposed that requires the details of such a drainage system to be submitted and approved by the Council.
16. For these reasons, I conclude the proposal would incorporate acceptable surface water drainage. Consequently, it would accord with the Framework, which aims to ensure development does not increase flood risk.

#### *Other considerations*

17. The proposal would not cause noise that harms the living conditions of the occupiers of any properties and would be acceptable in terms of air quality and ecology. Acceptability in these regards is a neutral factor in my assessment.
18. The proposal would be close to a substation with capacity, a gas supply and an available grid connection. However, no explanation has been provided as to why the appellant's site selection exercise rules out allocated employment land as an alternative location. Furthermore, the exercise fails to convincingly explain why access would be unviable to the one alternative site identified. As such, I am unconvinced by the evidence that the appeal site is the only suitable location for the proposed development. Therefore, I attach limited weight to this factor in support of the proposal.
19. The development may provide an income that would contribute towards the stability of the farm. However, there is no evidence before me to show the farm is threatened or how the income from the proposal would contribute towards its on-going viability. I attach limited positive weight to this point.
20. The proposed facility would be supplied with natural gas and generate emissions. Whilst not in itself representing a renewable energy scheme, the proposal would support the development of such facilities by contributing towards a secure electricity supply. As such, the proposed development would have an indirect role in moving to a low carbon economy and thereby would contribute to the aim to reduce greenhouse gas emissions as set out in the Framework and Climate Change Act 2008. Furthermore, the proposal would help boost energy supplies for the local area when required. Consequently, the

proposal would be promoted by various Government white papers that encourage the generation of power to secure an affordable supply and redress previous underinvestment. Also in this respect the development would help economic growth and productivity.

21. The proposal would not constitute a nationally significant energy infrastructure project. As such, the cited parts of the National Policy Statement for Overarching Energy regarding the weight to be attributed to development proposals are not entirely relevant. Even so, I attach positive weight to the benefits in the previous paragraph in my assessment of the appeal.

#### *Green Belt balance*

22. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
23. As well as harm by reason of inappropriateness, the proposal would cause a loss of openness and prejudice purposes of Green Belt policy. The harm caused in these respects attracts substantial weight.
24. On considering all matters, I conclude that the benefits of the appeal scheme and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with the Framework and policy 2 of the North Hertfordshire District Local Plan No 2 with Alterations 1996. Amongst other things, these aim to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

#### **Other Matter**

25. The appellant refers to the presumption in favour of sustainable development as set out at paragraph 11 of the Framework. However, the proposal would be contrary to the Framework's Green Belt policy which seeks to protect areas of particular importance. This provides clear reason for refusing the development proposed as set out at sub-paragraph 11 d)(i) with reference to footnote 6 of the Framework. As such, any presumption in favour of granting planning permission as set out under paragraph 11 of the Framework does not apply in this case.

#### **Conclusion**

26. For the reasons given above, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR



## Appeal Decision

Site visit made on 26 November 2019

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

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**Appeal Ref: APP/X1925/W/19/3232496**

**Putteridge High School, Putteridge Road, Luton LU2 8HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Roger Kirk against the decision of North Hertfordshire District Council.
- The application Ref 18/02320/FP, dated 22 August 2018, was refused by notice dated 11 March 2019.
- The development proposed is described as '*The existing playing fields to be made safe for the pupils of Putteridge High School. The proposal includes a cricket wicket, fencing around an existing pond and bunding along the edges of the field.*'

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### Decision

1. The appeal is allowed and planning permission is granted for a cricket wicket, fencing around an existing pond and bunding along the edges of the field at Putteridge High School, Putteridge Road, Luton LU2 8HJ in accordance with the terms of the application, Ref 18/02320/FP, dated 22 August 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 223 FA 00 XXDR A 00001 P-0, 00223 PC XX XXDR A 00002 S8 P0, 223 PC XX XXDR A 10000 S8 P0.

### Procedural Matters

2. In the decision notice the Council sought to split its decision in order to grant planning permission for the fencing and refuse planning permission for the cricket wicket and bunding. In the interests of certainty I assessed the scheme subject to the Council's decision in its entirety.
3. On site I saw that work has partly commenced as bunding has been established and the artificial wicket is in situ. It is clear from the evidence that the Council and the Hertfordshire Gardens Trust are particularly concerned about a section of bunding which has been created to the east of the cricket field. However, the bunding in question is not shown on the plans before me and did not form part of the planning application. It was not therefore for me to pass judgment on this matter, which is outside the scope of this appeal.
4. The decision notice refers, amongst others, to drawing Ref 223 FA 00 XXDR A 00001 P-0. However, two different drawings with this reference, and of the same date, were submitted with the planning application and accompanied the appeal. In the interests of clarity, I asked both parties to confirm the drawings subject to the Council's decision and made my assessment on that basis.

5. I have referred to the description of development used on the planning application form in my decision above, but only insofar as this relates to the development proposed, and not the reason for the application.
6. As the land forms the playing fields of Putteridge High School, I used the site address given within the appeal form as I found it to be the most accurate and concise.

