

NORTH HERTFORDSHIRE DISTRICT COUNCIL



1 April 2021

Our Ref Planning Control Committee/14 April 2021
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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

WEDNESDAY, 14TH APRIL, 2021 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. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings .	
2. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
3. MINUTES - 24 MARCH 2021 To take as read and approve as a true record of proceedings the minutes of the meeting on 24 March 2021. Minutes to follow.	
4. 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.	
5. 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.	

6. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

- 7. 20/01638/FP LAND TO THE REAR OF NOS 61 AND 61A RADCLIFFE ROAD, HITCHIN, SG5 1QG** (Pages 5 - 28)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area (as amended by plan received 21.10.20).

- 8. 20/02599/S73 LAND AT THE JUNCTION OF ASHWELL STREET AND, STATION ROAD, ASHWELL, HERTFORDSHIRE** (Pages 29 - 42)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (Section 73 Application: Variation of Condition 2 of Planning Permission 19/00455/FP granted 11.08.2020 amendments to design improvements and provision of loft accommodation with rooflights plans - 2020/973/24; 2020/973/50A; 2020/973/51; 2020/973/52; 2020/973/53; 2020/973/54 and 2020/973/55), (amended plans received 27/11/20)

- 9. 20/03073/FP LAND AT NORTON COMMON, ICKNIELD WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE** (Pages 43 - 50)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Installation of storage shipping container adjacent to bowling green car park.

- 10. 20/03038/FP 103 BANCROFT, HITCHIN, HERTFORDSHIRE, SG5 1NB** (Pages 51 - 60)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Change of use of ground floor from financial and professional services (formerly Use Class A2, now Use Class E) to a mixed use of cafe/restaurant (Use Class E) and hot food takeaway (Sui Generis). Internal alterations. (As amended by details of recirculation unit and plan 2202-5-LMH-Proposed received on 15/02/2021)

- 11. 20/03039/LBC 103 BANCROFT, HITCHIN, HERTFORDSHIRE, SG5 1NB** (Pages 61 - 66)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Internal and external alterations (as amended by plan 2202-5-LMH-Proposed received on 15/02/2021)

- 12. 20/02573/FP LAND ADJACENT, COACH DRIVE, HITCHIN, HERTFORDSHIRE** (Pages 67 - 80)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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

13. **20/00642/FP RYE END FARM, GREEN LANE, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8SU** (Pages 81 - 88)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Change of use of Barn and East & West Stables to ancillary residential accommodation and change of use of land from agricultural to residential. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.

14. **20/00642/LBC RYE END FARM, GREEN LANE, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8SU** (Pages 89 - 108)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Internal and external alterations to Barn, East Stables and West Stables. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.

<u>Location:</u>	Land to The Rear of Nos 61 And 61A Radcliffe Road, Hitchin SG5 1QG
<u>Applicant:</u>	Mr Adams
<u>Proposal:</u>	Conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area (as amended by plan received 21.10.20).
<u>Ref. No:</u>	20/01638/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period : 21.09.2020

Reason for Delay

Research and Committee cycle

Reason for Referral to Committee

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Ian Albert if officers are minded to recommend approval, for the following reasons:

My initial grounds for objection to the development proposals at 61 & 61a Radcliffe Road is because of the serious and continuing impact on shared on-street parking for the residents of Radcliffe Road, that would be caused by the proposed second driveway and insufficient off-street parking. Access into this second driveway will reduce parking provision for other residents on the street and there are other alternatives to the current plan.

There is no need for local residents to lose out on on-street parking within the CPZ or have any further pressure placed on the serious parking problem in the area by inadequate parking being provided in the development.

1.0 Background

- 1.1** Members will recall that this application was deferred from consideration at the Planning Control Committee of 17th December 2020 (the original report is attached as **Appendix A**) for the following reasons:

RESOLVED:

That application 20/01564/FP be **DEFERRED** planning permission for the following reasons:

- To seek more information on any changes to the local Controlled Parking Zone (CPZ) that would take place to lose an existing on street car parking space if permission was granted. More information was needed on the practical implications and likely impact on local parking conditions.

1.2 The applicant did not provide any additional information or amended plans, and was not required to do so. No further public consultation was required.

2.0 Policies

2.1 See original report at **Appendix A**

3.0 Representations

3.1 No additional public consultation took place following the deferral. No representations have been received following the deferral.

3.2 **NHDC Strategic Infrastructure & Projects Manager** – Consultation was carried out to seek the necessary answers in response to the reason for the deferral. The following comments were provided:

1. If planning permission is granted would the Council need to change the CPZ through a formal consultation with local residents to lose the space required for the access?

No - there would be no requirement to amend the Traffic Regulation Order (TRO) in terms of the extent of the bay on the highway, as it is described as a length of bay in the TRO which traverses a couple of other off street access points. This description/layout of parking bay on street is not unusual as this affords flexibility to the local residents to park their vehicle within the extent of the bay marking in a safe manner and as long as they are not obstructing driveway access while displaying a valid permit.

2. Would this be at the Council's expense?

As the TRO does not need to be amended to accommodate the cross over there would be no additional expense.

3. If so, will the applicant have to pay for this.

No not in this instance as there is no requirement for us to amend the TRO for the cross over.

4. If locals object to the change to the CPZ and it doesn't change can the applicant legally build out the scheme?

It is my understanding that an objection to a TRO does not necessarily trump a planning decision, an objection to a TRO would have to be well founded and backed by supporting evidence to demonstrate the impact the proposal is likely to have on the resident parking zone, including safety. It would be for Legal to advise.

5. Would the occupiers of the development have a right on street parking permits.

Yes, the way the current TRO is worded for this zone, it includes all properties within the full length of Radcliffe Road that are eligible for resident and visitor permits. This means that the additional properties will be eligible to purchase permits, which could place additional pressure for parking space on street.

The only way this could be controlled would be through an amendment to the wording of the TRO that would allow the Council at its discretion to issue a limited number of permits or only issue permits to those households with no off street parking. To do this for just one property would be a waste of public money both in terms of officer time and cost of amending the TRO.

As an aside we are aware of the increasing parking pressures being placed on such CPZ areas that are near capacity where applications are being submitted for new residential development or in the case of where permitted development allows for changes to residential. This is an area of work that we are looking to address through the adopted NHDC Parking Strategy (Jan 2019) as identified in Policy 21 'Review of Existing Controlled Parking Zones' and we would wish to work more closely with DM officers when considering such applications in the future. Such a review will help promote more sustainable modes of transport in such CPZs if the Council were minded to limit the number of permits and/or consider increasing prices for multiple car ownership as set out in the policy supporting text below.

A copy of Policy 21 and its supporting text is set out below.

Policy 21 - Review of Existing Controlled Parking Zones

The Council may as and when circumstances require, review an existing CPZ in order to determine whether it remains 'fit for purpose'. In consultation with relevant stakeholders, a programme for amending such CPZs will then be drawn up where it is considered appropriate to do so.

7.18 From time to time the Council may seek to conduct a review of one or more CPZs. Reviews will consider how well they operate, whether a CPZ is the most appropriate way of addressing parking issues and whether a zone needs to be amended in any way. Where the take up of residents' permits is lower than originally planned, the cost to the Council of managing these areas may justify a review. This review will also consider if there is available capacity for charged on street parking within the CPZ area as that would contribute to the costs of its management.

7.19 Part of the review process will include the pricing of residents' permits and potential concessions on permits as well other issues such as whether to increase prices for multiple car owning properties or restrict the number of permits available per property as is standard practice in other Local Authorities.

4.0 Discussion

4.1 This discussion concerns whether the additional information required relating to the CPZ provides the answers sought by the committee to allow for the application to be determined.

4.2.1 The reason for the deferral of the application was:

To seek more information on any changes to the local Controlled Parking Zone (CPZ) that would take place to lose an existing on street car parking space if permission was granted. More information was needed on the practical implications and likely impact on local parking conditions.

4.3 Comments by the committee relating to this included:

- It was suggested that the Committee might want to consider deferring its decision on the application until discussion had taken place concerning potential amendments to the Council's Parking Strategy which might affect the development;
- A change to the CPZ would require a full consultation and a full review of that CPZ;
- The source of funding would need to be considered.

4.4 Regarding whether there would need to be a change to the CPZ, the NHDC Strategic Infrastructure & Projects Manager (SIPM) said:

No - there would be no requirement to amend the TRO in terms of the extent of the bay on the highway, as it is described as a length of bay in the TRO which traverses a couple of other off street access points.

The CPZ would not therefore need to be amended through a TRO and formal consultation with local residents for the parking space to be removed.

4.5 Concerning funding, as stated by the CIPM, this would not be at the Council's expense or something the applicant would have to pay for, as the CPZ does not need to be amended.

4.6 Regarding the Council's Parking Strategy, the latest adopted version is from January 2019. It is uncertain at this time how long it would take for this to be reviewed and a new strategy adopted, however as this is not a planning document and not part of the local development plan, it is considered unreasonable to delay the determination of this application on this basis. The CIPM has also stated in her response in this report under

her answer to question 5 that they're looking to use the adopted Parking Strategy to review existing parking zones under its Policy 21. It is therefore considered that the application can be determined without needing to wait for a new Parking Strategy to be adopted.

5.0 **Conclusion**

- 5.1 For the reasons above sufficient information has been provided in respect of the CPZ and how it relates to the planning application, and that planning permission should be granted.

5.2 **Alternative Options**

None.

5.3 **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 **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 occupation of the approved development, the following landscape details shall be submitted:

a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

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

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

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

5. Prior to occupation, each detached property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

6. Land Contamination Condition

- (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then 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**

- (c) 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 (b), above; has been submitted to and approved by the Local Planning Authority.**
- (d) 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 (c) 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.**
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to 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. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

The Construction Management Plan shall consist of:

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- 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 (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- 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 site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

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).

8. **No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in conjunction with HCC in relation to the proposed arrangements for future management and maintenance of the proposed turntable retained at the position shown on the approved drawing number 20049 PL03 within the development. The turntable shall thereafter be maintained and operated in accordance with the approved management and maintenance details in perpetuity.**

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).

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved drawing number 20049 PL03. Arrangement 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 satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the rear edge of the adjacent footway.

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

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.

ITEM NO:	
<u>Location:</u>	Land To The Rear Of Nos 61 And 61A Radcliffe Road, Hitchin SG5 1QG
<u>Applicant:</u>	Mr Adams
<u>Proposal:</u>	Conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area (as amended by plan received 21.10.20).
<u>Ref. No:</u>	20/01638/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 September 2020

Submitted Plan Nos.:

20049 PL01, 20049 PL02, 20049 PL03 Rev A, 20049 PL04, 20049 PL05.

Extension of statutory period:

Agreed to 20 December 2020.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Ian Albert if officers are minded to recommend approval, for the following reasons:

My initial grounds for objection to the development proposals at 61 & 61a Radcliffe Road is because of the serious and continuing impact on shared on-street parking for the residents of Radcliffe Road, that would be caused by the proposed second driveway and insufficient off-street parking. Access into this second driveway will reduce parking provision for other residents on the street and there are other alternatives to the current plan.

There is no need for local residents to lose out on on-street parking within the CPZ or have any further pressure placed on the serious parking problem in the area by inadequate parking being provided in the development.

1.0 **Relevant Site History**

1.1 13/01964/1 - 1 x 4-bedroom detached dwelling, 1 x 3-bedroom detached dwelling, 1 x 2-bedroom detached bungalow together with associated rear parking area and detached garage to serve 4-bed dwelling; all following demolition of vacant hostel building – Approved 10/02/14.

1.2 06/00175/1 - Erection of pair of 2-bedroom semi detached dwellings and associated parking spaces following demolition of existing light engineering premises (as amplified by letter dated 18th May) – Approved 26/05/06.

2.0 **Policies**

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

Policy 8 – Development in Towns

Policy 26 – Housing proposals

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

SP1 – Sustainable development in North Hertfordshire

SP2 – Settlement Hierarchy

SP6 – Sustainable transport

SP8 - Housing

SP9 – Design and sustainability

T1 – Assessment of transport matters

T2 – Parking

HS3 – Housing mix

D1 – Sustainable Design

D3 – Protecting Living Conditions

D4 – Air quality

NE1 - Landscape

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 05/08/2020 Expiry Date: 28/08/2020

3.2 **Press Notice:**

Start Date: N/A Expiry Date: N/A

3.3 **Neighbouring Properties:**

Eight objections were received from dwellings on Radcliffe Road and Walsworth Road, including Nos. 8, 11 and 5 The Cloisters Radcliffe Road, and 43a Walsworth Road. The objections also include a petition of 44 signatures from residents of Radcliffe Road opposed to the application.

These objections are on the following grounds:

- Strongly object.
- Cannot support the proposals due to second driveway and inadequate off-street parking.
- Second driveway reduces on-street parking for other residents by at least two spaces.
- Previous applications noted insufficient parking.
- Residents of the new properties will give visitor parking permits to guests, displaying residents and reducing amenity.
- Reduction in proposed parking provision from NHDC's standards not justified.
- Most residents on Radcliffe Road own at least one car, many own 2 or 3 with visitors.
- Often impossible to find a space on the street or in the CPZ (Controlled Parking Zone).
- A petition of 54 signatures asking HCC to withdraw permission for a dropped kerb at 61a Radcliffe Road is evidence of this.
- Other recently similar approved developments claimed in the Design and Access Statement used existing accesses or didn't reduce on-road parking amenity.
- Potential future development at Nos. 59, 60 and 61a Radcliffe Road. This with the current application could make future parking pressure intolerable.
- The application form incorrectly states there are 0 parking spaces – Google Earth shows 6 car parked on plots 1 and 2.
- Planning application 16/00562/1 was granted on the basis of 8 spaces being provided.
- This development will remove 6 spaces on the site and 2 on-street spaces.
- Any development should use the existing driveway north of No. 61 Radcliffe Road, allowing two spaces per home.
- Block light to my garden and property.
- More windows will allow direct views into my garden and windows.
- Increase in noise pollution.

