

NORTH HERTFORDSHIRE DISTRICT COUNCIL



5 June 2020

Our Ref Planning Control/18.06.2020
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Ian Mantle, Michael Muir, Carol Stanier and Kay Tart

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held as

A VIRTUAL MEETING

On

THURSDAY, 18TH JUNE, 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**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair 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 Chair will decide whether any item(s) raised will be considered.	
3. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair 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.	
4. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5. 20/00895/FPH HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Single storey rear extension	(Pages 5 - 12)
6. 20/00896/LBC HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Single storey rear extension	(Pages 13 - 18)
7. 20/00865/FP 1A KINGS ROAD, HITCHIN, HERTFORDSHIRE, SG5 1RD REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Residential development of 5 units comprising 1 x 2-bed flat and 4 x 1-bed flats together with associated bike storage, bin storage and amenity space following the demolition of existing MOT garage.	(Pages 19 - 34)

8. **20/00627/S73 TALLY HO, LONDON ROAD, BARKWAY, ROYSTON,
HERTFORDSHIRE, SG8 8EX** (Pages
35 - 44)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Two storey rear extension to provide enlarged kitchen and ground floor and additional residential accommodation on first floor (Section 73 application to vary condition 3 of permission granted under ref 05/00469/1 to allow ancillary residential accommodation for the public house but not for any additional operational floor space in connection with the public house).

9. **PLANNING APPEALS** (Pages
45 - 50)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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ITEM NO:	
<u>Location:</u>	Hindsmount Maydencroft Lane Gosmore Hitchin Hertfordshire SG4 7QB
<u>Applicant:</u>	Mr Richard Thake
<u>Proposal:</u>	Single storey rear extension
<u>Ref. No:</u>	20/00895/FPH
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period:

19.06.2020

Reason for delay

An extension to the statutory period within which to determine this application has been agreed by the applicant

Reason for referral to Committee

The application is made by an elected Member of the Council

1.0 Relevant Site History

1.1 493/73 Two storey rear extension, granted 26.11.73

1.2 1/01078/83 (703): Two storey side extension, granted 17.10.83

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations

Policy 2 – Green Belt

Policy 28 – House extensions

Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

Section 16: Conserving and enhancing the historic environment

2.3 North Hertfordshire Emerging Local Plan 2011 - 2031

SP5: Countryside and Green Belt
SP2: Settlement Hierarchy and Spatial Distribution
Policy HE1: Designated Heritage Assets
Policy D1: Sustainable Design
Policy D3: Protecting Living conditions

3.0 Representations

3.1 **St. Ippolyts Parish Council:** 'No objection'

3.2 **NHDC Conservation officer:** 'No objection'

3.3 **Site Notice / Adjoining occupiers:**

Letter received from Mr Moore of Hitchin Road, Gosmore supporting the application.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Hindsmount is a grade II listed dwelling located on the north side of Maydencroft Lane, Gosmore. According to the list description, the house is C17 with an early C18 brick front and altered and extended in the early C19. The house is particularly well-proportioned and makes a very positive contribution to the character and appearance of Gosmore Conservation Area. The building was listed in 1987.

4.2 Proposal

4.2.1 The applicant seeks consent for a single storey rear extension. The extension would take the form of a orangery / garden room style building incorporating largely timber framed glazed elevations on a brick plinth with a parapet style roof with roof lantern. The extension would be located onto a 1973 extension at the rear of the property and would be 4.58m wide and 4.6 m deep with a maximum height of 3.2m.

4.3 Key Issues

4.3.1 The key issues are whether the proposal is acceptable in terms of Green Belt policy, the design and impact on the affected designated heritage assets and impact on neighbouring property.

4.3.2 Green Belt policy considerations

4.3.3 Policy 2 of the local plan states that '*planning permission will only be granted for new buildings, extensions and changes of use of buildings and land which are appropriate in the Green Belt and which would not result in significant visual impact*'.

My view is that the extension would not contravene this policy because it does not have any significant visual impact. In terms of more up to date national policy advice Paragraph 145 of the National Planning Policy Framework advises that the extension or alteration of a building is not inappropriate development '*provided that it does not result in disproportionate additions over and above the size of the original building*'.

4.3.4 In this case it is clear that Hindsmount has been extended substantially since its original timber framed construction back in the 17th Century however it is not certain as to what original parts of the building or extensions were removed to facilitate the more modern approved extensions. Taken cumulatively with the 1973 and 1983 extensions to the property however there is probably little doubt that this extension would result in a disproportionate addition to the original building and that the extension could be considered inappropriate development for the purposes of paragraph 145 of the Framework. That said, I consider that there are very special circumstances that exist that outweigh the harm arising from inappropriateness and these are as follows:

- ☐ The proposal involves a relatively minor increase in floor area
- ☐ The extension would be located at the rear of the building largely hidden from public views
- ☐ The extension would not harm the openness of the Green Belt given that Hindsmount is surrounded by other dwellings – the proposal would not result in encroachment into the countryside
- ☐ The site is to form part of the settlement of Gosmore as a Category 'A' village in the Emerging Local Plan and be excluded from the Green Belt

For all of the above reasons, I consider that there are very special circumstances apparent that overrides the limited harm arising from inappropriateness and that the development would not in fact be harmful to the openness of the Green Belt or its permanence in this location. The proposal can therefore be considered acceptable in terms of its impact on the Green Belt.

4.3.5 **Design and impact on the designated heritage assets**

4.3.6 The Gosmore Conservation Area and the Grade II building at Hindsmount are the designated heritage assets that need to be taken into account as far as this application is concerned.

4.3.7 In terms of the impact of the extension on the setting of the listed building the Council's Conservation officer acknowledges that the extension would be built onto the gable end of the 1973 extension and therefore there would be no loss of historic fabric. The officer also notes that the extension is set in from both sides of the gable end which is positive in design terms. The officer acknowledges that a pitched roof option is not possible due to the proximity of the first floor windows and that although the cornice detail is rather 'chunky' and could be simpler, this detail is not of such concern as to raise an objection in heritage terms.

4.3.8 The Conservation officer considers that the small scale and discreet location of the extension at the rear of the property means that there would be no adverse impact on the Gosmore Conservation Area.

4.3.9 I concur with the views of the Conservation officer that the proposals would not harm the listed building's special character or harm the character and appearance of the Conservation Area.

4.3.10 Impact **on neighbouring property**

4.3.11 The proposed rear extension is sited several metres away from all of the site boundaries most of which are well screen with vegetation. This, in addition to the small footprint and height of the extension means that the proposal is unlikely to have any adverse impact on neighbours amenity.

4.3.12 **Environmental mitigation**

4.3.13 The proposed development, by virtue of its limited scale in general terms, would have no significant implications for the local environment in terms of carbon emissions and would therefore be generally in compliance with Section 14 of the NPPF and Policy D1 of the Emerging Local Plan.

4.3.14 **Site Assessment**

4.3.15 This application has been assessed having regard to the submitted supporting information and photographs provided by the applicant in addition to photographs and notes that are available on the history files. Reference has also been made to the Gosmore Conservation Area Character Statement (2019).