### **Main Issues**

7. The main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and national planning policy, including its effect on the openness of the Green Belt; and,
  - the effect of the proposal on the significance of the Grade II listed park and garden Putteridge Bury.

### **Reasons**

#### *Whether or not inappropriate development*

8. The appeal site is the playing fields of Putteridge High School and arable land adjacent to the east. The land used by pupils is apportioned into two separate sports fields to the north and south, with the latter containing a cricket field. A private road is to the east, Putteridge Road is to the south, farmland is to the north, and Great Hays Wood separates the land from the main school campus to the west. The entire site falls within the Green Belt.
9. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One such exception is the provision of appropriate facilities for outdoor sport or recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 147 also sets out that engineering operations are not inappropriate when they meet these same tests. Of most relevance to this appeal is the safeguarding of the countryside from encroachment.
10. Policy 2 of the North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) (NHDLP) requires for the openness of the Green Belt to be protected and restricts inappropriate development, unless there are very special circumstances. It is therefore broadly consistent with the Framework.
11. Bunding has been established across the north and north east boundaries of the site, and along the east boundary between the arable land and the private estate road. An artificial wicket has been installed within the cricket field and 1.3m high post and rail fencing is proposed to the west side of the cricket field in order to enclose an existing surface water attenuation feature.
12. The bunding constitutes an engineering operation. The bunding to the north sits astride existing fencing and is of such a low profile that it could easily be mistaken for simple overgrowth. To the north east it maintains these characteristics and is also set against vegetation and a small woodland. Adjacent to the private estate road it is just beyond an existing fence and is largely obscured by a nearby roadside verge. The bunding therefore preserves



the openness of the Green Belt and does not conflict with the purposes of including land within it.

13. Whilst the fencing would be a building for the purposes of this assessment, it is required to secure the health and safety of pupils using the sports fields, and therefore would be an appropriate facility for outdoor sport. Given its siting adjacent to Great Hays Wood and, considering its locational context within established playing fields nearby to similar fencing, I find that the proposed fencing would not harm the openness of the Green Belt. As it relates to the existing use of the site, it would not cause encroachment into the countryside.
14. The cricket wicket would also be an appropriate facility for outdoor sport. It is flush with existing ground levels and therefore preserves openness. As a wicket at the centre of an existing cricket field, it does not constitute encroachment into the countryside.
15. I therefore find that the proposal would not be inappropriate development as described by the Framework. The proposal would therefore accord with Policy 2 of the NHDLP. The Council has also referred to Policy SP5 of the emerging North Hertfordshire Local Plan 2011-2031 (NHLP), which is at an advanced stage of preparation. Policy SP5 also seeks to avoid inappropriate development in the Green Belt and therefore does not alter my conclusion on this matter.

#### *Putteridge Bury*

16. Putteridge Bury is an early 20<sup>th</sup> century country house, now used for education and conferencing, surrounded by Grade II listed formal gardens and parkland, the latter within which the appeal site falls. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.
17. Planning permission was granted in 2010 for the parkland to be changed into the school playing fields<sup>1</sup>. In 2012 landscaping details pursuant to that permission were agreed, which included the delineation of the site by fencing<sup>2</sup>. The significance of the park and gardens within the area of the appeal site is therefore in its treed and open parkland character, which has, to a limited extent, been changed by the visible use of the playing fields and the associated subdivision of the original space.
18. The proposed fencing would be seen against the backdrop of Great Hays Wood, well within the playing fields, and within the context of other post and rail fences. Whilst the cricket wicket has a synthetic appearance alien to the original parkland, I am mindful that the character of this area has already changed to a school cricket field. As such, I do not find the wicket harmful within this specific context. Considering its low profile, integral relationship with established fencing, and verdant coverage by overgrowth, the bunding offers very little presence or additional subdivision of the parkland. Given the circumstances, I find no harm.
19. I therefore conclude on this issue that the proposal would have an acceptable effect on the significance of the Grade II listed park and garden Putteridge Bury. It would accord with Policy 19 of the NHDLP. The Council has also referred to Policy HE1 of the emerging NHLP. As this policy seeks to protect

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<sup>1</sup> Planning application Ref 08/02926/1

<sup>2</sup> Ref 12/00359/1DOC

designated heritage assets from harm, it has not altered my findings in relation to this issue.

### **Conditions**

20. As I have considered the proposal as originally submitted, it is necessary to include a condition requiring commencement, within three years, of the work that has not yet started. In the interests of certainty, a condition is required to identify the approved plans. As this scheme relates only to operational development, and not the use of the land, conditions are not required to restrict the use, access arrangements and operating hours of the playing fields. For reasons I have already set out, a condition is not necessary to require removal of bunding which is outside the scope of the appeal. As I have found that the artificial wicket is acceptable, it would be unreasonable to require its removal. Due to the limited extent of the works, a landscaping scheme is not required in this case.

### **Conclusion**

21. For the reasons given above, and taking all matters raised into account, I conclude that the appeal should be allowed.

*Matthew Jones*

INSPECTOR