3.4 **Statutory Consultees:**

Environmental Protection (Air Quality) – No objection.

Waste Officer – No objections.

Hertfordshire County Council highways – Does not wish to restrict the grant of permission subject to conditions.

COMMENTS

The proposal comprises of the conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area.

VEHICLE ACCESS

To implement the development the new access would require the removal of at least one of the existing controlled parking zone parking bays along Radcliffe Road that is designated as a one-way local access road subject to a speed limit restricted to 30 mph.

Within section 8 of the application form Pedestrian and vehicle access, roads and rights of way the applicant has implied that there is a new vehicle access proposed from the public highway to the property.

Prior to commencement of the development, the applicant would need to show current written evidence of the approval of the vehicle cross over from HCC and support from North Herts District Council for the shortening of the controlled parking zone promulgated through a traffic regulation order.

The width of access is acceptable for this small scale development and complies with Roads in Herts Highway Design Guide. Moreover, a single lane access will normally be sufficient to serve up to 3 individual dwellings (reference; Roads in Herts Highway Design Guide Section 2; 8.5.4. Shared Private Drives / Access). Page 29 (MfS 2.75 metres).

PARKING AND TURNING

Parking provision should be provided to comply with the North Herts District Council SPD on parking at new development.

More details are required to show that the turntable facility can be achieved and how it is operated by delivery drivers and all residents with an agreement for the facility to be maintained jointly in perpetuity to be included as part of the planning permission

HIGHWAY SAFETY - Visibility along the highway from the existing access

Vehicle to vehicle inter-visibility and pedestrian visibility would be provided when implementing the vehicle cross over. A site visit undertaken showed that the above mentioned visibility is acceptable for vehicles entering and exiting the site and complies with levels of visibility found in Manual for Streets [Visibility splays at junctions 7.7 and visibility along the street edge 7.8.3]

WASTE COLLECTION

The bin storage area is not shown located in an accessible location, the bins should be stored in an area that can be accommodated with 15 m of the public highway and any method of collection should be agreed with North Herts District Council collection agency.

Reference: Manual for Streets section 6.8.11 Department for Transport (DfT) 2007 (BSI 2005 BS 5906: Waste Management in Buildings – Code of Practice. London:BSI. Roads in Hertfordshire – Highway Design Guide North Herts District Council - Waste collection

IMPACT ON THE LOCAL HIGHWAY NETWORK

Traffic generation

Within Section 9. Vehicle parking the applicant indicated that there is an increase of parking provision by three spaces therefore there is no significant increase to traffic generation.

The new development will have appropriate off-road parking and a turning facility to enable the residents vehicles to turn around and egress the access in forward gear.

ACCESSIBILITY BY PUBLIC TRANSPORT

Pedestrians have access to an extensive network of footways which are on both sides of the road within the vicinity of the site and are complimented by crossing facilities.

The town centre and local facilities have a realistic access from the development by walking and cycling the rail station is 570 metres away. The nearest bus stops are located along the adjacent connecting roads to the site along Walsworth Road and Nightingale Road within 300 metres of the development there are links to Letchworth, Stevenage and Welwyn.

CONCLUSION

Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and do not wish to restrict the grant of planning permission on highway grounds subject to the above recommended planning conditions and highway informative.

Environmental Health (Noise) – No objections.

Environmental Health (Land Contamination) – No objections.

Parking Manager - So far as I am concerned there should not be a problem caused by dropping the kerb for a driveway

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The majority of the site comprises a two storey building with a pitched roof and two single storey projections which was used as storage/offices, and is now redundant. The site also includes a strip of land south and adjacent to No. 61a Radcliffe Road, extending to the public highway. The blue-edged land comprises a pair of two storey semi-detached dwellings and ancillary land to the rear, including a vehicular access from Radcliffe Road. Rear party boundaries predominantly comprise 2m high walls and fences.

4.1.2 Properties adjacent and near the site are residential dwellings, with the area having a predominantly residential character. A church is to the north, and a shop is to the south. A small eastern part of the site is within a Conservation Area. Radcliffe Road is included in a Controlled Parking Zone.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the change of use of the redundant building to two 3 bedroom dwellings. Various enlargements and external alterations are proposed in association with the change of use, the key changes being a two storey front extension with an increase in roof height, a pitched roof on the flat roof of that respective single storey projection and a reduction in its depth, a single storey front and side extension, and alterations to external materials and openings.
- 4.2.2 Each dwelling would have a courtyard garden area to the front of their plots. Each dwelling would have one parking space, with bin storage areas between the parking spaces and the south boundary of the site. The parking area would include a turntable for vehicles to exit the site in a forwards gear, and a parking space for No. 61a Radcliffe Road.
- 4.2.3 Vehicular access to the site would be by a proposed new crossover onto Radcliffe Road, between Nos. 61a and 62. The crossover would open onto an existing on-street marked parking bay, part of which would be removed to provide access to the crossover.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
 - 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.
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
 - The impact that the proposed development would have on car parking provision and the public highway in the area.

Principle of Development:

- 4.3.2 The site is within Hitchin, a Town under Policy 8 of the adopted Local Plan. Policy 8 states that the Council will normally permit proposals to meet the majority of the development needs of the District if the aims of other relevant policies are met. New residential development and extensions and alterations to existing buildings are acceptable in principle. Policy SP2 of the emerging Local Plan states that the majority of the District's development will be located within Towns, including Hitchin. The proposal is acceptable in principle, subject to other detailed policies being complied with.

Character and appearance:

- 4.3.3 The building the subject of the application and the land to its east are in a relatively poor condition. The proposal would result in visual improvements to the building and

site which would benefit them and the wider locality. Small-scale residential is considered acceptable here given the location and previous fairly recent planning permissions for new residential in the same location. The enlargements to the building are relatively small in size and would be subordinate, and would be of a design in keeping with its character and appearance and the locality. The new external materials of slate roof tiles, timber cladding, off-white render, red bricks and dark aluminium-framed fenestration are considered of an acceptable quality in respect of the application site, and of the wider locality which includes buildings of a mix of materials.

- 4.3.4 The landscaping proposed for the wider site is considered acceptable, with planting further enhancing the site. Details of hard surfacing and planting have not been provided, however these can be required by an appropriate condition. Bin storage is in an acceptable and accessible location within the site and from the public highway.

Impacts on Neighbouring Properties:

- 4.3.5 The site shares boundaries to its south and east with dwellings and their rear gardens. Dwellings to the north of Nos. 61 and 61a Radcliffe Road would not be affected due to their distance from the proposed development.
- 4.3.6 Nos. 62 and 63 Radcliffe Road have rear and side boundaries that adjoin the application site, with the building the subject of the conversion extending along both rear boundaries of these dwellings. The southernmost single storey projection that would have an altered roof would be at an oblique angle from No. 63 as the amended roof would be adjacent to the rear boundaries of Nos. 41 and 42 Walsworth Road, and would not affect Nos. 63 and 62.
- 4.3.7 The enlargements and alterations to the building that would be most evident to Nos. 62 and 63 would be an increase in its ridge height, a change of the roof materials, and new rooflights on the rear roof slope. The proposed ridge increase would be approx. 0.4m, with the ridge being 3.1m from the boundaries of those dwellings – this would be a small increase in height with limited impacts, which I do not consider harmful to amenity. The change of roof materials to slate would result in the eaves being approx. 10cm higher, which I also consider small and not harmful to amenity.
- 4.3.8 Nine new rooflights would be proposed. Due to their siting on the rear roof slope for first floor accommodation, they would provide outlook from those rooms of the sky and would not result in loss of privacy to Nos. 62 and 63. The existing rear roof slope presently contains 9 rooflights of a similar size to those proposed, therefore I do not consider that perception of loss of privacy would be materially greater than the present situation. Impacts on the amenity of Nos. 62 and 63 Radcliffe Road are considered acceptable.
- 4.3.9 The site shares a boundary with Nos. 41, 42, 43 and 44 Walsworth Road. The enlargement of the two storey part of the building would be small and set away from the boundaries of the above dwellings, and is not considered harmful.
- 4.3.10 The enlargement of the building that would be most evident to Nos. 41, 42 and 43 would be a single storey front extension and alterations to the roof of an existing single storey side projection. This extension would be to the north of the above Walsworth

Road dwellings with a roof sloping away from them, therefore I do not consider it would appear overbearing or result in loss of light to their main habitable rooms. The extension would be more visible from the rear gardens of those dwellings, however as it would be at the ends of those gardens and single storey with a roof sloping away from them, I do not consider that it would appear harmfully overbearing. The rooflights proposed on the roof slope would serve ground floor accommodation which would provide outlook primarily of the sky with only oblique views of No. 42 Walsworth Road, therefore I do not consider that loss of privacy and amenity would be caused.

- 4.3.11 The conversion to residential would result in the first floors being primarily used for bedrooms, with the two largest bedrooms of each dwelling having front elevation windows facing the rear gardens of No. 43 and 44 Walsworth Road. Views of the garden of No. 43 would be oblique, and restricted by the closest window being at a higher level and by the adjacent pitched roof proposed of the front and side extension, therefore I do not consider No. 43 would experience harmful loss of privacy and amenity.
- 4.3.12 The first floor front windows would be approx. 10.3m from the boundary of the site with the rear garden of No. 44 Walsworth Road. Guideline 7 of Policy 57 of the adopted Local Plan states that a distance of 30m between the rears of dwellings may achieve a minimum degree of privacy, which infers that a distance of 15m from the rear of one dwelling to a boundary fence would be acceptable. This is a guideline therefore new development does not need to rigidly comply with the above distances. The 10.3m distance to the boundary with No. 44 is in any case not considered unreasonable in this central location in Hitchin where densities are higher and buildings closer together. In addition the first floor bedroom windows proposed would face towards the end of the rear garden of No. 44 and would not directly overlook its rear elevation, therefore I do not consider that loss of privacy and amenity would be caused to that dwelling.
- 4.3.13 The change of use would result in an increase in the intensity of the use of the site. As only two relatively modest dwellings are proposed it is considered that the potential for noise and other disturbance would be limited. It is also not considered that such impacts from the use itself would be significantly different to those from other residential uses granted planning permission at the site. For the reasons above I do not consider that the proposal would be harmful to residential amenity.

Amenity of Future Occupiers:

- 4.3.14 Paragraph 127 (f) of the NPPF states that *“decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users”*. Paragraph 127 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.
- 4.3.15 The main habitable rooms of the proposed dwellings are largely considered to be of an adequate size and would receive sufficient outlook and light. The exception is Bedroom 3 of each dwelling which would be approx. 6 m² and below the 7.5 m² of the March 2015 Technical Housing Standards and would have two rooflights above a normal window level, although I acknowledge the difference in floor space is not large and the use of two rooflights would provide outlook and light. The proposed dwellings would not be harmfully affected by neighbouring properties.

- 4.3.16 The gardens would be small, however they would provide some private amenity space. Given the constraints of the site and the denser town centre location where there is less space generally, I do not consider the amount of private amenity space unacceptable. The site is also a short walk from the large area of public open space Windmill Hill to the south-west, therefore I consider available amenity space acceptable. Living conditions of future occupiers are considered acceptable.

Parking and Highways:

- 4.3.17 The creation of a new crossover onto Radcliffe Road has not raised objections from the County Council highways officer regarding public safety, therefore I do not consider that the crossover is unacceptable with regards to the safe operation of the public highway.
- 4.3.18 Each dwelling would have three bedrooms and one parking space. The Council's parking standards for dwellings with two or more bedrooms are for a minimum of two parking spaces, therefore each dwelling would have one less space than the minimum. Appendix 4 of the emerging Local Plan states:

Reductions will be considered only in exceptional circumstances e.g. in town centres or other accessible locations with the availability of a range of local services and good local sustainable transport options and for e.g. small-scale conversion of buildings for a small number of residential units in defined town centres.

- 4.3.19 The site is close to Hitchin town centre and is accessible on foot and by bicycle, and the site is also within comfortable walking distance of rail and bus transport. There are also some local shops nearby on Walsworth Road within easy walking distance, while the proposal is considered to be a small-scale conversion for a small number of residential units. Taking the above into consideration the site is very sustainable where not every journey would be made by car, while both dwellings would at least have one parking space which would help to minimise parking pressures in the wider area. I consider that a reduction in parking provision can be justified in this instance due to the above factors. Cycle parking provision can be adequately provided in the curtilages of the proposed dwellings.
- 4.3.20 Both parking spaces would be in a small part of the site with no space available to reversing so that vehicles could exit the site in a forwards gear. To deal with this, the proposal includes a 4.5m wide turntable. The County Council highways officer has recommended that a condition be imposed on any permission granted requiring details of the future management and maintenance of the turntable, and for the turntable to be operated in accordance with any such approved details. I consider this approach acceptable in ensuring the retention of the turntable and enabling the proposed parking spaces to be accessed safely and conveniently.
- 4.3.21 The entrance to the proposed vehicular access would be on Radcliffe Road, and would involve removing a length of allocated on-street parking measuring approx. 5.4m. Manual for Streets defines one on-street parking space parallel to the street as typically needing to measure 6m in length (paragraph 8.3.48). On this basis, the proposal would remove one parking space which is allocated for permit holders, in an area that

experiences high demands for parking and consequent pressures. The high level of objections from local residents on this issue is indicative of this.