4.3.16 **Conclusion**

4.3.17 The proposed development is considered acceptable in planning and heritage terms.

4.3.18 **Pre-Commencement Conditions**

4.3.19 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 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. A photograph or actual sample of the bricks to be used in the extension shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the above ground level brickwork.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. All new windows/doors/cornice shall be constructed in timber unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

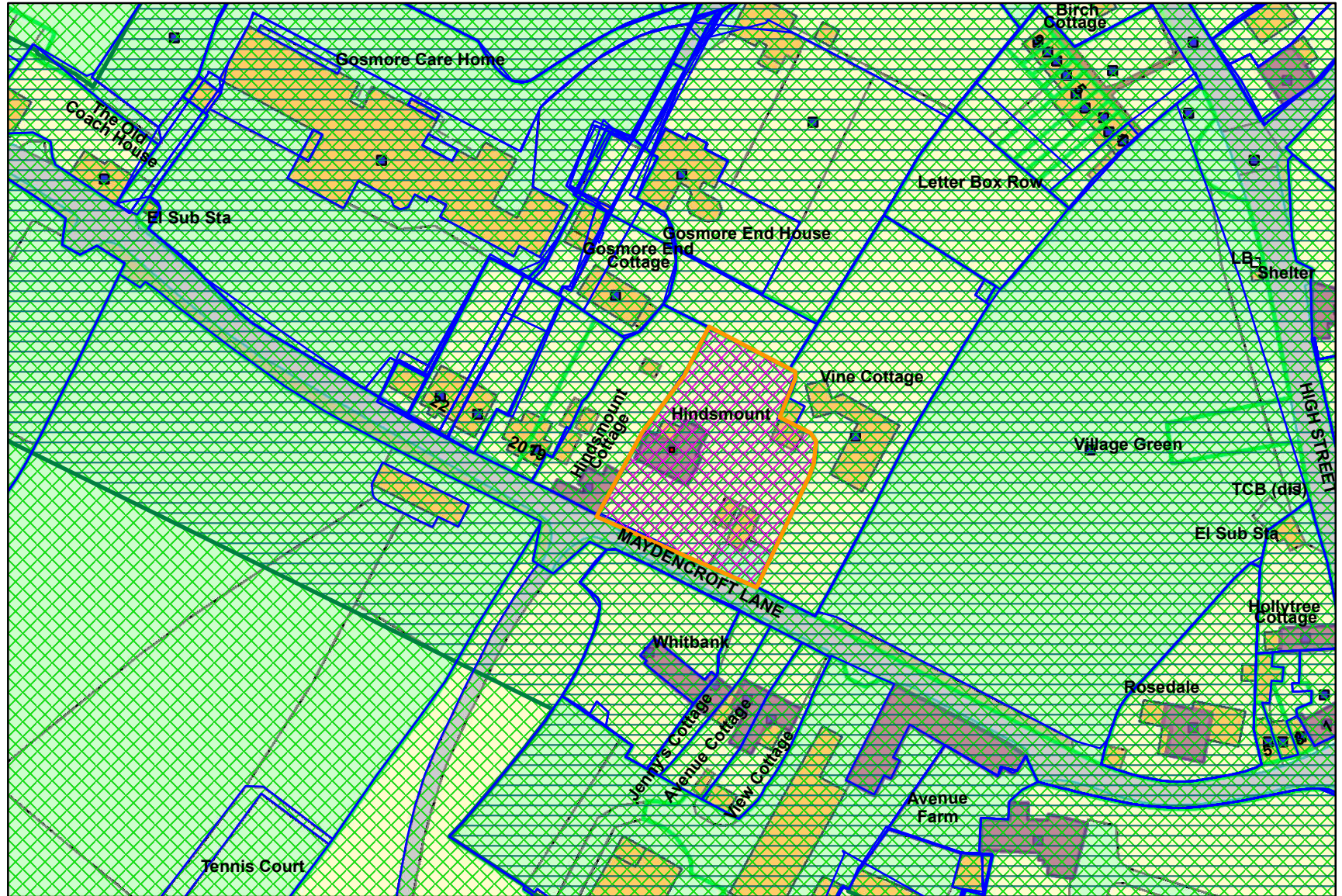
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Application Validation Sheet

20/00895/FPH Hindsmount, Maydencroft Lane, Gosmore, Hitchin, SG4 7QB

-  **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**
Prcrea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnblt.shp
-  **Health & Safety Consultation Zone**
Prjnzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:1,250
Date: 03/06/2020



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ITEM NO:	
<u>Location:</u>	Hindsmount Maydencroft Lane Gosmore Hitchin Hertfordshire SG4 7QB
<u>Applicant:</u>	Mr Richard Thake
<u>Proposal:</u>	Single storey rear extension
<u>Ref. No:</u>	20/00896/LBC
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period:

19.06.2020

Reason for delay

An extension to the statutory period within which to determine this application has been agreed by the applicant

Reason for referral to Committee

The application is made by an elected Member of the Council

1.0 Relevant Site History

1.1 493/73 Two storey rear extension, granted 26.11.73

1.2 1/01078/83 (703): Two storey side extension, granted 17.10.83

2.0 Policies

2.1 National Planning Policy Framework

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

2.2 North Hertfordshire Emerging Local Plan 2011 - 2031

Policy HE1: Designated Heritage Assets

3.0 **Representations**

3.1 **St. Ippolyts Parish Council:** 'No objection'

3.2 **NHDC Conservation officer:** 'No objection'

3.3 **Site Notice / Adjoining occupiers:**

Letter received from Mr Moore of Hitchin Road, Gosmore supporting the application.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Hindsmount is a grade II listed dwelling located on the north side of Maydencroft Lane, Gosmore. According to the list description, the house is C17 with an early C18 brick front and altered and extended in the early C19. The house is particularly well-proportioned and makes a very positive contribution to the character and appearance of Gosmore Conservation Area. The building was listed in 1987.

4.2 **Proposal**

4.2.1 The applicant seeks listed building consent for a single storey rear extension. The extension would take the form of a orangery / garden room style building incorporating largely timber framed glazed elevations on a brick plinth with a parapet style roof with roof lantern. The extension would be located onto a 1973 extension at the rear of the property and would be 4.58m wide and 4.6 m deep with a maximum height of 3.2m.

4.3 **Key Issues**

4.3.1 The key issue is whether the proposal is acceptable in terms of its impact on the historic fabric and setting of the host Grade II listed building.

4.3.2 **Impact on the historic fabric and setting of the listed building**

4.3.3 The Council's Conservation officer acknowledges that the extension would be built onto the gable end of the 1973 extension and therefore admits that there would be no loss of historic fabric. The officer also notes that the extension is set in from both sides of the gable end which is positive in design terms. The officer further acknowledges that a pitched roof option is not possible due to the proximity of the first floor windows and that although the cornice detail is rather 'chunky' and could be simpler, this detail is not of such concern as to raise an objection in heritage terms.

4.3.4 The Conservation officer is satisfied that the proposed extension would not harm the listed building's special character and suggests appropriate conditions should the LPA decide to grant listed building consent.

4.3.5 **Site Assessment**

4.3.6 This application has been assessed having regard to the submitted supporting information and photographs provided by the applicant in addition to photographs and notes that are available on the history files.

4.3.7 **Conclusion**

4.3.8 The proposed development is considered acceptable in terms of its impact on the Grade II listed building.

4.3.9 **Pre-Commencement Conditions**

4.3.10 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 listed building consent be **GRANTED** subject to the following conditions:

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

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

2. The 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. A photograph or actual sample of the bricks to be used in the extension shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the above ground level brickwork.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

















4. All new windows/doors/cornice shall be constructed in timber unless otherwise agreed and approved in writing by the Local Planning Authority.