- 4.3.22 The loss of one on-street allocated parking space is therefore an impact caused by the proposed development. However there have not been concerns raised by the Council's parking section in relation to the loss of the parking space, therefore it is considered that this is a harm that is limited and one that needs to be weighed in the overall planning balance against the proposal. On this basis there are no reasonable grounds for objections to the loss of the single allocated parking space. The proposal is considered acceptable in all other aspects relating to parking and impacts on the public highway.

Climate Change Mitigation:

- 4.3.23 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. The development in Section 5 of its Planning Statement states that the dwellings would be an improvement on the minimum Building Regulations standards. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will also be conditioned to be installed on the two parking for spaces for each of the proposed new dwellings.

4.4 Conclusion

- 4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged as the proposal is not considered harmful to the Conservation Area. This requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 4.4.2 The adverse impacts are:

- The loss of an on-street parking space. I consider this harm limited on the basis of the absence of objections from the Council's parking section.
- The smallest bedroom of each dwelling being under the internal space sizes of the Technical Housing Standards with no windows. I consider this harm limited though as the difference in size is small at 1.5 sqm, and the use of two rooflights for each bedroom would provide some outlook and light.

- 4.4.3 The benefits are:

- Two new dwellings in a sustainable location. I consider these benefits limited to moderate as only two new dwellings would be provided.
- Visual improvements to the site from the re-development. I consider these benefits moderate as the condition of the existing site has limited visual impacts on the wider locality therefore its redevelopment will not result in significant improvements in this respect. The condition of the existing site largely relates to the appearance of the roof of the building and the yard in front and the

general untidiness of the site. In this context the improvements to the site itself are considered a moderate benefit.

- 4.4.4 It is considered that the adverse impacts from the development would be very limited while the benefits would be moderate. In the context of paragraph 11 of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case the benefits are considered to outweigh the adverse impacts, therefore it is recommended that planning permission is granted.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

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. Prior to occupation of the approved development, the following landscape details shall be submitted:

- a) what new trees, shrubs, hedges and grassed areas are to be planted, together

with the species proposed and the size and density of planting

b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed - hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

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

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

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

5. Prior to occupation, each detached property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

6. Land Contamination Condition
 - (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
 - (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then 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
 - (c) 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 (b), above; has been submitted to and approved by the Local Planning Authority.

(d) 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 (c) 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.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to 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. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan shall consist of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- 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 (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- 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 site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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).

8. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in conjunction with HCC in relation to the proposed arrangements for future management and maintenance of the proposed turntable retained at the position shown on the approved drawing number

20049 PL03 within the development. The turntable shall thereafter be maintained and operated in accordance with the approved management and maintenance details in perpetuity.

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).

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved drawing number 20049 PL03. Arrangement 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 satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the rear edge of the adjacent footway.


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

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

20/01638/FP Land to the Rear of Nos 61 and 61A Radcliffe Road, Hitchin, SG5 1QG

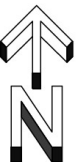
-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp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



Scale 1:750

Date: 25/03/2021

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<u>Location:</u>	Land at The Junction of Ashwell Street And Station Road Ashwell Hertfordshire
<u>Applicant:</u>	GPS Estates Ltd
<u>Proposal:</u>	Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (Section 73 Application: Variation of Condition 2 of Planning Permission 19/00455/FP granted 11.08.2020 amendments to design improvements and provision of loft accommodation with rooflights plans - 2020/973/24; 2020/973/50A; 2020/973/51; 2020/973/52; 2020/973/53; 2020/973/54 and 2020/973/55), (amended plans received 27/11/20)
<u>Ref. No:</u>	20/02599/S73
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

6 January 2021

Submitted Plan Nos.:

2020/973/52A, 2020/973/55A, 2020/973/24, 2020/973/50A, 2020/973/51, 2020/973/53, 2020/973/54.

Extension of statutory period:

Not agreed at the time of writing.

Reason for referral to Committee:

Residential development with a site area of more than 0.5 hectares.

1.0 Site History

- 1.1 19/02691/S73 - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following

demolition of existing redundant structures. Creation of new access from Station Road (Section 73 application, variation of condition 8 - footway) – Withdrawn 05/03/20.

- 1.2 19/00455/FP - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (as amended by plans received on 14/06/19 and 23/07/19) – Approved 23/09/19.
- 1.3 18/01874/FP - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road – Withdrawn 18/10/18.

2.0 **Policies**

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

- Policy 6 – Rural Areas beyond the Green Belt
- Policy 7 – Selected Villages beyond the Green Belt
- Policy 14 – Nature Conservation
- Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
- Policy 21 – Landscape and open space pattern in towns
- Policy 26 – Housing Proposals
- Policy 29 – Rural Housing Needs
- Policy 55 – Car Parking Standards
- Policy 57 – Residential Guidelines and Standards

2.2 **Emerging Local Plan 2011 – 2031**

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy and Spatial Distribution
SP6: Sustainable Transport
SP8: Housing
SP9: Design and sustainability
SP11: Natural resources and sustainability
SP12: Green infrastructure, landscape and biodiversity
SP13: Historic environment

HS2: Affordable housing
HS3: Housing mix
D1: Sustainable design
D3: Protecting living conditions
D4: Air quality
NE1: Landscape
NE4: Protecting publicly accessible open space
NE6: Designated biodiversity and geological sites
NE7: Reducing flood risk
NE8: Sustainable drainage systems
NE11: Contaminated land
T1: Assessment of transport matters
T2: Parking

HE1: Designated heritage assets
HE4: Archaeology

2.3 **National Planning Policy Framework 2019**

Section 5: Delivering a sufficient supply of homes
Section 9: Promoting Sustainable Transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.4 **Supplementary Planning Documents**

Vehicle Parking Standards at New Development (2011)
Design
Ashwell village design statement

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 19/11/20 Expiry Date: 12/12/20

3.2 **Press Notice:**

Start Date: 19/11/20 Expiry Date: 12/12/20

3.3 **Local Neighbours/Residents** – Eight following objections were received from properties on Lucas Lane, Philosophers Gate, Silver Street and Station Road on the following grounds:

- The 4 bedroom dwellings would not be smaller or more affordable, which the Parish Council and Neighbourhood Plan are clear about.
- Overlooking and loss of privacy from rooflights.
- House styles and layout too urban and not in keeping.
- Applicant obtaining permission for a tree to be removed.
- No decision made on footpath.
- Conflict with landscaping condition of permission.
- Greed by the developer.
- Should be a new planning application.
- Departures from planning statement, justification and needs assessment.

3.4 **Ashwell Parish Council** – Expressed concern that this was being progressed as an amendment rather than a new planning application.

Recommend that permission be refused on the grounds of the following objections:

1. The 2019 permission was for two storey houses of 3 and 4 bedrooms. This amendment for three storey houses of 4 and 5 bedrooms is a significant alteration that should not be a Section 73 application.
2. Would conflict with some sections of the officer's report of the 2019 permission.

3. The Ashwell Neighbourhood Plan is much further advanced than when the 2019 permission was granted, and should be given greater weight. The Plan is supportive of smaller houses and against larger houses.

3.5 **Ashwell Housing Association:**

These variations although seemingly minor impact even more on the neighbours and surrounding housing on this previously greenfield site, a fact in common with this company's current building project in Lucas Lane Ashwell, just nearing completion. Also a greenfield site. I live adjacent to this first site in Lucas Lane.

Firstly, the parish council and the neighbourhood plan are very clear about the need for smaller affordable homes and the is considerable concerned about increasing the scale of all properties to 4 bedroom homes - this does not give a variety in price or affordability, and raises concerns about the original application and invalidates what was said by the applicant in the design and access statement in the statement of need and justification This application variation is for even bigger homes 4/5 bedrooms of which there have been many newly built in Ashwell, together with whole estates of 4/5 bed homes in Ashwell over the last recent years. Ashwell does not need this. As a popular village of course developers want to maximise their profits but we ask you to consider our village which has already had multiple - yes multiple sites of previously green areas built on never to be returned. The village needs to breathe not clog up with multiple new housing. We have had more than our share and a further large site is already being built sadly after a major fight, in Ashwell on the road to Bygrave and on higher land (another greenfield site) which will prove transformational to the view coming into Ashwell. There is also a further application almost adjacent to this current one under discussion for even more houses also on higher land all of which will overlook the old characterful cottages and houses of Lucas Lane Ashwell. I would ask you not just to review this application variation but the many that have recently passed say in the last five years. We accept the majority of these variations may seem minor but are very concerned about the attempt to vary condition 2 - in particular the right to privacy and that the roof lights on properties no 1, 2, 3 and to a lesser extent 4 and 5 will overlook neighbouring properties and from the elevated height risk neighbour privacy. As I live in a property adjacent to the developers other current site (ref above) houses now look straight into my bedroom and my garden is now fully overlooked. So I know what this feels like. Privacy should also be taken into account.

I strongly recommend the condition 2 is not varied in this manner and that they revert to existing proposals without the need to increase bedroom numbers. This village needs starter homes and downsizing homes, please do not make this a village just for the wealthy. We need homes for local people, our young people in particular and I speak as Secretary to the social housing Ashwell Housing Association (AHA) where we have few houses but massive demand. With a small three bedroom new house (same developer) in Ashwell costing over half a million pounds you may see my point.

Statutory Consultees:

3.6 Environmental Health Air Quality

No objections.

3.7 Environmental Health Noise

No objections.

3.8 Lead Local Flood Authority

No comments to make.

3.9 Archaeology

The proposed alterations to the development plans do not change its archaeological implications. The remaining archaeological conditions (16 and 17) should remain extant.

3.10 Hertfordshire County Council highways

No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is largely undeveloped agricultural grazing land, and has planning permission for the construction of nine dwellings resulting from planning permission 19/00455/FP. Ground levels slope up gently from north to south and from east to west. Some mature trees are located within the site and on its boundaries. The east and west boundaries are comprised of a hedge/vegetation. Adjacent and nearby uses are primarily residential, being a mix of detached, semi-detached and terraced dwellings.

4.1.2 In the adopted and emerging Local Plans, the site is within a Conservation Area. In the adopted Local Plan, the site is outside the village boundary and in the Rural Area beyond the Green Belt. In the emerging Local Plan the site is within the settlement boundary.

4.2 **Proposal**

4.2.1 The application seeks to vary Condition 2 of previous planning permission 19/00455/FP which was for 'Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (as amended by plans received on 14/06/19 and 23/07/19)'.

4.2.2 Condition 2 stated:

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.

4.2.3 The proposal seeks to vary the approved plans referred to by this condition, which proposes the following alterations:

- Plots 1 and 9 dwellings – Additional bedroom in the roof to increase the number of bedrooms to five; three rear elevation rooflights; alteration of external materials from render to brick (excluding part of the first floor front elevation wall); alterations to openings and their detailing.
- Plots 2 and 7 dwellings – Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alteration of external materials from render to brick; removal of front gable end detailing; alterations to openings and their detailing.
- Plot 3 dwelling - Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alterations to openings and their detailing.
- Plots 4 and 5 dwellings – Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alteration of external materials from render to brick; removal of front gable end detailing; alterations to openings and their detailing.
- Plot 6 dwelling - Additional bedroom in the roof to increase the number of bedrooms to five; three rear elevation rooflights; alterations to openings and their detailing.
- Plot 8 dwelling - Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alteration of external materials from render to brick (excluding the front gable projection); removal of front gable end detailing; alterations to openings and their detailing.
- Street scene – Minor alterations to ground levels of plots 1, 2, 3, 8 and 9, lowering from west to east.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- 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.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The acceptability of the proposed development with regards to parking.

Character and appearance

4.3.2 The principle of residential development on this site has been established by previous planning permission 19/00455/FP. The roof tiles would remain as proposed, with changes to the external materials of the walls amounting to an increase in the amount of brickwork and a reduction in the amount of render. The use of render and brick would as with the original permission be in keeping with the character and appearance of dwellings near the application site, and are considered acceptable. The differences in ground levels shown would more accurately reflect the sloping nature of the site and are acceptable.

4.3.3 The alterations to fenestration are minor in nature, and are not considered harmful. The additional rear rooflights would be small individually and cumulatively, and are not

considered harmful to the character and appearance of the approved development and the wider locality.

- 4.3.4 Many of the objections relate to the additional bedrooms and loft conversions that the proposed rooflights would facilitate. A significant material consideration is that permitted development rights for the insertion of new rooflights were not removed by planning condition of the original permission (with internal alterations to add a new bedroom in any case not requiring planning permission), therefore any occupants of the dwellings could carry out these works once built without needing to make a planning application. This means that such changes could be carried out irrespective of Neighbourhood Plan policies (the NP can be given only limited weight at this time, consistent with the approach of recently determined nearby application 20/00126/FP). I consider it unreasonable to object on this basis when occupants could undertake these alterations under permitted development. Overall the proposed amendments would retain a proposal of high quality as per the original permission, therefore in design quality I consider the proposal acceptable.

Neighbour amenity

- 4.3.5 The closest dwellings to the site are No. 54 Station Road to the north-west, and No. 24 Lucas Lane to the west/south-west. Due to the siting and orientation of the southern dwellings, the rear rooflights proposed would primarily provide views of the remaining agricultural land adjacent to the south-east boundary of the site, and would not be considered harmful to the amenity of No. 24 Lucas Lane.
- 4.3.6 The proposal would result in additional rear openings facing No. 54 Station Road. However these would be small, at a high level, oblique angles, and further away from No. 54 than the first floor rear windows which were considered an acceptable distance of 16.5m to 24.5m at two storey level from the curtilage of No. 54. Due to the above factors I do not consider that harmful overlooking and loss of privacy would occur to No. 54. In addition the insertion of rooflights and bedrooms in the roofs of the dwellings would be permitted development as referred to above once the dwellings are built and occupied. The other amendments proposed would not affect neighbour amenity. Impacts on residential amenity are considered acceptable.

Living conditions

- 4.3.7 The new rooflights would not harmfully overlook the other approved dwellings on the site. The bedrooms that the rooflights would serve are considered to be of an acceptable size and would receive sufficient outlook and light. The rear gardens would be considered of an acceptable size and quality for the amended dwellings with additional bedrooms. Living conditions for future occupants are considered acceptable.

Parking

- 4.3.8 The dwellings would have a minimum of 4 bedrooms each. The Council's 2011 parking standards SPD require each dwelling with two or more bedrooms to have a

minimum of 2 parking spaces, which were provided as part of the original application. The proposed amendments would not change this minimum level of parking provision, therefore parking is considered acceptable.

4.4 **Alternative Options**

4.4.1 None applicable.

4.5 **Pre-Commencement Conditions**

4.5.1 Not applicable.

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 the planning permission ref: 19/00455/FP.

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

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

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

3. The development hereby approved shall be carried out in accordance with the materials approved under Discharge of Condition ref: 20/02168/DOC.

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 hereby approved shall be carried out in accordance with the landscaping details approved under Discharge of Condition ref: 20/02532/DOC.

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

5. The approved details of landscaping shall be carried out before the end of the first

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

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

6. The first floor side elevation windows of the approved dwellings shall be obscure glazed, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of privacy and amenity.

7. The development shall be in accordance with the Construction Traffic and Management Plan approved under 20/02674/DOC.

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).

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

Reason: In the interests of pedestrian and highway safety.

9. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres in both directions of Station Road and as shown on drawing (Ref-263-100, rev -B) shall be provided and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

10. The development hereby approved shall be carried out in accordance with the refuse collection route approved under Discharge of Condition ref: 20/02560/DOC.

Reason: To facilitate refuse and recycling collections.

11. The development hereby approved shall be carried out in accordance with the cycle stand details approved under Discharge of Condition ref: 20/02546/DOC.

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

12. The development shall be in accordance with contaminated land investigations and

any required remediation that is required to be submitted to and approved in writing by the Local Planning Authority under Condition 12 of planning permission ref: 19/00455/FP.

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.

13. The development shall be in accordance with refuse vehicle turning space details that are required to be submitted to and approved in writing by the Local Planning Authority under Condition 13 of planning permission ref: 19/00455/FP.

Reason: In the interests of satisfactory development and highway safety.

14. Prior to the first occupation of the development hereby permitted, the nine dwellings shall incorporate on Electric Vehicle (EV) ready domestic charging point.

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 of local air quality.

15. The development hereby approved shall be carried out in accordance with the archaeological Written Scheme of Investigation approved under Discharge of Condition ref: 20/02547/DOC.

Reason: In the interests of archaeology.

16. No demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 15.

Reason: In the interests of archaeology.

17. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

18. The development permitted by this planning permission shall be carried out in accordance with the SuDS Statement carried out by EAS dated 25 February 2019 and the following mitigation measures;
1. Undertake drainage strategy based on infiltration
 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising permeable paving and plot soakaways.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

19. The development shall be in accordance with drainage details that are required to be submitted to and approved in writing by the Local Planning Authority under Condition 19 of planning permission ref: 19/00455/FP.

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

20. The development shall be in accordance with proposed trees, bat and bird boxes that are required to be submitted to and approved in writing by the Local Planning Authority under Condition 20 of planning permission ref: 19/00455/FP.

Reason: In the interests of ecology.

21. Prior to the first occupation of the development hereby permitted, provision of a tactile paving pedestrian crossing point onto Station Road as shown on drawing (Ref-263-100, Rev B) shall be provided.

Reason: In the interests of pedestrian and highway safety.

















Proactive Statement:

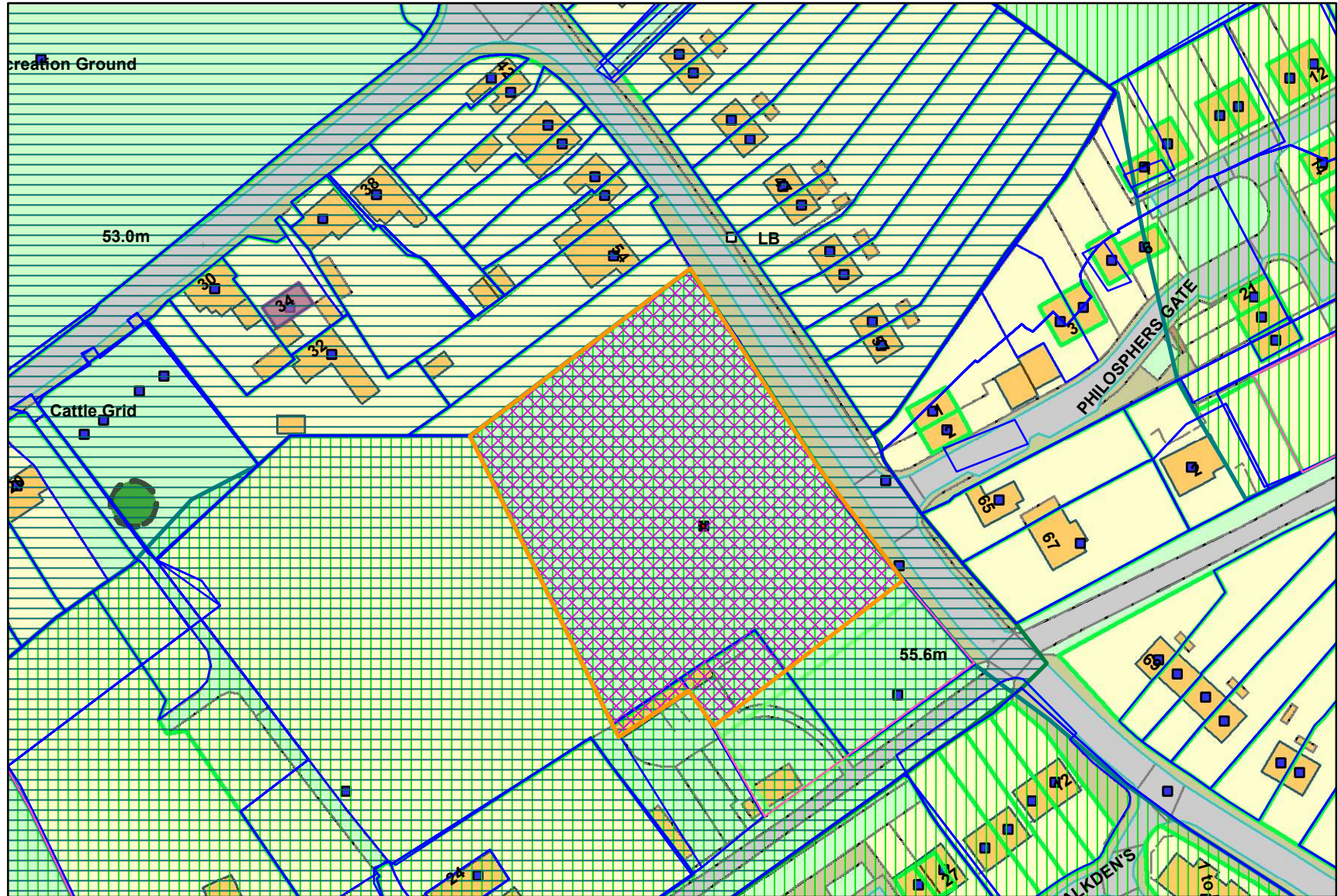
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country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

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Application Validation Sheet

20/02599/S73 Land at the Junction of Ashwell Street and Station Road, Ashwell, Hertfordshire

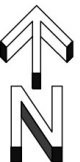
-  **Acolaid Land Parcel**
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-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
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-  **Conservation Area**
Prconea.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 1:1,250

Date: 25/03/2021

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<u>Location:</u>	Land at Norton Common Icknield Way Letchworth Garden City Hertfordshire
<u>Applicant:</u>	John Baskerville
<u>Proposal:</u>	Installation of storage shipping container adjacent to bowling green car park.
<u>Ref. No:</u>	20/03073/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 08.03.2021

Reasons for Delay

Officer workload and Committee cycle

Reasons for referral to Committee

This planning application is reported to the Planning Control Committee as it has been called in by Cllr Ian Mantle as he takes a different view from the officers and considers that the proposed development is not appropriate in this location.

1.0 Policies

Saved Policies from the Local Plan 1996:

- 8 – Development in Towns.

Emerging Policies from the Submission Local Plan 2011 – 2031:

- D1 – Sustainable Design;
- NE1 – Landscape.

2.0 Site History

2.1 There is no relevant planning history for this proposal.

3.0 Representations

3.1 The application has been advertised with a site and press notice. No third party replies have been received.

3.2 Cllr Mantle has objected to the application and called the application in to Planning Control Committee for determination stating:

"I am concerned about this application, and if you are minded to grant, I would wish it to be referred to the Development Control Committee, on grounds of visual amenity and inappropriate relation to the surrounding area".

- 3.3 The case officer contacted Cllr Mantle to seek a view that if the container were to be recommended with a condition limiting the permission to a three year temporary permission and a further condition requiring planting around the container to further screen it, if he still wished for the application to be presented to Committee. Cllr Mantle responded that he finds the container unacceptable and in principle and he still wished for it to be presented to Committee for determination.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is on the north side of Icknield Way, at the west of the bowls club car park. There is a small area of shrubs and trees between the end of the car park and a footpath linking from Icknield Way to the bowling club and the container is to be located within this small shrub area. The area is land owned by NHDC.

4.2 **Proposal**

- 4.2.2 This is a full application seeking permission for the positioning of a shipping container to be used by the 'Friends of Norton Common' as a tool shed. The plans show that the container is to be just under 2.5m wide and just over 3m in length and 2.5m in height. It is to be dark green in colour.
- 4.2.3 A statement has been submitted in support of the proposal, setting the need for this tool shed. It states:

The first mention of a Friends Conservation Task was Thursday 7th of August 2008. There had been conservation work on Norton Common before that date, but that was organised by Countryside Management Services from their base in Ickleford. When we first organised our own Tasks, we had to go to CMS in Ickleford on the Wednesday to collect tools, and return them on the Thursday after the Task. As we had no way of knowing how many people would turn up there were occasions when we simply didn't have enough, and had to disappoint volunteers.

The big change came when Andrew Mills of NHDC gave us a truck no longer needed by the Council to carry our tools around the Common. He also identified a possible site for a shed next to the Bowls Club Pavilion with gates on the front. We purchased a plastic garden shed, and on the 7th of April 2011, this was forcefully installed in the gap in the pavilion. Having the shed meant we could buy our own tools, keep them on the Common, and move them to our different Task sites very easily.

As time went by, we obtained and were given, a lot more tools, so that we now have some twenty loppers, over twenty bow saws, pole saws, post drivers, strimmers, crumes, rakes, brooms, forks, spades, bill-hooks, scythes, sickles, helmets, goggles, a crowbar, posts, gloves, tree protection and hi-viz jackets. As you can see from the photo, the shed has now burst its sides. Because the shed is so narrow, to get anything out of the back involves getting everything out of the front. Also, because the truck has to be accommodated in front of the shed, to get anything out of the shed involves first removing the truck.

As NHDC will before very long need the space currently occupied by the shed to gain access to the roof of the pavilion for repairs, then this seems an opportune moment to relocate.

It is important that the shed is on-site and easily accessible so that we can get more or different tools part-way through the day, should the weather change, the stream flood or a path require clearing.

We therefore set out to find an alternative site on or very near to the Common. Approaches were made to local organisations, businesses, residents, volunteers, and the local authority to ascertain whether they had a suitable building or somewhere to locate one.

The nearest were the Bowls Clubs. Both have pavilions nearby, as well as sheds used for storage. We discovered that none of these had any spare capacity suitable for our purposes.

The open-air swimming-pool has a large site on the east side of the Common, and is closed during the Autumn and Winter, when our activities are at their peak. They do have a small storage shed on site, but access to this would be necessarily complicated, via the skip-bay adjacent to the swimming-pool car-park. This difficult access precludes use of their site. The swimming-pool car-park is very well used, and therefore unlikely to sacrifice space for a shed.

McFadyen-Webb House, on the entrance to the Common from Norton Way North have quite extensive car-parking, but again were reluctant to give any of this up.

On several boundaries, private houses and gardens back on to the Common, in Cowslip Hill and Hawthorn Hill, for example. Those residents asked were unhappy about having a large structure in their garden, and the security issues raised by there having to be a wide gate in their back fence.

All local residents and volunteers on our database were also sent an email asking if anyone could offer a site and again, no one offered a suitable site.

Lock-up garages were considered, but there are none within easy reach of the Common.

The Settlement, in Nevells Road was also contacted, but had no spare space within their building, and were unwilling to give up any of their car-park.

Having exhausted local opportunities involving outside agencies, we turned our attention back to the area closest to the existing shed, with its advantages of accessibility. We looked at the bush-covered area to the west of the Bowls-Club car-park, opposite Cross Street, and feel that this could easily accommodate a container, 10' x 8' x 8.5', (see photos below). Painted dark green and surrounded by existing and additional planting, we feel this would soon blend in.