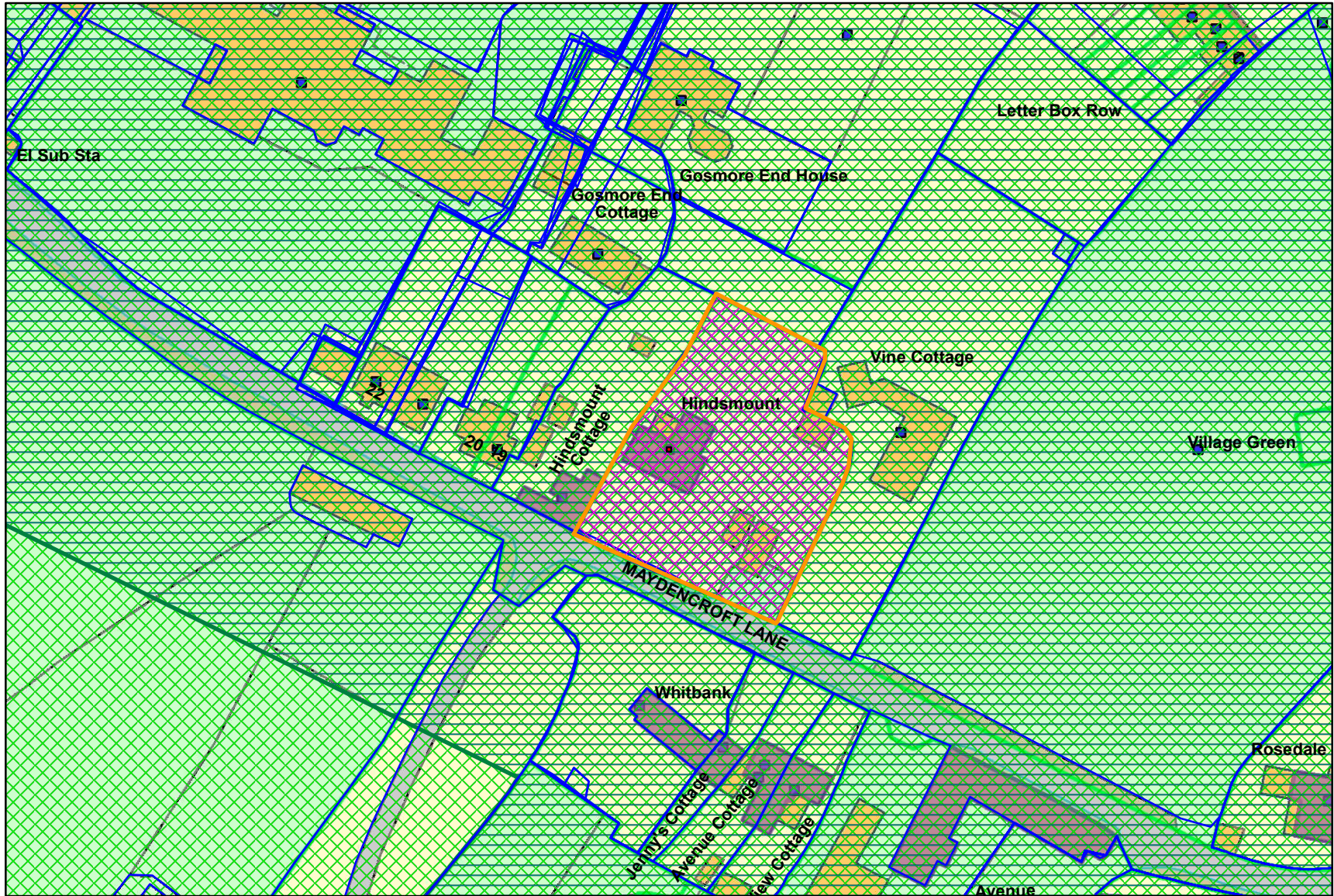
Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Application Validation Sheet

20/00896/LBC Hindsmount, Maydencroft Lane, Gosmore, Hitchin, SG4 7QB

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-  **Ward Boundary**
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-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



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Date: 04/06/2020



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ITEM NO:	
<u>Location:</u>	1a Kings Road Hitchin Hertfordshire SG5 1RD
<u>Applicant:</u>	Mr Jas Bhogal
<u>Proposal:</u>	Residential development of 5 units comprising 1 x 2-bed flat and 4 x 1-bed flats together with associated bike storage, bin storage and amenity space following the demolition of existing MOT garage
<u>Ref. No:</u>	20/00865/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 19th June 2020

Reason for Delay:

An extension to the statutory period within which to determine this application has been agreed by the applicant

Reason for referral to Committee:

This application is being reported to Committee because it has been called in by Councillor Ian Albert who is concerned at the loss of neighbours light and lack of parking provision.

1.0 Planning Policy

1.1 North Hertfordshire District Local Plan 1996 (Saved Policies, 2007)

Policy 26: Housing proposals
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents
Design 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 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places

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 SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

1.4 Hertfordshire County Council Local Transport Plan (LTP4) (May 2018)

Policy 1: Transport User Hierarchy

Policy 2: Influencing land use planning

Policy 5: Development Management

1.5 Draft North Central Hertfordshire Growth & Transport Plan (2019)

Stage 3 Interventions Paper (Consultation Draft)

1.6 NHDC Annual Monitoring Report 2018 - 2019

Includes the Council's five-year housing land supply figures as at 1st April 2019

2.0 Relevant Site History

2.1 14/02536/1: Outline application for partial demolition and part conversion, part new build of existing light industrial building to facilitate erection of 2 two storey buildings to provide 3 x 1 bed and 1 x 2 bed flats with 4 parking spaces. Refused 20.11.14

2.2 15/00922/1: Outline application (appearance and landscaping reserved) for partial demolition and part conversion, part new build of existing light industrial building to facilitate erection of 2 two storey buildings to provide 1 x 1 bed dwelling and 2 x 1 bedroom flats together with associated bin storage and cycle/motorbike storage. Granted 20.05.15

2.3 17/00620/1: Residential development of 5 units comprising 1 x 2 bed flat and 4 x 1 bed flats together with associated bike storage, bin storage and amenity space following demolition of existing MOT garage. Granted 08.05.17

3.0 Representations

3.1 **Hertfordshire Highways:** Raise no objections. Request conditions relating to a construction traffic management plan footway reinstatement in addition to informatives.

3.2 **NHDC Environmental Health officer (contamination):** Recommends a land contamination condition

3.3 **NHDC Environmental Health officer (noise):** Recommends informatives regarding the demolition and construction phase

3.4 **NHDC Environmental Health officer (air quality):** Advises no objections or requirements in terms of air quality

3.5 **NHDC Waste & Recycling Manager:** Welcomes the location of the bin store at the front of the site. Provides general advice on waste and recycling storage and collection requirements.

3.6 **Site Notice / Adjoining occupiers:**

Comments have been received raising the following concerns / objections to this development:

- ☒ Potential loss of daylight and privacy
- ☒ Loss of views
- ☒ Loss of security to car park at William Moss Buildings (WMB)
- ☒ Potential loss of access to car park during construction
- ☒ Concern at increased parking / congestion on Kings Road
- ☒ Disruption to homeworking life
- ☒ Concerns at prolonged period of construction and impact on neighbours amenity and car parking area
- ☒ Concern at asbestos removal and dust
- ☒ Concern at overlooking
- ☒ Suggest remove the double yellow parking restrictions in front of building

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Existing motor repair and MOT garage premises located on the east side of Kings Road close to junction with Nightingale Road. The application site is 19m deep and 10.5m in overall width and contains an existing industrial building with brick extension at the front. The building covers the entire site. The building is 5.5m in maximum height. Current activities include the repair and servicing of motor vehicles.