4.3 Key Issues

- 4.3.1 Emerging Policy D1 states that planning permission will be granted provided that development proposals 'responds positively to the site' local context' and emerging

Policy NE1 states that planning permission will be granted for development proposals that:

- a) respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management;
- b) do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this;
- c) are designed and located to ensure the health and future retention of important landscape features; and
- d) have considered the long term management and maintenance of any existing and proposed landscaping.

4.3.2 The site area is a small area of shrubs and bushes adjacent to the car park and whilst on Norton Common, is close to the existing 'built' part of the common with the bowls club and car park. I consider that the Friends of Norton Common group have set out a compelling argument to justify the need for the tool shed and why they have come to settle on this location.

4.3.3 I consider that the location is suitable for this structure. In views from Icknield Way there is an existing hedge which will substantially screen the container. The existing trees and shrubs in which the container is to be sited will also help to screen it. The dark green colour plus additional planting around it will help it to blend into the locality. Yes, initially it will be apparent, but in time as the landscaping grows up and around it I do not consider that it will stand out or have adverse visual harm in the locality. I therefore consider that this proposal complies with the provisions of parts (a) and (b) of emerging Policy NE1 and no objection is raised.

4.3.4 The applicant is happy to accept a three year temporary permission which is to allow for consideration on how the container will weather over time to ensure that it stays dark green and will not appear rusty, which could cause it to stand out more.

4.4 **Conclusion**

4.4.1 Grant conditional planning permission with a three year temporary condition.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 None applicable

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 approved can only be sited for a temporary period of three years until 30/04/24.

Reason: To assess the appearance of the container over time.

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. In the first planting season following the siting of the container, shrubs and climbing plants are to be planted around the three non-opening sides of the container.

Reason: To visually screen the container.

















Proactive Statement:

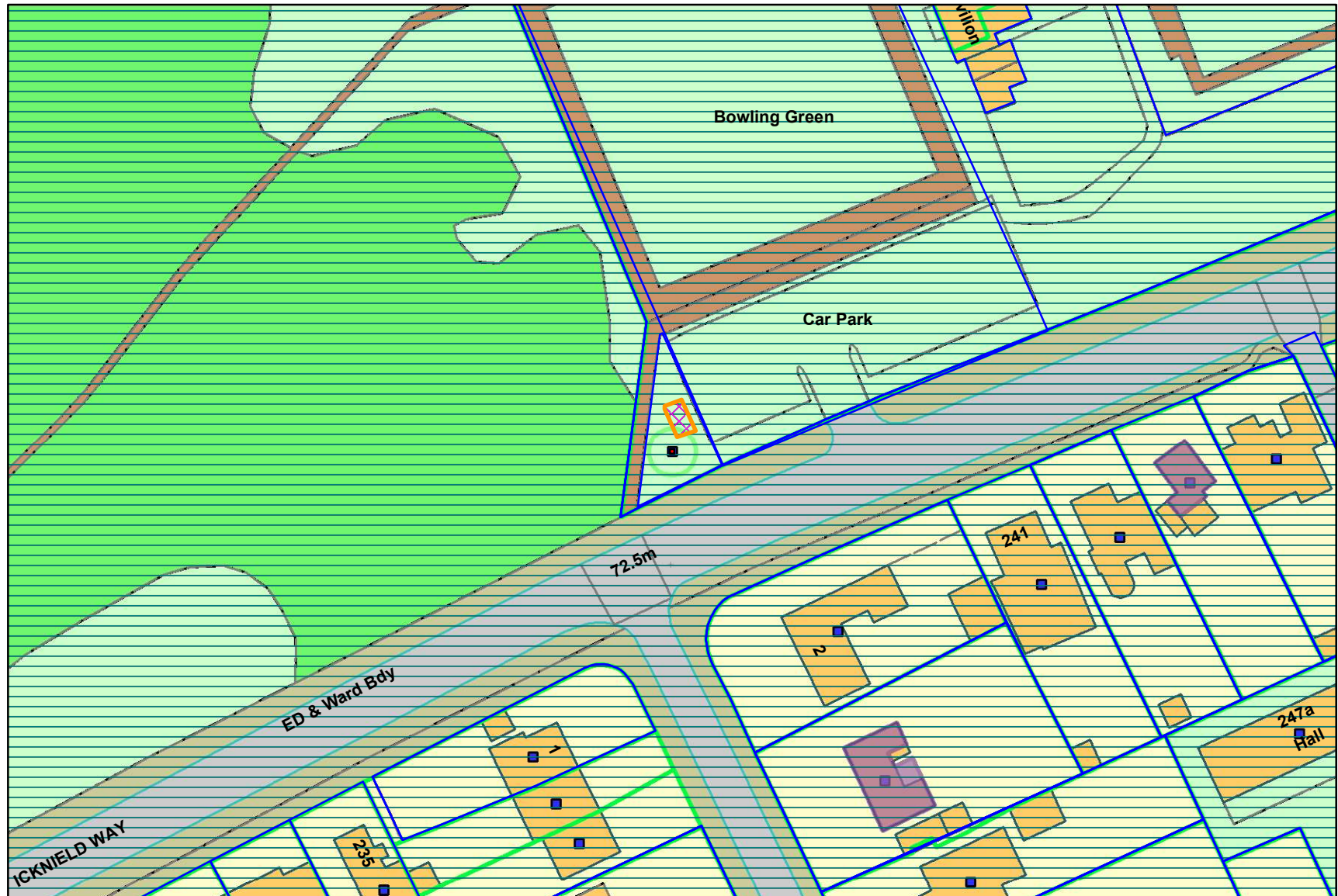
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country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

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Application Validation Sheet

20/03073/FP Land at Norton Common, Icknield Way, Letchworth Garden City, Hertfordshire

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



Scale 1:750

Date: 25/03/2021

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<u>Location:</u>	103 Bancroft Hitchin Hertfordshire SG5 1NB
<u>Applicant:</u>	Mr Rowan Patel
<u>Proposal:</u>	Change of use of ground floor from financial and professional services (formerly Use Class A2, now Use Class E) to a mixed use of cafe/restaurant (Use Class E) and hot food takeaway (Sui Generis). Internal alterations. (As amended by details of recirculation unit and plan 2202-5-LMH-Proposed received on 15/02/2021)
<u>Ref. No:</u>	20/03038/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

15/02/2021

Submitted Plan Nos.:

2202-5-LMH-Proposed Floor Plan amended received 15 February 2021
Location plan
092 020
092 022 Elevations as proposed (rear) amended received 25 February 2021
2202-3-LMH
2021-3-LMH

Extension of statutory period:

15 April 2021 – agreed by agent on 05/03/2021.

Reason for referral to Committee:

This application, together with 20/03039/LBC are to be determined by Planning Control Committee by reason of a call-in request by Councillor Ian Albert if the recommendation was to grant. The reasons given for the call-in are:

I am objecting to the change of use, in what is already an overcrowded takeaway area in Bancroft, with considerable noise, smell and parking issues.

Clearly, if you are minded to refuse the application, then it would not need to go to Committee.

I do wish to provisionally call in the flue application as well. Recent history shows that external extraction flues in this area have been inadequate to cope with the level of trade and insufficiently tall to remove the smells from neighbours.

1.0 **Site History**

- 1.1 20/03039/LBC - Internal and external alterations (as amended by plan 2202-5-LMH-Proposed received on 15/02/2021) – Concurrent Application
- 1.2 20/02797/AD - Replacement externally illuminated fascia sign – Conditional Consent
- 1.3 20/02792/LBC - Replacement externally illuminated fascia sign – Conditional Consent
- 1.4 08/00417/1EUD - Lawful Development Certificate (Existing): Continued use of ground floor of premises as hot food take-away outlet (Class A5) – Granted
- 1.5 97/01269/1 - Retention of ventilation duct to side Roof slope – Consent
- 1.6 97/01057/1LB - Retention of ventilation duct to side roof slope – Consent
- 1.7 88/00049/1 - Change of use from shop to Estate Agents. – Conditional Permission

2.0 **Policies**

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

Policy 8 – Development in Towns
Policy 42 – Shopping
Policy 43: Shopping areas in town centres
Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Chapter 6 – Building a strong, competitive economy
Chapter 7 – Ensuring the vitality of town centres
Chapter 8 – Promoting healthy and safe communities
Chapter 12 – Achieving well-designed places
Chapter 16 – Conserving and enhancing the historic environment

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

SP4 – Town Centres, Local Centres and Community Shops
ETC2 – Employment development outside Employment Areas
ETC3 – New Retail, leisure and other main town centre development
ETC5: Secondary Shopping Frontages
D1 – Sustainable Design
D3: Protecting living conditions
T2 – Parking
HE1 – Designated heritage assets

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 29/12/2020 Expiry Date: 21/01/2021

3.2 **Press Notice:**

Start Date: 07/01/2021 Expiry Date: 30/01/2021

3.3 **Neighbour Consultation:**

The occupiers of No 102, 102A, 102C, First Floor Flat 103, 103B, 103C, 104, 105 Bancroft and 1, 8, Ransom Yard were notified on 22/12/2020.

11x Objection were received which raised the following points:

- Objection on grounds of new takeaway presence due to existing and future takeaways within this line of shops.
- Existing outlets result in litter, foul smells loitering and parking issues.
- Negative impact upon character and visual amenities of Conservation Area.
- Concern about illegal parking and blocking of highways and footways
- Issues surrounding delivery methods and damage to pavement
- Late night noise disruption
- Queues blocking pavement and resulting in insufficient space to socially distance.
- Vehicles blocking resident parking
- Abuse of local residents from patrons to existing eateries
- Issues of smells from existing and proposed outlets

3.4 **Statutory Consultees:**

3.4.1 Hitchin Forum – Objection:

- Highlights importance of appearance and streetscape of Bancroft and concern raised by neighbouring occupiers.
- Raised concern with external flue initially proposed
- No proposals seek to aid in double glazing nearby residential dwellings to reduce noise impacts

3.4.2 Environmental Health - 24/02/2021:

- Waste disposal – satisfactory
- Odour – Internal discharge is welcomed and addresses previous concerns of impact on neighbouring residents
- Noise – Omission of external flue extractor raises no plant noise concerns. Requested revised opening hours to: Monday to Thursday of 8.00hrs to 22.00hrs and Friday and Saturday an end time of 22.00hrs. Sunday and Bank Holiday – No operation.

3.4.3 NHDC Conservation Officer:

- No Comment received

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 103 Bancroft is a single storey ground floor retail unit situated on the eastern side of Bancroft. The property is Grade II Listed and is situated within the Hitchin Conservation Area. The existing use of the ground floor is Class E.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the change of use of the ground floor from financial and professional services (formerly Use Class A2, now Use Class E) to a mixed use of cafe/restaurant (Use Class E) and hot food takeaway (Sui Generis). Permission is also sought for internal alterations as amended by details of recirculation unit and plan 2202-5-LMH-Proposed received on 15/02/2021.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of development
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the Hitchin Conservation 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 the parking provision and highway safety.

Principle of Development

- 4.3.2 The NPPF states that significant weight should be placed on the need to support economic growth and furthermore, the emerging local plan seeks to support new businesses.

- 4.3.3 This part of Bancroft is designated secondary shopping frontage under the existing and emerging Local Plan. Policy ETC5 of the emerging Local Plan states that in areas of secondary shopping frontage, planning permission will be granted at ground-floor level:
- a. for retail, professional services and restaurants (A1, A2, A3, A4 and A5)*
 - b. exceptionally for other main town centre uses if it does not individually or cumulatively, undermine the retail function of the centre, or detract from the centre's vitality and viability.*

As such the proposal is appropriate to the area in terms of use, size, scale, function, catchment area, historic and architectural character and there would be no significant adverse impact upon living conditions subject to the imposition of the hours of use as agreed with Environmental Health. It is acknowledged that extensive objections were received from neighbours to the site raising issue with the presence of existing takeaways and eateries along Bancroft, however, there is no in principle objection to that proposed at No. 103.

- 4.3.4 As the site is situated within Hitchin Town Centre and would complement retail and town centre functions and not have an adverse effect on the vitality or viability of the area. The proposed development would provide and promote employment and is considered to be acceptable in principle.

Character and Appearance and Impact on Designated Heritage Assets:

- 4.3.5 The application site is both a Grade II Listed Building and is situated within the Hitchin Conservation Area. No consultation response has been possible from the Conservation Officer. Given the nature of the proposed alterations to the structure, no historic fabric would be impacted by the proposal and no alterations would occur to the building as viewed from the public realm. The proposal would therefore contribute no unacceptable impact upon the character and appearance of the building or this part of the conservation area.

Impact on Neighbouring Amenity:

- 4.3.6 This application has raised significant concerns with neighbours pertaining to the addition of an extractor flue as originally proposed, potentially resulting in unacceptable levels of smell and noise impacts to occupiers in proximity. The proposal was amended and now includes no external extractor flue, being an entirely self-contained and integrated unit that does not emit fumes externally. This would result in no noise or smell impacts and would overcome noise and smell concerns raised by the Environmental Health officer and consultees. Environmental Health is satisfied with this aspect.
- 4.3.7 With regards to noise from patrons, Environmental Health requested opening hours be limited to 0800 to 2200 on Mon-Sat. and that no operation be undertaken on Sunday or Bank Holidays. The surrounding area comprises town centre location with a variety of opening times, some of which are open later than 2200 and therefore it is considered that the proposed addition of an outlet at No. 103 is unlikely to contribute additional levels of noise within the late evening. The applicant has requested opening hours on Sunday and Bank Holidays to be from 0900 to 1400, which does not accord with the comments raised by the Environmental Health officer. Based on recently approved hours within Bancroft, which exceed those requested at No. 103, it is considered that opening of the premises at No. 103 during these hours would not be significantly detrimental to neighbour amenity and is therefore acceptable.

Parking and Highways

- 4.3.8 The proposed information does not identify the use of car parking facilities that are related to this unit. Given that the site is within Hitchin Town Centre, it is considered to be in a sustainable location with parking facilities and public transport nodes in proximity to the site. The provision of existing short stay car parking spaces in the vicinity of the application site and car parks close by would positively reinforce this.
- 4.3.9 Issue has been raised both by Ward Councillors and by local residents with regards to the behaviour of some patrons to the line of shops, with concern being raised that issues of antisocial behaviour may be exacerbated by the opening of an additional outlet. The opening of a new food outlet may exacerbate these issues; however, no certainty can be given to the extent to whether if or how much this will increase. The issues of inconsiderate and unlawful parking on pavements and in front of residential

accesses is a parking enforcement matter and not planning. This matter should be raised with Hertfordshire Highways and/or the police. Based on existing decisions along Bancroft, officers have found it difficult to enforce and word to suitably meet the provisions of paragraph 55 of the National Planning Policy Framework (to ensure conditions are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects). To ease this issue, an informative has been agreed with the applicant and is included in this decision:

The applicant is advised to display signage in the shop window requesting that customers park considerably, adhering to relevant highway & parking restrictions in place, when frequenting the restaurant and hot food takeaway hereby permitted. Such signage is to be displayed prior to the first use of the hot food takeaway and maintained as such in perpetuity.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 No pre-commencement conditions are recommended.

5.0 **Legal Implications**

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

6.0 **Recommendation**

- 6.1 That 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. Opening hours of the cafe/restaurant (Use Class E) and hot food takeaway (Sui Generis) hereby permitted shall only be permitted between 08.00hrs and 22.00hrs Monday to Saturday and shall only be permitted between 09.00hrs and 14.00hrs Sunday and Bank Holidays.

Reason: to protect the residential amenities of existing residents.

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

The applicant is advised to display signage in the shop window requesting that customers park considerately, adhering to relevant highway & parking restrictions in place, when frequenting the restaurant and hot food takeaway hereby permitted. Such signage is to be displayed prior to the first use of the hot food takeaway and maintained as such in perpetuity.

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Application Validation Sheet

20/03038/FP 103 Bancroft, Hitchin, Hertfordshire, SG5 1NB

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



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Date: 25/03/2021



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<u>Location:</u>	103 Bancroft Hitchin Hertfordshire SG5 1NB
<u>Applicant:</u>	Mr Rowan Patel
<u>Proposal:</u>	Internal and external alterations (as amended by plan 2202-5-LMH-Proposed received on 15/02/2021)
<u>Ref. No:</u>	20/03039/LBC
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

15/02/2021

Submitted Plan Nos.:

2202-5-LMH-Proposed Floor Plan amended received 15 February 2021
Location plan
092 020
092 022 Elevations as proposed (rear) amended received 25 February 2021
2202-3-LMH
2021-3-LMH

Extension of statutory period:

15 April 2021 – agreed by agent on 05/03/2021.

Reason for referral to Committee:

This application, together with 20/03039/LBC are to be determined by Planning Control Committee by reason of a call-in request by Councillor Ian Albert if the recommendation was to grant. The reasons given for the call-in are:

I am objecting to the change of use, in what is already an overcrowded takeaway area in Bancroft, with considerable noise, smell and parking issues.

Clearly, if you are minded to refuse the application, then it would not need to go to Committee.

I do wish to provisionally call in the flue application as well. Recent history shows that external extraction flues in this area have been inadequate to cope with the level of trade and insufficiently tall to remove the smells from neighbours.

1.0 **Site History**

- 1.1 20/03038/FP - Change of use of ground floor from financial and professional services (formerly Use Class A2, now Use Class E) to a mixed use of cafe/restaurant (Use Class E) and hot food takeaway (Sui Generis). Internal alterations. (As amended by details of recirculation unit and plan 2202-5-LMH-Proposed received on 15/02/2021) – Concurrent Application
- 1.2 20/02797/AD - Replacement externally illuminated fascia sign – Conditional Consent
- 1.3 20/02792/LBC - Replacement externally illuminated fascia sign – Conditional Consent
- 1.4 08/00417/1EUD - Lawful Development Certificate (Existing): Continued use of ground floor of premises as hot food take-away outlet (Class A5) – Granted
- 1.5 97/01269/1 - Retention of ventilation duct to side Roof slope – Consent
- 1.6 97/01057/1LB - Retention of ventilation duct to side roof slope – Consent
- 1.7 88/00049/1 - Change of use from shop to Estate Agents. – Conditional Permission

2.0 **Policies**

2.1 **National Planning Policy Framework**

Chapter 16 – Conserving and enhancing the historic environment

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

HE1 – Designated heritage assets

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 29/12/2020 Expiry Date: 21/01/2021

3.2 **Press Notice:**

Start Date: 07/01/2021 Expiry Date: 30/01/2021

3.3 **Neighbour Consultation:**

3.4 **Statutory Consultees:**

- 3.4.1 Conservation Officer – Received 17/02/2021 based on amended scheme (received 15/02/2021) removing external flue originally proposed:

*"It is considered that the proposal will not harm i) this grade II listed building's special character or ii) the setting of other listed buildings nearby or iii) the character or appearance of the Hitchin Conservation Area. I, therefore raise **NO OBJECTION** on the basis that the proposal will satisfy the provisions of Sections 16(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016)."*

Also queried plan details for elevations. This was amended to satisfy this point raised.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 103 Bancroft is a single storey ground floor retail unit situated on the eastern side of Bancroft. The property is Grade II Listed and is situated within the Hitchin Conservation Area. The list entry for the application site reads as follows:

"C16 or C17 altered C19. Stucco front, Welsh slated roof with gable on right, 2 storeys, modillion cornice. C19 shop windows, 3 first floor sash windows."

4.2 **Proposal**

- 4.2.1 Listed Building Consent is sought for internal and external alterations (as amended by plan 2202-5-LMH-Proposed received on 15/02/2021).

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the proposal is acceptable on heritage grounds regarding its impacts on the significance of the listed building as a heritage asset.
- 4.3.2 Following consultation with the Conservation Officer, the proposals are considered to be of an acceptable design which would not harm the significance of the listed building as a designated heritage asset. No significant historic fabric would be affected.
- 4.3.3 There have not therefore been any objections raised by the Council's Conservation Officer, which is given significant weight. The impacts of the proposal on the character and appearance of the building and its significance as a designated heritage asset are considered acceptable.

4.4 **Conclusion**

- 4.4.1 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 Consent.

4.5 **Alternative Options**

- 4.5.1 None applicable.

4.6 **Pre-Commencement Conditions**

- 4.6.1 No pre-commencement conditions are recommended.

5.0 **Legal Implications**

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

6.0 **Recommendation**

- 6.1 That Conditional 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.

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

20/03039/LBC 103 Bancroft, Hitchin, Hertfordshire, SG5 1NB

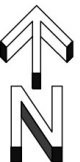
-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp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



Scale 1:625

Date: 25/03/2021

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Location: **Land Adjacent
Coach Drive
Hitchin
Hertfordshire**

Applicant: **Mr & Mrs Fiore**

Proposal: **Erection of one detached 4-bed dwelling including
creation of vehicular access off Gosmore Road**

Ref. No: 20/02573/FP

Officer: **Ben Glover**

Date of expiry of statutory period: 04/01/2021

Extension of statutory period: 14/04/2021

Reason for Call in: The application has been called in if minded to approve by Cllr Harwood and Cllr Thake for the following reasons:

- "Significant departure from the established tone of the area and in that respect, would seem to be overdevelopment of the site. I consider that such a change would be a matter of wider public interest"
- "The development is clearly **Infill / overdevelopment** on a very mature sight. Wedged in between two / three established and characterful houses. I actually am surprised the neighbouring house (the existing plot) is not listed?"
- As such the development is clearly '**out of character**' with the area.
- And in my opinion, whilst I suspect not statistically, leads to too high a density of buildings (for the area)
- The plot, as I have personally witnessed, is a split of a mature and established garden following the sale of the property the building site is within.
- I believe that it is highly likely that the access from Gosmore road is potentially a **dangerous access point** on a blind bend (when approached from Three moorhens roundabout end)
- Finally I am concerned about the removal of mature trees at the back of the property which will likely see a huge loss of privacy to neighbouring properties."

1.0 **Submitted Plan Nos.:**

- 3606/01 – Location Plan
- 3606/09 – Proposed Site Plan
- 3606/10B – Proposed Ground Floor Plan and Front Elevation
- 3606/11B – Proposed First Floor Plan and Elevations

2.0 **Planning Policies:**

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

Policy 8 – Development in towns
Policy 26 – Housing proposals
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places

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

SP1 – Sustainable Development in North Herts
SP2 – Sustainable Hierarchy
SP5 – Countryside and Green Belt
SP8 – Housing
SP9 – Sustainable Design
D1 – Sustainable Design
D2 – House Extensions and Replacement Dwellings
D3 – Protecting Living Conditions
T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

3.0 **Site History**

3.1 96/01031/1HH - Detached dwelling (Design, external appearance and landscaping reserved) – Refused on 17/10/1996.

4.0 **Representations**

4.1 **Site Notice:**

Start Date: 17/11/2020 Expiry Date: 10/12/2020

4.2 **Press Notice:**

Start Date: N/A Expiry Date: N/A

4.3 Neighbouring Notifications:

The owners/occupiers of No. 15, 15A Coach Avenue, 14, 16 Lister Avenue and Park Lodge, Gosmore Road were notified on 10/11/2020. Representations have been received and are summarised below:

15 Coach Drive (Objection):

- Impact upon privacy, residential amenity wellbeing and quality of life.
- Development would overlook gardens across Coach Drive and Lister Avenue due to its height, overbearing scale and position.
- Proposed plot is higher and emphasises impact on homes on Coach Drive.
- Development will increase density of homes which is out of historic character along Gosmore Road where infilling has been previously rejected.
- Size of dwelling is too big and overbearing for the plot.
- Development would alter the fabric of the area and amount to cramming in what is currently a low density area.
- Loss of outlook and amenity.
- Dangerous vehicular access.
- Loss of large established trees.

16 Lister Avenue (Objection):

- Loss of light, amenity and quiet enjoyment of home and garden.
- Development would be out of keeping with the adjacent properties in Gosmore Road.
- Large area of hard standing and house would spoil views.
- Impact on vegetable garden due to loss of light.
- Infill development.
- Dangerous vehicular access.
- Impact on property value.
- Impact on neighbouring amenity.

14 Lister Avenue (Objection):

- Impact on privacy due to close proximity and scale of proposed dwelling.
- Human Rights Act, Right to Privacy.
- Loss of privacy worsened by the removal of two large conifer trees that are acting as a screen.
- Loss of light to property.
- Overdevelopment of plot.
- Impact on value of home.

8 Lister Avenue (Objection):

- Overdevelopment in the area.
- Not in keeping with the historic planning and development along Gosmore Road.
- Would represent a large and overlooking eyesore.
- Affect value of home.

12 Lister Avenue (Objection):

- Concern about impact of privacy and quality of life.
- Development would result in overlooking to local residents impacting family life and mental health.
- Development would overlook gardens and directly into homes.
- Increasing the density of properties along Gosmore Road.
- Not in keeping with current distance of homes.
- Footprint is too big and overbearing.
- Size of dwelling would be dominant and oppressive for the plot resulting in visual impact.
- Less than 1m to the side boundaries.

11 Lister Avenue (Objection):

- Overdevelopment of the plot. This part of Gosmore Road features substantial and large plots.
- Infilling developments have previously been rejected. Approving would potentially set a precedent.
- Development would reduce privacy.
- Vehicle access is dangerous.

18 Lister Avenue (Objection):

- Increase density and would be out of character with Gosmore Road.
- Narrow plot with less than 1m to side boundaries.
- Dangerous vehicle access to site.
- Loss of large established trees.

4.4 Parish Council / Statutory Consultees:

HCC Highways – No objection subject to conditions and informatives.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Air Quality) – No objection subject to conditions and informatives.

Environmental Health (Contaminated Land) – No objection

Archaeology – No comments

Waste and Recycling – No objection.

5.0 Planning Considerations

5.1 Site and Surroundings

- 5.1.1 The application site is a residential garden in the ownership of No. 17 Gosmore Road, which is a property situated within a predominately residential area of the edge of Hitchin. The application site is not situated within the Green Belt and is not within a Conservation Area.

5.2 Proposal

- 5.2.1 Planning permission is sought for the erection of a two storey detached dwelling to the south of the existing residential property within the plot. The proposed dwelling would measure 11.5m wide, 11m in depth and 7.5m in height with 2.7m to the eaves. The development would feature a part hipped, part catslide roof form with two front facing and one rearward facing dormer windows.

5.3 Key Issues

- 5.3.1 The key issues for consideration are as follows:

- Principle of the proposed development in this location.
- The acceptability of the design of the proposed development and its 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 standard of amenity for future occupiers of the dwelling.
- The impact the development would have on car parking provision and highways safety.
- The sustainability of the proposed development and its impact on the environment.

Principle of Development:

- 5.3.2 The application site is situated within the town of Hitchin. Policy 9 of the Saved Local Plan states “*Within the towns of Baldock, Hitchin, Letchworth, and Royston, and at North East Stevenage (Policy 4), the Council will normally permit proposals to meet the majority of the development needs of the District if the aims of other relevant policies are met*”.