4.1.2 Directly opposite the site in Kings Road is another garage business. The rest of Kings Road comprises mainly Edwardian and Victorian two storey residential property although part of the north western section of Kings Road has been redeveloped with modern three storey terraced housing. Street parking is controlled by a Traffic Regulation Order with restrictions on parking between 8.00am and 6.00pm Monday to Friday (Control Zone F).

4.1.3 Immediately to the north of the site is a residential property fronting Kings Road leading to a hardsurfaced area and a two storey building at the rear which is used as a taxi control centre with associated parking. To the east is Nightingale Road petrol filling station and immediately to the south a residential development comprising 9 flats (William Moss Buildings) with its associated parking.

4.2 Proposal

- 4.2.1 Redevelopment of site involving the construction of a three storey building to accommodate one x 2 bedroom flat and four x 1 bedroom flats together with communal garden and ancillary facilities.
- 4.2.2 The new building would be 10m in overall height with the main three storey section being 7.2m in width. A staircase attached to the south elevation would be set back 4.5m from the site frontage. The building would be 15m in overall depth leaving space at the rear as a communal garden. External materials would include facing brick, painted render and external, timber effect cladding and white UPVC windows. No on-site parking is proposed with this development.
- 4.2.3 This is an identical application to that approved under planning permission ref: 17/00620/FP with the exception of some additional obscure glazing proposed for the north facing flank elevation.

4.3 Key Issues

- 4.3.1 The key issues are the principle of development, impact of the development on character and appearance of the area, impact on living conditions of existing and proposed residents, environmental matters and highway and parking issues.

4.3.2 Principle of the use

The existing use is a non-conforming use in a residential area which has a detrimental impact on the surrounding area by reason of noise and disturbance created by the garage use and congestion through vehicular movement and parking associated with the use. The NPPF sets out the presumption in favour of sustainable development and promotes the construction of new housing on previously developed land in sustainable locations. Policies 8 and 26 of the local plan also encourage new housing and particular the re-use of urban land to assist urban regeneration and renewal. The application site comprises previously developed land and it forms part of an area dominated by medium to high density housing being located in an urban and very accessible area of the town. I therefore conclude that the principle of redevelopment of the site for residential purposes is in general accordance with sustainable development principles as set out in Government guidance and policies forming the development plan.

In addition to the above the principle of a redevelopment of the site for flats has already been accepted by the Local Planning Authority by the granting of outline permission (ref: 15/00922/1) and full planning permission for an identical scheme in 2017 (ref: 17/00620/1). These previous permissions are material planning considerations which weigh in favour of the proposals.

4.3.3 As part of the Governments sustainable communities agenda and the advice in NPPF new housing development is expected to be of a high quality and that design quality should include how well new development integrates with and complements neighbouring buildings and the local area. An assessment of how the development meets this advice is set out below in the following paragraphs.

4.3.4 Impact on the character and appearance of the area

The proposed development will replace an existing industrial building that has a negative impact on the visual amenities of the area particularly as it is located between a traditional two storey Edwardian dwelling and a three storey Victorian building on the corner of Kings Road and Nightingale Road. The loss of the existing building would be an improvement to the visual character of the area and redevelopment does provide an opportunity to enhance the immediate surroundings with the removal of the non-conforming garage business and its associated unsightly signage and utilitarian appearance.

4.3.5 The new building would be considerably higher than the existing building however I consider that there is scope to increase the height of any new building because of the two and three storey development that is in the immediate vicinity. The street scene drawing (No. 403A) demonstrates that the height of the new flats building would be higher than No. 1 Kings Road (by 1m) but lower (by 0.5m) than the corner building at No. 57 Nightingale Road now converted into flats. The site is diagonally opposite a three storey residential development at Nos 59 – 67 Kings Road. As such I do not consider that the development would be out of scale with surrounding development.

4.3.6 The new building would have less footprint than the existing building which allows for a some breathing space between the development and the PFS at the rear and the creation of an outdoor amenity space.

I consider that the relationship with No. 1 Kings Road to the north (converted into flats) is acceptable given the existing high wall of the current garage use and its greater projection at the rear.

It is noted that the new building has a good degree of articulation with the overhanging first and second floors, rendered front bay and set back staircase element. The windows are in proportion to the amount of brickwork and render and the set back of the staircase enclosure of at least 4.5m from the front boundary and behind the front main wall of the building reduces its prominence and consequent impact on the street scene.

I consider that the predominant use of facing brick work is appropriate and overall I consider that the generally contemporary design and the use of a limited pallet of materials is acceptable in this location.

- 4.3.7 The building projects slightly further forward than No. 1 Kings Road but is still set back by approximately 700mm from the pavement boundary allowing for a small front garden and some defensible space from the street for the ground floor front flat. The building would be set behind the adjacent building at No. 57 Nightingale Road which is built up to the pavement boundary. Taking into account the building line of adjacent buildings I consider that the forward projection of the building is acceptable.
- 4.3.8 The designer of the new building has incorporated several design features to add interest and expression to the building such as 'blind' windows on the front and side elevations, the use of timber cladding and rendering, the overhang of the first and second floors and the vertical windows to the staircase enclosure. The provision of railings across the front garden and the brick wall with railing above on the side elevation leading to the residential courtyard development behind are touches which give a domestic scale and feel to the development.
- 4.3.9 Overall I consider that the development will improve the character of the area and way in which it functions. It removes a use which is not compatible with adjacent residential property and replaces it with a building, although larger in scale, of much higher quality and greater visual interest. I therefore conclude that the development would not be harmful to the character and appearance of the locality.

4.3.10 **Impact on living conditions**

Proposed residents

Five flats are proposed which amounts to an intensive but efficient use of the site. The accommodation provided meets the minimum space standards as set out in the Government's published document 'Technical housing standards – nationally described space standard (as amended May 2016).

A communal garden is created at the rear and there is easy access to public open space nearby at Ransoms Recreation Ground. The fenestration is such that good levels of light will be provided to the flats and flats 2 and 4 do not have any main windows overlooking the PFS. Adequate bin store provision is made within easy reach of all the flats and secure cycle storage provided. Overall I consider that the flats will provide a reasonable standard of accommodation for the future occupiers.

4.3.11 Existing residents

No. 1 Kings Road is in residential use at the front (flats) and commercial use at the rear (taxi office). The proposed side (north) facing windows on the new building would overlook a hardsurfaced parking area behind No. 1. The occupiers of No. 3 Kings Road, although separated from the application site by No. 1 Kings Road, have raised concerns over loss of privacy to the side / rear elevation of their property. In view of these concerns the applicants have agreed to revise the scheme to insert obscure glazing panels to the lower part of all of the rearmost side windows on the north facing elevation. I consider that this is a reasonable compromise that secures an acceptable level of privacy for the occupiers of No. 3.

4.3.12 Concerns have been raised by the occupiers of the William Moss Building relating to loss of privacy, loss of light and loss of views. In assessing these issues I have had regard to the position of the new block relative to the WMB. The new block is located directly to the north of the WMB with an existing gap of at least 4.0 metres to be maintained as a result of the current accessway serving the car park to the rear of WMB. The nearest elements of the new building to WMB are the ground floor refuse and cycle store and the staircase enclosure which is 6.5 metres in height to its eaves but only 2.7m in width. Both of these parts of the building are 4 metres from the gable end elevation of WMB where there are habitable room windows to existing flats. The remainder and more substantial part of the new block is 7.4 metres away from the gable end elevation of WMB. The single storey refuse and cycle store would have no material impact on WMB because of its limited height whilst the staircase enclosure would have only limited impact because of its narrow elevation facing WMB (2.7m). There are no habitable room windows on the cycle/refuse store or staircase enclosure. The main flank wall of the new block is 7.4 metres distant from WMB with the new habitable room windows to flats 2 & 4 facing diagonally across the parking courtyard some 10 metres away from the nearest windows on WMB.