- 5.3.3 As per Policy 8 of the Saved Local Plan and Policy SP2 of the Emerging Local Plan, the general principle of development, including new dwellings, in Hitchin is acceptable. Furthermore, the Local Planning Authority is currently unable to demonstrate a five-year supply of deliverable housing sites.

- 5.3.4 Paragraph 11 of the National Planning Policy Framework (2018) and its “presumption in favour of sustainable development” is engaged as follows:

“For decision taking... granting permission unless... 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”.

- 5.3.5 The proposed development would result in the gain of one additional housing unit that would contribute toward additional housing within the district. The acceptability of the proposed development therefore relates to the detail to be will be discussed below.

Design and Appearance:

- 5.3.6 The NPPF attaches great importance to the design of the built environment, stating “*the creation of high quality buildings and places is fundamental to what the planning*

and development process should achieve". The NPPF goes on to states that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities". The aims of the NPPF are reflected in the Saved Local Plan in Policy 57 and in the Emerging Local Plan Policy D1.

- 5.3.7 Policy 57 of the Saved Local Plan sets out the guidelines and standards for residential development. Policy 57 states under Guideline 1 that *"each new development must relate to the site's physical shape and existing features, and the character of the surroundings".* The guideline goes on to states that *"the concern for the site and surroundings is equally, if not more, important for small developments. For example, single dwellings... can have a disastrous impact on the street scene... due to insensitivity to the scale of the surrounding buildings or the use of the wrong type of materials".*
- 5.3.8 Guideline 2 of Policy 57 relates to design and layout of new residential development. The guideline suggests that *"the design and layout of new houses should be acceptable to most people in visual, functional and social terms, whether as residents of as visitors".* The guidelines goes on to state *"to achieve the highest standards of design, housing proposal should relate to and enhance their site and surroundings"*
- 5.3.9 Policy D1 of the Emerging Local Plan states that development proposal should *"respond positively to the site's local context".* Policy D1 is reflected in Paragraph 127 (c) of the NPPF which states that development should be *"sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change".*
- 5.3.10 The locality consists of a wide variety of dwellings with differing architectural designs, size of plot and no uniform building line. The proposed dwelling would sit on within a residential garden between No. 17 Gosmore Road and 16 Lister Avenue and would be of similar design and appearance to the No. 17 Gosmore Road due to the use of a similar roof form, materials and arts and crafts design.
- 5.3.11 Whilst the plot allocated for the dwelling is relatively narrow in comparison to neighbouring plots, the development would remain sympathetic to local character and is considered to be visually acceptable within the street scene. Furthermore, it is noted the development would in sections be within 1m of the party boundaries. However, given there is no reasonable prospect of two storey side extensions that would result in the area appearing terraced. No objection is raised to the proximity of the proposed dwelling to the party boundaries.
- 5.3.12 Given the above, it is considered that the development would be visually attractive, would add to the overall quality of the area and be sympathetic to local character and history. The development proposed would be in compliance with Policy 57 of the Saved Local Plan, Policy D1 of the Emerging Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Properties:

- 5.3.13 A core 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. This principle is

reflected in the provisions of Policy 57 of the Local Plan and D3 of the Emerging Local Plan.

- 5.3.14 The application site is neighbouring by No. 17 Coach Drive to the north, No. 16 Lister Avenue to the south and No. 14 Lister Avenue to the east. Nos. 15 and 15a Coach Drive are north of the site and are considered to be set away from the proposed dwelling.
- 5.3.15 The proposed dwelling would occupy a relatively central position within the partitioned plot and would measure 7m in height when measured to the top of the side gables. Furthermore, the development would occupy a similar building line to that of No. 17 Coach Drive and would therefore not project unacceptably beyond the front and rear elevations of the property to the north. The development would not result in any unacceptable overbearing impact upon the current and future occupiers of No. 17 Coach Drive.
- 5.3.16 To the south of the application plot is No. 16 Lister Avenue. No. 16 is a two storey detached dwelling that faces the opposite direction to properties along Coach Drive. The proposed dwelling would project beyond the rear elevation of No. 16 Lister Avenue by approximately 10m. Whilst projecting beyond the rear of the neighbouring dwelling, the development would be set off the boundary by between 900mm to 1m and would not be of substantial height with 7m to the roof ridge and 2.7m to the eaves. Furthermore, the proposed development is sited to the north of No. 16 Lister Avenue and therefore when considering the path of the sun throughout the day, the proposed dwelling would not result in any unacceptable loss of light or direct sunlight.
- 5.3.17 No. 14 Lister Avenue is situated to the east of the application site. The rear elevation of the neighbouring property faces in a north west direction. The rear elevation of the proposed development would be set approximately 26m from the rear elevation of No. 14 Lister Avenue. Whilst Policy 57 of the Saved Local Plan states “*a distance of 30 metres between the rears of dwellings may achieve a minimum degree of privacy*”, the neighbouring properties rear elevation to the rear of the application site is at an acute angle. Therefore the 26m separation and the angle between the sites would limit any overlooking impact into the rear of the neighbouring property.
- 5.3.18 Given the above, it is considered that the proposed dwelling would not result in any unacceptable overbearing impact or loss of light, privacy or amenity to nearby occupiers. The proposed development would be in compliance with both local and national planning policies.

Standard of Amenity for Future Occupiers:

- 5.3.19 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.
- 5.3.20 The proposed development would provide sufficient living accommodation within the dwelling. The dwelling would also benefit from a sufficient level of privacy and access to natural light given the proposed layout of the scheme and the relationship with

existing properties within the vicinity. Furthermore the future occupants would benefit from a large private garden to the rear of the site and access to off-street car parking.

Sustainability:

5.3.21 Paragraph 8 of the NPPF sets out three aspects to sustainable development: economic, social and environmental. The principles identified within the NPPF are reflected within SP1 of the Emerging Local Plan.

5.3.22 The application site is situated within Hitchin. The development would benefit from immediate access to a bus stop linking Hitchin and Luton situated to the front of the application site and therefore offering sustainable alternative transport options to the future occupiers of the dwelling. The site is also within walking distance of shops, pubs and services along Stevenage Road. The site is therefore considered to be within a sustainable location.

5.3.23 The development of the site would provide a limited economic boost as a result of the construction of the dwelling and supply chain. The benefits that would arise as a result of the proposal would be modest and the environmental benefits would be neutral at best.

Highways and Parking:

5.3.24 Hertfordshire County Council have raised no objection and consider that the development would result in no detrimental impact upon the safe operation of the highway.

5.3.25 The development would provide at least two off-street car parking spaces for the future occupiers of the site. This would be in compliance with the NHDC Vehicle Parking at New Development SPD.

Landscaping:

5.3.26 The development would result in the removal of shrubbery and planting within the site including a hedge to the rear of the site. The larger trees to the front of the property would be retained as identified on the proposed site plan.

Climate Change Mitigation:

5.3.27 In response to consultation the Councils Environmental Protection Officers have not raised any concerns relating to the development that cannot be adequately covered by the imposition of conditions and informatives relating to Land Contamination, noise and nuisance and air quality.

5.3.28 In the event of permission being granted, a condition to include electric vehicle charging will be included to aid in mitigating the environmental impacts of car ownership on the site. Overall the proposals meet the aims of Policy D1 'Sustainable Design' of the ELP.

Site Assessment:

- 5.3.29 Due to the current COVID pandemic, a site visit has not been possible. The site has therefore been assessed based on plans, the design and access statement and photos contained within the design and assess statement. Google Maps has also been used as a tool to aid in the assessment of the case.

5.4 **Conclusion**

- 5.4.1 The proposed development is considered to be acceptable and to comply with the necessary provision of both the existing and emerging local plans and the core principles set out within the National Planning Policy Framework. Given that the development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, it is recommended that planning permission be granted subject to conditions and informatives.

5.5 **Alternative Options**

None applicable

5.6 **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 **Recommendation**

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

1. 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.

2. Details 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

4. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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.

5. Prior to the commencement of the development hereby permitted the vehicular access shall be provided 3.0 m wide and thereafter retained at the position shown on the approved plan drawing number 3606 09. Arrangement 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 satisfactory access into the site and avoid carriage of surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

6. The access shall be constructed in a hard surfacing material for at least the first 6.0 metres from the back edge of the footway.

Reason: To prevent extraneous material from passing onto the public highway which may be detrimental to highway safety and to ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan

Reason: To ensure satisfactory access into the site and avoid carriage of surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

7. The access shall be constructed in a hard surfacing material for at least the first 6.0 metres from the back edge of the footway.

Reason: To prevent extraneous material from passing onto the public highway which may be detrimental to highway safety and to ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan

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.

Informative/s:

1. EV CHARGING POINT SPECIFICATION INFORMATIVE:

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).

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o 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).

- o 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.

2. External materials informative:











Further to condition X (external materials), with regards to submitting details to the Council when an application to discharge the condition is made, in the first instance please provide a website link / photographs / brochure details of the proposed material choice. If it is necessary to submit an actual sample, this Council will only accept a single brick or tile or sample panel without prior agreement. If you need to submit a sample larger than this, please contact the named case officer for your discharge of condition application to determine if the materials are to be viewed on

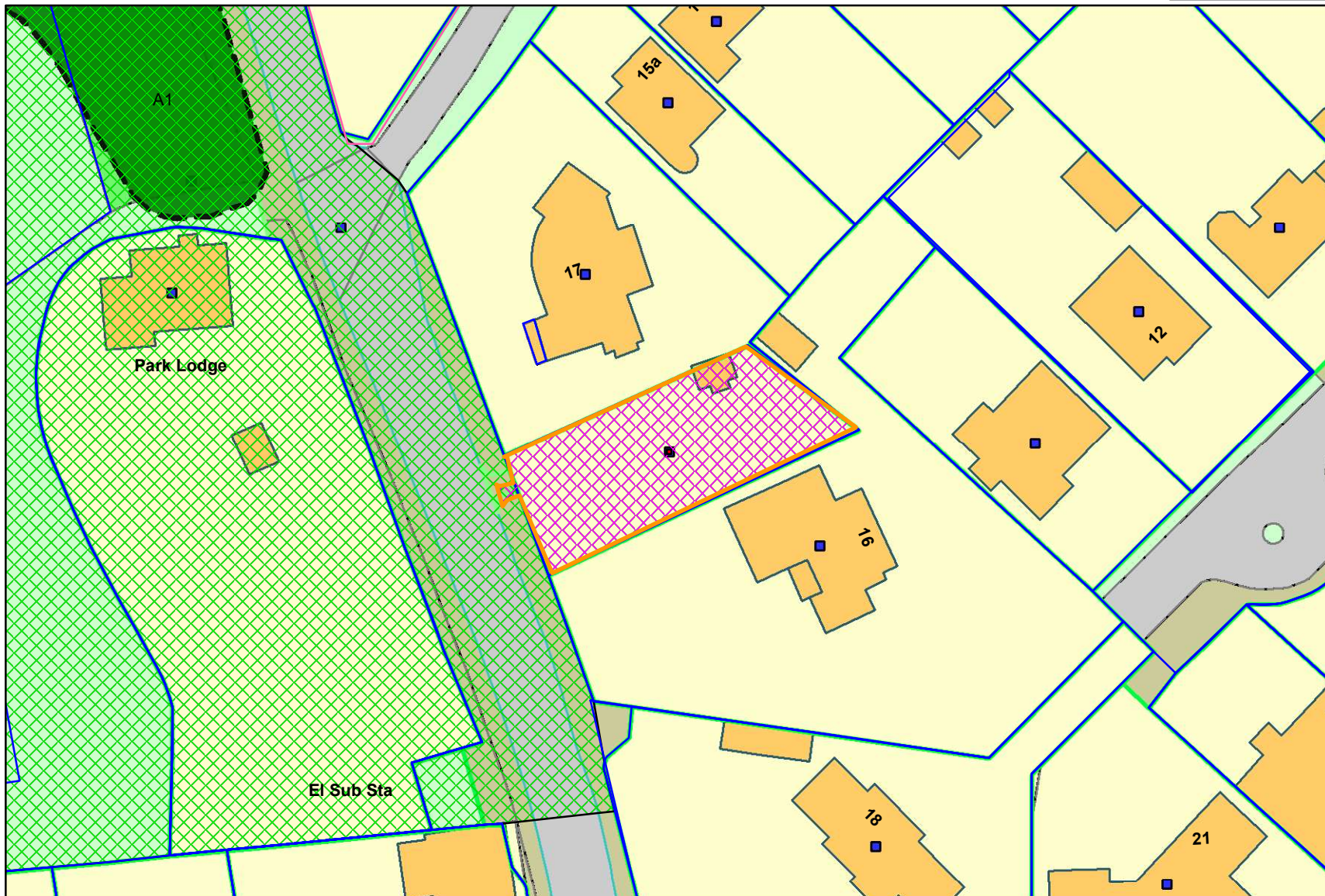
site or if it / they can be delivered to the NHDC Council Offices. In the event that a larger sample is delivered to the Council Offices please ensure that you arrange collection / removal of the sample once the discharge of condition application is agreed.

3. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide". 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.
4. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
5. 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.

Application Validation Sheet

20/02573/FP Land adjacent to Coach Drive, Hitchin, Hertfordshire

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



Scale 1:625

Date: 25/03/2021

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<u>Location:</u>	Rye End Farm Green Lane Codicote Hitchin Hertfordshire SG4 8SU
<u>Applicant:</u>	Dr & Dr K & S Lotzof
<u>Proposal:</u>	Change of use of Barn and East & West Stables to ancillary residential accommodation and change of use of land from agricultural to residential. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.
<u>Ref. No:</u>	20/00642/FP
<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 13.05.2020

Reason for Referral to Committee:

This Planning application has been called into Committee by Councillor John Bishop due to concerns regarding some works on site.