I consider the above relationship is acceptable in terms of any potential overbearing impact or loss of light and privacy which I consider would be limited especially given the northerly orientation of the new block to WMB and the lack of any direct window to window relationship.

With regard to the loss of views it is generally accepted that there is no right to a view when considering this as material planning issue. It is noted however that the ground and first floor flats in WMB nearest to the new block do have multiple-aspect windows (front facing Kings Road, side facing the new block and rear facing the car park) which do provide alternative views as well as additional sources of light to these flats.

Setting aside the above amenity matters which I do not find unacceptable, the new development would result in a more appropriate residential use compatible with the surrounding residential accommodation therefore I consider that it is unlikely that the development will have any significant adverse impact on the living conditions of existing residential occupiers.

4.3.13 **Environmental matters**

The application is supported by a Phase I Environmental statement (2017) which concludes that there are some potential contamination sources on site that require a phase II intrusive investigation and the Council's EHO is satisfied with this approach and recommends an appropriately worded condition.

The EHO officer (noise) recommends informatives concerning the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites). In addition informatives are recommended concerning hours of construction and an asbestos survey.

The site is not within a flood risk zone and there are no ecological restraints to this development proposal.

In terms of environmental mitigation it is likely that this development would result in less emissions overall than the existing use given the nature of the business repairing and testing motor vehicles and the associated air quality issues. The development is car free and includes cycle storage and the location encourages the use of more sustainable travel options. Overall, by virtue of its limited scale, the development would not have any significant implications for the local environment in terms of carbon emissions and would therefore be generally in compliance with Section 14 of the NPPF in terms of addressing climate change.

4.3.14 Highway and parking issues

No parking is proposed for this development. The Council's Supplementary Document 'Vehicle Parking at New Development' (2011) (paragraph 4.10) refers to situations where car free developments may be acceptable (i.e. on small scale sites in town centres). In addition Appendix 4 of the emerging local plan document (Proposed Submission Local Plan 2011 – 2031) recognises that there may be cases where reductions in car parking standards are appropriate. Because of the accessible location of this site (including close to the railway station) and the flexibility allowed for in the Council's parking standards a car free development is acceptable in this case. The majority of the flats are one bedroom and therefore it is unlikely that any significant further congestion in Kings Road would occur. In any event a Controlled Parking Zone exists in the vicinity of the site and therefore measures are already in place to control street parking and congestion.

In reaching this conclusion that a car free development is acceptable I am mindful of the congestion already caused by the existing development which involves the parking and manoeuvring of customers vehicles on Kings Road as well as staff and delivery vehicles.

In addition I also mindful of the approach now being taken by Hertfordshire County as the Highway Authority on transport matters and the implications for development management. Since the previous grant of planning permission on this site for a car free development (in May 2017) the Authority have adopted LTP4 which provides a policy based commitment to encouraging a switch from the private car to sustainable transport (e.g. walking, cycling and passenger transport). The application site, being located immediately adjacent to a major transport corridor (A505), close to Hitchin station and a wide range of facilities, is the kind of site that benefits from these sustainable transport opportunities.

The small units of accommodation proposed are unlikely to generate additional parking demand however there is an opportunity with this development to consider reducing the amount of double yellow line parking restrictions across the site frontage and increase car parking capacity in this restricted parking zone. The Council's Transport and Projects manager is currently considering amendments to the Traffic Regulation Order which may facilitate additional parking in this part of Kings Road.

No objections are raised by the highway authority in terms of the impact of the development on the highway network and refuse collection vehicles can stop immediately outside the site with the bin storage area well within pulling distances for operatives (normally 10 metres).

4.3.15 The Planning Balance

4.3.16 The Local Planning Authority cannot demonstrate a five year deliverable supply of housing land and therefore the decision maker on this residential planning application must apply the presumption in favour of residential development and have particular regard to paragraph 11 (d) of the NPPF which states that planning permission should be granted unless:

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

4.3.17 In this case the proposed development is in a highly sustainable location, encourages the use of sustainable forms of transport and helps to boost the supply of housing – all key policy aims of Central Government which underpins the approach to sustainable development in the NPPF. The adverse impacts of this development have been considered as limited and any harm is mitigated through appropriate design features (such as the position and type of glazing) and can be controlled through planning conditions. I therefore recommend that substantial weight can be applied to the tilted balance in favour of granting planning permission.

4.3.18 All development proposals must achieve the three strands of sustainable development as set out in Section 2 of the NPPF (i.e. the economic, social and environmental objectives). In this case the development would assist the local economy in providing construction jobs in the short term and jobs within the service sector in the longer term. Moderate weight could be attached to this economic benefit. In social terms the proposal will deliver 5 additional dwellings that will contribute to the Council's housing supply providing entry level housing in a sustainable location accessible to services and open space that will be supportive of the communities health, social and general well-being.

I attach significant weight to these benefits. In terms of the environmental objective, I am of the opinion that there would be no harm to the character and appearance of the area as a result of the particular characteristics and features of this development proposal. In addition there is the potential for development to improve the immediate locality in terms of air and noise pollution and be adaptive to climate change and the move to a low carbon economy. I attach significant weight to these environmental benefits. Given the above analysis I conclude that the limited adverse impacts of the development are significantly and demonstrably outweighed by the benefits and therefore will achieve sustainable development as required by the National Planning Policy Framework.

4.4 Conclusion

- 4.4.1 Taking into account the above analysis of this application I consider that on balance there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to a planning conditions.

5.0 Legal Implications

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

5.2 Pre-Commencement Conditions

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

6.0 Recommendation

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

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

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

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

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

3. (a) No development 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 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 (a) 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 determined as requiring remediation 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.

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

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

5. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

a) Construction vehicle numbers, type and routing;

b) Access arrangements to the site;

c) Traffic Management requirements;

d) Construction and storage compounds

e) Siting and details of wheel washing facilities;

f) Cleaning of site entrances, site tracks and the adjacent public highway

g) Timing of construction activities

- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration / reinstatement of the working areas and temporary access to the public highway;
- j) where works cannot be contained wholly within the site a plan should be submitted showing the layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements

The development shall be carried out in accordance with the approved details

Reason: In order to protect highway safety and amenity

6. The development hereby permitted shall not be brought into use until the existing access has been closed and the footway has been reinstated along the frontage of the site to the current specification of Hertfordshire County Council

Reason: In order to protect highway safety and amenity

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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:

Environmental Informatives

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.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, 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 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.

















AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

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Application Validation Sheet

20/00865/FP 1a Kings Road, Hitchin, SG5 1RD

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



Scale 1:625
Date: 03/06/2020



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ITEM NO:	
<u>Location:</u>	Tally Ho London Road Barkway Royston Hertfordshire SG8 8EX
<u>Applicant:</u>	Mr Hall
<u>Proposal:</u>	Two storey rear extension to provide enlarged kitchen and ground floor and additional residential accommodation on first floor (Section 73 application to vary condition 3 of permission granted under ref 05/00469/1 to allow ancillary residential accommodation for the public house but not for any additional operational floor space in connection with the public house)
<u>Ref. No:</u>	20/00627/S73
<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 19 May 2020

Submitted Plan Nos: Location plan; Existing floor plan; Proposed floor plan

Extension of statutory period: 22 June 2020

Reason for referral to Committee: The application has been called in by Councillor Gerald Morris on the grounds of public interest

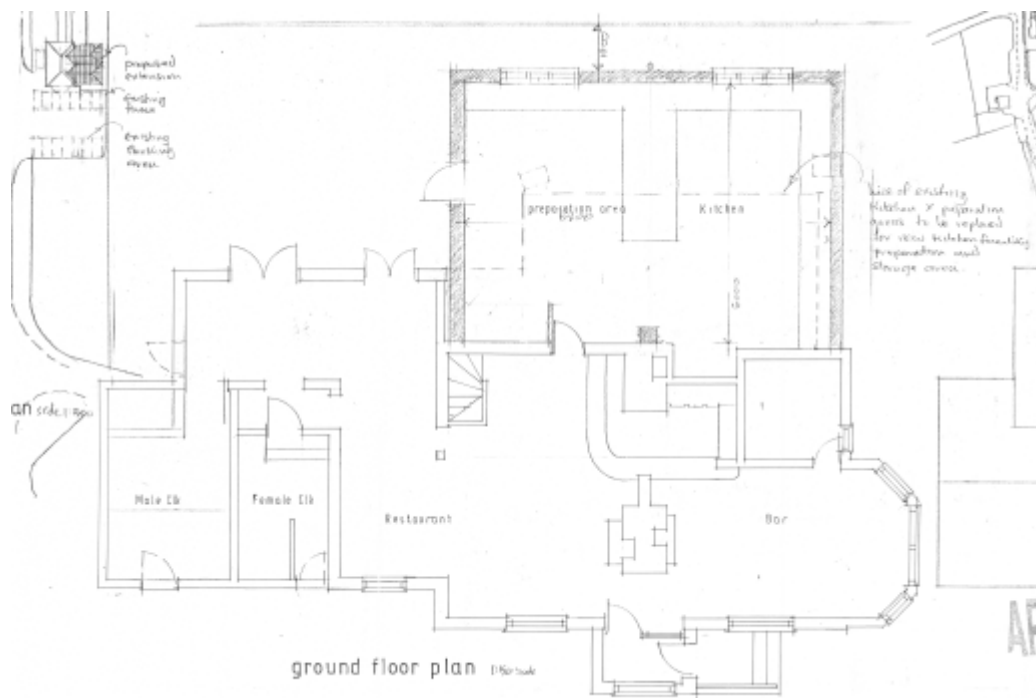
1.0 **Relevant History**

1.1 74/00429/1 - Construction of car park – Conditional Permission 21/10/1974

1.2 05/00469/1 - Two storey rear extension to provide enlarged kitchen and ground floor and additional residential accommodation on first floor – Conditional Permission 28/06/2005

“3. The ground floor space hereby permitted shall be used solely for kitchen and food preparation purposes, ancillary to the existing public house bar and restaurant areas, and not for any additional public seating, drinking or eating facilities within the building.

Reason: To safeguard against the enlargement of the public areas within the building, the consequences of which could lead to a greater intensity and use of the Public House, and a resultant impact on the availability of car parking spaces at the site and a general level of activity that would be detrimental to the overall character and appearance of the area.”



- 1.3 07/02310/1 - Single storey rear and side extension following demolition of garage. Formation of Disabled access to rear of building – Conditional Permission 15/11/2007
- 1.4 14/00608/1 - Insertion of new bay window to front elevation – Conditional Permission 28/04/2014
- 1.5 15/01724/1 - Outline application for one detached four bed dwelling (appearance and landscaping reserved) – Conditional Permission 27/08/2015
- 1.6 16/03082/1 - Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017) – Conditional Permission 04/07/2017
- 1.7 17/00264/1 - Reserved matters application for approval of appearance and landscaping for outline planning application 15/01724/1 granted 27.8.15. for one x 4 bedroom detached dwelling – Conditional Permission 26/05/2017
- 1.8 16/03069/1 - Outline planning permission for one two bedroom house (layout and scale reserved) – Refused 14/09/2017

2.0 **Policies**

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

LP6 - Rural Areas Beyond the Green Belt

LP28 - House Extensions

LP30 - Replace or Extension Dwellings Countryside

LP55 - Car Parking Standards

LP57 - Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

SECN6 - Building strong, competitive economy

SECN9 - Promoting sustainable transport

SECN12 - Achieving well-designed place

SECN16 - Conserve + enhance historic environment

2.3 **Supplementary Planning Documents**

Design Supplementary Planning Document

Vehicle Parking at New Developments Supplementary Planning Document

2.4 **North Hertfordshire Draft Local Plan 2011-2031**

XCGB1 - Rural Areas Beyond the Green Belt

XCGB4 - Existing Rural Buildings

XD1 - Sustainable Design

XD2 - Hse Extns, Replacement Dwells, Outbuilding

XD3 - Protecting Living Conditions

XHE1 - Designated Heritage Assets

XT2 - Parking

3.0 **Representations**

3.1 **Site Notices: 31.03.2020 Expiry: 23.04.2020**
Press Notice: 02.04.2020 Expiry: 25.04.2020

Consultee responses

Barkway Parish Council - The Parish Council wishes to object to this application on the grounds that this is an application for a change of use for part of the ground floor area of the pub. The previous owners of the pub gained planning consent for this area to be used as a kitchen area which was for the direct benefit of the business (although not for access and use by the public). The current owners, when they made their alterations to make a larger dining area for the pub, initially were in fact in breach of this planning permission. However, that is now water under the bridge and they have now blocked this area off again and it is no longer accessible to the public. The current owners no longer serve food and rely on wet sales only. This is difficult to understand when it is a well-documented fact that rural pubs need to offer both wet and dry sales to make the business viable. Concern is that they are jeopardising the future of the pub and actively trying to run the business down.

The Parish Council has grave concerns that by obtaining permission to use the former kitchen area as residential space that this is a pre-cursor to the owners trying to close the business and to try and obtain total change of use of the whole of the property to residential. If this did happen, then this would be most strongly opposed by the Parish Council and the residents of the village and any rights that exist, as it is a registered Asset of Community Value, would be actively pursued.

The Parish Council has requested Dist. Cllr. Morris to call this application in before the Planning Committee should you be mindful to approve this application.

Public representations

Cllr G Morris – Objection. The room would be used for shooting party-dining. It is virtually impossible for a pub to survive with only wet sales; therefore, using part of the ground floor as accommodation would likely result in the pub's demise. The kitchen to the north side of the building does not exist, this information is incorrect the kitchen to the south east elevation does not exist the prep area is I believe the existing kitchen, with a wall dividing up the room, this is not shown on the drawing. The drawings generally are incorrect, including as I mention the omission of the first floor alterations and therefore it is not possible to comment properly on the application. The loss of the only pub in the village is unacceptable. Generally, the drawings are of a very poor standard and are incomplete and what is shown is either wrong or at best misleading.

I trust therefore that you will be mindful to refuse this application. Should that not be the case. I should like this application be heard by the Planning Control Committee in the public interest.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site lies in the rural area beyond the Green Belt, to the south of Barkway and Barkway Conservation Area. The site contains a two storey building with a principal A4 use class as a public house. An extension over two storeys approved in 2005 subject to conditions to provide a food preparation and kitchen area at ground floor level and two bedrooms at first floor level within ancillary residential accommodation. The condition subject to this application is condition 3, quoted in section 2.2 above. The building has subsequently been extended and altered.

4.2 **Proposal**

4.2.1 The application seeks to vary the terms of condition 3 to allow an alternative use to the ground floor than that specified in the condition. Specifically, the variation requests the following alternative wording for condition 3 –

“3. The ground floor space hereby permitted shall be used solely for residential purposes as ancillary residential accommodation to the Public House, and not for any additional public seating, drinking or eating facilities within the building.

Reason: To safeguard against the enlargement of the public areas within the building, the consequences of which could lead to a greater intensity and use of the Public House and a resultant impact upon the availability of car parking spaces at the site and a general level of activity that would be detrimental to the overall character and appearance of the area.”

4.3 **Key Issues**

Condition origins

4.3.1 The condition was not imposed as a request of the Local Highways Authority. As such, the Local Highways Authority have not been consulted in this application for the varying of this condition.

4.3.2 The officer report suggests the condition to control the usage of the ground floor extension to the purpose for which it was originally designed, to safeguard against any uncontrolled future increase in ‘public’ space within the enlarged building. The condition gives further reasoning, explaining that the consequence of increased ‘public’ space would result in greater intensity of use and impact on the availability of car parking on-site, as well as a general level of activity that would be detrimental to the overall character and appearance of the area.

Section 73 considerations

4.3.3 Consideration in applications to vary planning permission are limited to that expressed in Section 73 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority shall consider only whether the planning permission previously granted should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally.

Changes in the planning policy framework

- 4.3.4 A key consideration in deciding whether or not planning permission should be granted subject to conditions differing from those previously imposed is changes in the planning policy framework.
- 4.3.5 The condition was based on policy 55 of the Saved Local Plan, which stated minimum parking requirements for residential and commercial development proposals. The updated Vehicle Parking at New Developments SPD (2011) changed the minimum parking requirement for commercial developments to a maximum requirement.
- 4.3.6 There have been no significant changes in the policy framework in regards to the character and appearance of the site.

Discussion

- 4.3.7 The question, then, is whether planning permission should be granted for the same physical development with an alternative split between ancillary residential accommodation and principal use as a public house within the updated planning policy framework.
- 4.3.8 The residential use is ancillary to the public house use and would remain ancillary to the public house use even if the ground floor of the extension were changed to habitable residential space. Consequently, it is considered that the proposal would still support the need of local community facilities, through adapting and improving the living conditions of the person running that local community facility.
- 4.3.9 The visual and spatial impact of the extension would remain the same regardless of the use of the ground floor part of the addition. It is not considered that intensifying the public space available within the building would result in a material altering of the character of the site or surrounding area. The site would remain of the character of a public house. The alteration of the wording of condition 3 would not alter the considerations in regards the character of the sites surroundings or impact on the rural area beyond the Green Belt. Neither would the alteration in the conditions wording alter the contribution of the site to the significance of the setting of the nearby Conservation Area.
- 4.3.10 The proposed variation of the condition to alter the ground floor from a food preparation and kitchen area associated with the public house use to ancillary habitable residential space would not materially increase parking requirements or highways impact.
- 4.3.11 The minimum car parking requirement the proposal was originally assessed against is now out-of-date. The parking requirement is now a maximum requirement. The existing maximum requirement would not be altered by the changing of the ground floor from food preparation and kitchen space to ancillary residential accommodation. The existing maximum vehicular parking requirement, based on approximately 66sqm of bar floor space, and no more than 4 FTE employees, is 25 spaces. That breaks down to 3 spaces for no more than 4 employees, and 22 spaces when calculating 1 space per 3sqm of floorspace of the bar area. The site currently hosts 14 car parking spaces.

This falls well within the maximum car parking standard, even if that maximum standard is reduced to 75% as allowed by the site's location in zone 4 (17 spaces). Even if the ground floor space were to change to a public seating area, this would only serve to increase the maximum parking allowed. The existing parking facilities will, in any case, be below this maximum requirement.

4.3.12 The above covers all material considerations against which the original development was assessed, and by which the condition requested for alteration was imposed. The change in specified use of the ground floor of the addition would not alter the principal use of the building, or the status of that building as a community facility, not alter the physical properties of the extension, or increase traffic or parking requirements in line with the latest planning policy requirements. Consequently, it is considered that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted.

4.3.13 Turning to the re-wording of the condition, the applicant has suggested wording as quoted in section 4.2.1 of this report. The above considerations lead to the conclusion that, by reason the introduction of maximum car parking standards, the requirement for the condition on car parking grounds is now unjustified. Furthermore, it is not considered that the use of the ground floor of the extension as public space would alter the character and appearance of the site as a public house.

4.3.14 Any re-wording of the condition would fail to meet the tests of conditions laid out in paragraph 55 of the NPPF:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

4.3.15 The condition is no longer necessary to make the development acceptable in planning terms. Whilst a condition could be worded to be precise and enforceable, it would remain unreasonable, as the planning policy framework has rendered the original purpose of the condition unnecessary.

4.3.16 The grant of a variation or deletion of a condition has the effect of granting a new planning permission. Reviewing the other conditions applied to the original permission, the time limit for commencement is no longer required. The condition for the development to be built in accordance with approved plans and details is no longer required, as the proposal has already been constructed in accordance with those plans and details. It is recommended that planning permission should be granted unconditionally.

4.3.17 The concerns expressed by Councillor Gerald Morris and Barkway Parish Council are noted. Whether or not the ground floor space has previously been used for purposes in breach of condition 3 is not a material to this determination. There is no planning policy requiring a public house to have ancillary restaurant or cooking and serving facilities. In any case, the condition was not imposed to ensure the viability of the public house, but to protect against up-rise in intensity of the public house use to the detriment of the character of the area. The previously approved floor plans and elevations remain the same.

4.3.18 It appears of most importance to the Parish Council and Councillor Gerald Morris that the community facility of the existing public house use is retained. It is of utmost importance that the Council determine what has been applied for. This application does not seek the material change of use of the building away from its principal use as a public house. Loss of community facilities is not a consideration relevant to this determination. The deletion of the condition allows more flexibility in the use of the ground floor of the premises, so long as the primary use remains a public house. The deletion of this restrictive condition would allow the use of the ground floor of the extension to return to any form of public house use, to promote the uses long-term viability, without the requirement for planning permission.

4.4 **Conclusion**

4.4.1 It is considered that the planning permission previously granted should be granted unconditionally.

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** unconditionally.

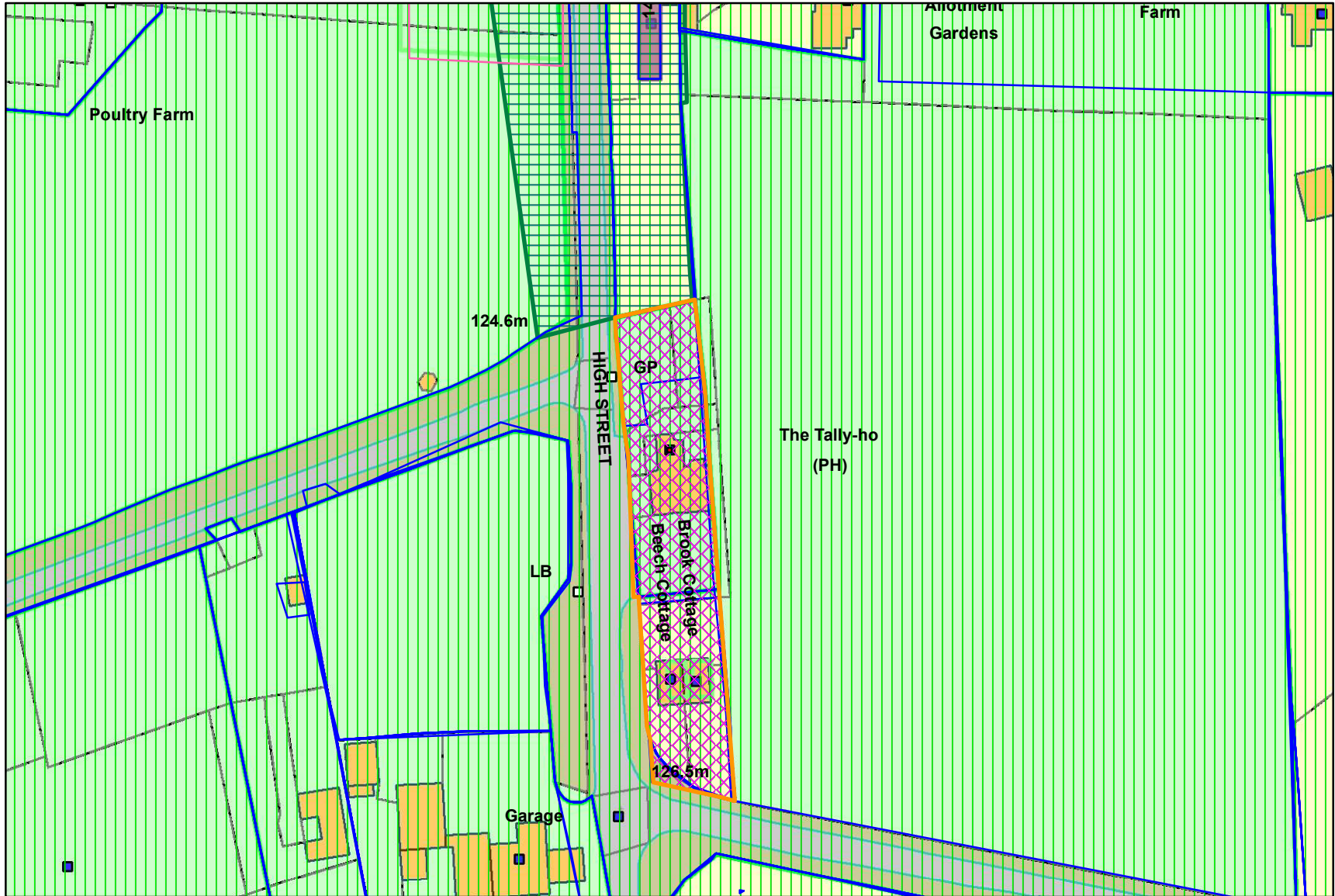
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph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



Application Validation Sheet

20/00627/S73 Tally Ho, London Road, Barkway, Royston, SG8 8EX

- Acolaid Land Parcel**
Property.shp
- Acolaid Address Point**
ap.shp
- Planning Application (1999)**
Prapps99.shp
- Area of Outstanding Natural Beauty**
Pranob.shp
- Listed Buildings**
Prstbld.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**
Prgrnbt.shp
- Health & Safety Consultation Zone**
Prhjszone.shp
- Landscape Conservation**
Prlandca.shp
- Ward Boundary**
Prwardcd.shp
- Noise Nuisance Indicators**
Prnnis.shp
- Indicative Flood Plain**
Prifpm.shp



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Date: 03/06/2020



Page 43

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PLANNING CONTROL COMMITTEE

DATE: 18 June 2020

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mrs J Selby	Two storey side extension and single storey front extension.	65 Spring Road Letchworth Garden City Hertfordshire SG6 3SL	19/02017/FPH	Appeal Dismissed on 27 May 2020	DELEGATED	The Appeals Planning Officer concluded that the development fails to preserve the character and appearance of the host pair of semi-detached dwellings and the Letchworth Conservation Area. Therefore, it conflicts with Policy 28 (House extensions) of the North Hertfordshire District Council Local Plan (2007), Policies D2 (House extensions, replacement dwellings and outbuildings) and HE1 (Designated heritage assets) of the North Hertfordshire District Council Emerging Local Plan 2011-2031 (2016), along with the design objectives of the National Planning Policy Framework. These seek to ensure extensions to dwellings are sympathetic to the existing house and that proposals affecting designated heritage assets preserve its significance.

Please note: No appeals lodged this month.

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Appeal Decision

Site visit made on 19 May 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/X1925/D/19/3243151

65 Spring Road, Letchworth Garden City SG6 3SL

- 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 Mrs Jenna Selby against the decision of North Hertfordshire District Council.
 - The application Ref 19/02017/FPH, dated 21 August 2019, was refused by notice dated 7 October 2019.
 - The development proposed is a 2 storey side extension and single storey front porch.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host pair of semi-detached dwellings and the Letchworth Conservation Area.

Reasons for the Recommendation

4. The appeal site accommodates a two-storey semi-detached dwelling located within the Letchworth Conservation Area (the Conservation Area), which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The significance of the Conservation Area relates to the architecture, the layout of development and its relation to the garden city movement, as the first of its kind. The appeal site forms part of the garden city, as part of the group of semi-detached and terraced houses for industrial workers with open spaces between dwellings and large corner plots, and makes a positive contribution to the significance of the Conservation Area. The location of the appeal site on a corner plot with West View and opposite a junction with Broadwater Avenue makes it highly visible within the surrounding area.

6. The design of the proposed extension has been stepped down from the ridge and stepped in from the front elevation of the main dwelling. However its disproportionate width, of over 4 metres, would not appear subservient in the context of the original dwelling. Furthermore, the positioning of the dormer on the front elevation, which would not match the positioning of the existing dormer on the front elevation, would not appear sympathetic in design. It is noted that a side facing gable has been used to match that of the neighbouring property, No.102 West View, but this would not detract from the overly large and imposing nature of the proposed extension, which would be particularly visible in this corner plot location.
7. The attached neighbouring dwelling, No.67 Spring Road, is not entirely symmetrical in appearance to the appeal property, with an existing porch and a small single-storey side extension. However, the large two-storey proposal would have a greater impact on the appearance of the pair of semi-detached properties and would be detrimental to their joint positive impact on the streetscene. Although the side elevations of each dwelling are not seen together, the proposal would be highly visible from the front, where any form of existing symmetry would be significantly disrupted.
8. The area of land to the side of the host dwelling, where the proposal is to be located, is large and spacious. Although the proposed side extension would not occupy all of this land, it would still appear overly large in size when compared to the original dwelling. The side extension would reduce the open nature of this corner plot and the modest appearance of the original dwelling, to the detriment of the wider Conservation Area.
9. I conclude that the development fails to preserve the character and appearance of the host pair of semi-detached dwellings and the Letchworth Conservation Area. Therefore, it conflicts with Policy 28 of the North Hertfordshire District Council Local Plan (2007), Policies D2 and HE1 of the North Hertfordshire District Council Emerging Local Plan 2011-2031 (2016), along with the design objectives of the National Planning Policy Framework. These seek to ensure extensions to dwellings are sympathetic to the existing house and that proposals affecting designated heritage assets preserve its significance.
10. The harm found is relatively small scale in the wider context of the entire Conservation Area and therefore, having regard to the Framework, the harm to the significance of the Letchworth Conservation Area is less than substantial. The Framework requires, where there would be less than substantial harm, for it to be balanced against the public benefits of the scheme.
11. Although the appellant indicates that the proposal would enhance the viability of the dwelling to meet modern needs, it is not considered that the proposed extension is necessary to achieve this. Therefore, this can only be given minimal weight. I also acknowledge the appellant's were expecting another child and that the proposal would provide more space for them. However such personal circumstances carry little weight and are not a public benefit. Therefore, the public benefits of the scheme do not outweigh the less than substantial harm to the heritage asset previously identified.

Other Matters

12. It is noted that first stage approval has been granted by the Garden City Heritage Foundation for the proposed development. However this is a separate

matter from the application for planning permission and would not impact upon my conclusion.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

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