Reason for Delay:

Case officer resigned and many months of negotiation between the applicant and the Council's Senior Conservation Officer.

1.0 Relevant Policies

1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):

Policy 2 'Green Belt'

Policy 28 'House Extensions'

Policy 30 'Replacement or Extensions to Dwellings in the Countryside'

1.2 NPPF:

Green Belt and Heritage Sections

1.3 Emerging Local Plan (2011-2031)

Policy D2 'House Extensions, Replacement Dwellings and Outbuildings'

Policy HE1 'Designated Heritage Assets'

2.0 **Site History**

2.1 None relevant

3.0 **Representations**

3.1 **Hertfordshire Ecology:**

Submitted mitigation strategy for bats is acceptable and it is commendable that works to mitigate the impact on bats has started at this building where possible. Every confidence that they will be continued based on current record. **See recommended condition no. 4.**

3.2 **CPRE:**

Proposal needs to be assessed as effecting the character of the listed building and as development within the Green Belt. Concerned that the proposed link extensions undermine the character of the courtyard with a series of out buildings clustered close to the original listed farmhouse. There does not appear to be any justification put forward in the planning application to justify the erosion of this character and layout of existing buildings on this site.

3.3 **Environmental Health (Noise):**

No objections

3.4 **Kimpton Parish Council:**

Insufficient detail to comment on the proposal.

3.5 **Codicote Parish Council:**

Objection:

- Green Belt
- Rare chalk stream must be protected and comments from the Herts & Middx Wildlife Trust must be heeded
- Small bridge over the river on access track totally unsuitable for construction vehicles

3.6 **Herts and Middlesex Wildlife Trust:**

Objection: Bat survey required. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are conditioned in the planning approval.

The design of the buildings (barn and stables) is extremely suitable for bats, they are situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. Therefore there is a reasonable likelihood that bats may be present.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the

decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of the presence of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.

Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances.

In this instance a bat survey of the buildings will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS42020.

3.7 Senior Conservation Officer:

See comments on next agenda item relating to listed building matters

3.8 Local Residents:

All letters of objection from local residents are displayed on the Council's website. The concerns expressed can be summarised as follows:
Insufficient detail to fully appraise the heritage issues;
Work has started on site which is not appropriate before any consents are issued;
A bat mitigation strategy needs to be undertaken and worked through in accordance with the advice of the Herts and Middlesex Wildlife Trust.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 Large grade II listed farm house in substantial grounds with many outbuildings forming a courtyard appearance at Rye End Farm, Green Lane, Codicote.

4.2 Proposal

- 4.2.1 The main proposal requiring planning permission for this scheme are the minor external works to the Farm House and the single storey link extensions to link the farm house to the outbuildings. The overall effect would be to link the Farm house to the current outbuildings to form a continuous area of additional ground floor accommodation for the existing residents. The proposal does not include the creation of a new residential unit(s). The works connecting the link extensions to the main house consist of an increased scale of the existing lean to and replacement roof of the entire lean to, existing and proposed. The proposal also involves some external window alternations within the main house and the current outbuildings. The links between the house and the outbuildings are proposed as glazing to minimise their impact on the countryside and

surrounding area. The proposed boarded link between the stables and main barn would however be more prominent and contemporary and would be seen from the main entrance.

- 4.2.2 Amendments have been negotiated over the course of the application to omit hard landscaping proposals and reduce the visual prominence of the proposed link extensions.
- 4.2.3 The current use of the outbuildings were/are either as ancillary stables associated with the main house or an agricultural use. On the basis that they had agricultural use separate to the dwelling, then the proposal also represents a material change of use of these buildings from agricultural to extended living space to the existing dwelling, not as a separate dwelling. On the basis that the buildings were already in the curtilage of the dwellinghouse (hard to establish without full knowledge of the history) this proposal does not even represent a material change of use of the outbuildings.

4.3 **Key Issues**

- 4.3.1 Taking account of the relevant policies referred to above, technical consultation responses and the response from Parish Councils and local residents I consider the key issues to assess in relation to this planning application are Green Belt and Heritage aspects. It is also necessary to consider the Bat mitigation strategy.
- 4.3.2 In terms of Green Belt policy limited extensions to dwellings that do not make a material greater impact on the openness of the Green Belt are not inappropriate development (see relevant sections of the NPPF and Saved Local Plan Policy 30).
- 4.3.3. Whilst these proposals would create significantly greater floor space for residential occupation within current outbuildings, the vast majority of this new floor space would be within current built form. It is only the proposed link extensions that add to the overall built form of development on site. In terms of overall impact on openness these limited and subservient link extensions would not harm the openness or undermine the objective of Green Belt policies and on that basis I conclude that the proposed additional built form set out in this scheme would not be inappropriate development in the Green Belt in that they would not have a material greater impact on existing buildings on openness and the wider landscape.
- 4.3.4 Turning to heritage issues, these are set out in more detail on the following report on this agenda, dealing with the listed building consent issues. However, overall all the changes proposed to the listed building both internal (listed building consent only) and external (listed building and planning) have been negotiated over many iterations between the applicant and the Council's Senior Conservation Officer. To the extent that he now supports the latest amendments to the scheme proposed. On that basis I consider that the proposed development would be appropriate and preserve the character of the designated heritage asset, the listed building and associated curtilage buildings.
- 4.3.5 I note the concerns of the CPRE reported above regarding the character of the site at present, with separate outbuildings forming a courtyard close the main listed buildings and I understand their concerns. This linking proposal would undermine the overall

appearance and would by definition change the character of a group of buildings to a series of linked structures. However, given the design and scale of the proposed link extensions and when seen in their wider context, in my view, shared by the Council's Senior Conservation Officer, the visual prominence of the original outbuildings and most importantly the Farm House itself would remain when seen from the wider area and within the site itself. On that basis I do not consider that this overall change in built form and character would be significantly detrimental the overall character of the heritage asset and the wider locality.

4.3.6 A bat mitigation strategy has been submitted and commended by Herts Ecology. I set out below a recommended condition to ensure that all measures within the mitigation strategy are carried out in accordance with the terms of the document.

4.3.7 Some work has been taking place on site in advance of any planning permission or listed building consent. These works have been investigated on site in detail by the Council's Senior Compliance Officer in consultation with the Council's Senior Officer. Most of the works do not require planning permission or listed building consent (such as mobile loose boxes) or relate to roof repairs as part of the bat mitigation strategy. Even so, although these works on site have generated considerable local concern, any enforcement investigations into these issues are not relevant material considerations for this planning application and are to be considered separately.

4.4 **Conclusion**

4.4.1 Although on the face of it the concept behind this scheme would lead to a significant increase in residential floor space for this dwelling, extending the floor area considerably, when considered in detail I conclude that the modest link extensions would not undermine the openness of the Green Belt and following extensive negotiations between the applicant and the Council's Senior Conservation Officer which whilst leading to improvements to the detail of the scheme have considerably delayed the project, I am also of the view that the proposal would also be well designed and sympathetic to the character and appearance of the listed building.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

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

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 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.

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

4. The required works set out in the submitted bat mitigation strategy (ref. RSE_4516_01_V1) (dated January 2021) shall be carried in full throughout the development project hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

















Reason: To ensure the appropriate mitigation of protect species habitat on site.

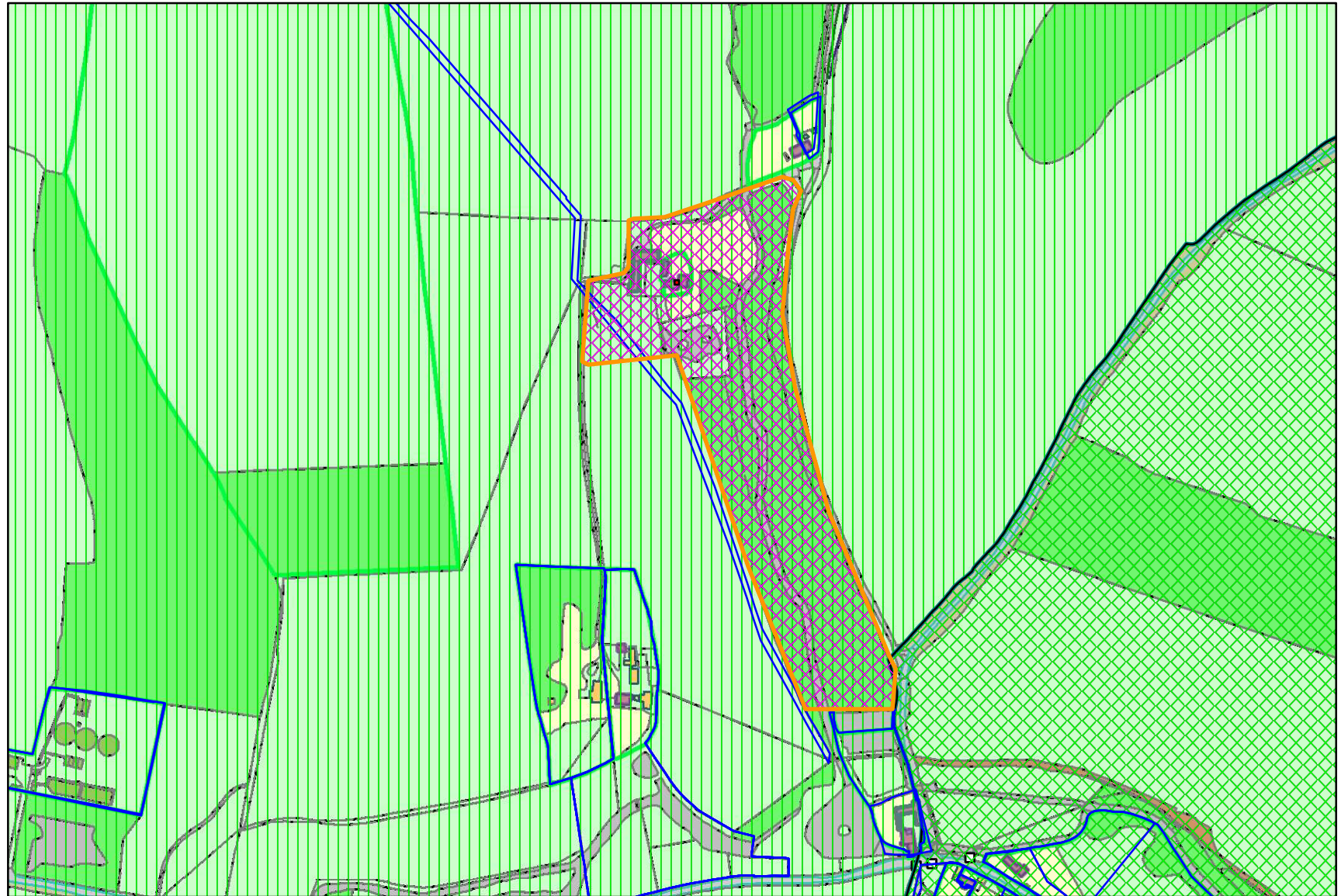
Pro-active Statement

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

20/00642/FP Rye End Farm, Green Lane, Codicote, Hitchin, Hertfordshire, SG4 8SU

-  **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**
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 1:5,000

Date: 25/03/2021

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<u>Location:</u>	Rye End Farm Green Lane Codicote Hitchin Hertfordshire SG4 8SU
<u>Applicant:</u>	Dr & Dr K & S Lotzof
<u>Proposal:</u>	Internal and external alterations to Barn, East Stables and West Stables. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.
<u>Ref. No:</u>	20/00643/LBC
<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 13.05.2020

Reason for Referral to Committee:

This application for listed building consent has been called into Committee by Councillor John Bishop due to concerns regarding some works on site.

Reason for Delay:

Case officer resigned and many months of negotiation between the applicant and the Council's Senior Conservation Officer.

1.0 Relevant Policies

1.1 NPPF:
Heritage Sections

1.2 Emerging Local Plan (2011-2031)
Policy HE1 'Designated Heritage Assets'

2.0 Site History

2.1 None relevant

3.0 **Representations**

3.1 **Hertfordshire Ecology:**

Submitted mitigation strategy for bats is acceptable and it is commendable that works to mitigate the impact on bats has started at this building where possible. Every confidence that they will be continued based on current record. **See recommended condition no. 4.**

3.2 **CPRE:**

Proposal needs to be assessed as effecting the character of the listed building and as development within the Green Belt. Concerned that the proposed link extensions undermine the character of the courtyard with a series of out buildings clustered close to the original listed farmhouse. There does not appear to be any justification put forward in the planning application to justify the erosion of this character and layout of existing buildings on this site.

3.3 **Kimpton Parish Council:** **Insufficient detail to comment on the proposal.**

3.4 **Codicote Parish Council:**

Objection:

- Green Belt
- Rare chalk stream must be protected and comments from the Herts & Middx Wildlife Trust must be heeded
- Small bridge over the river on access track totally unsuitable for construction vehicles

3.5 **Herts and Middlesex Wildlife Trust:**

Objection: Bat survey required. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are conditioned in the planning approval.

The design of the buildings (barn and stables) is extremely suitable for bats, they are situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. Therefore there is a reasonable likelihood that bats may be present.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of the presence of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to

have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.

Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances.

In this instance a bat survey of the buildings will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS42020.

3.6 Senior Conservation Officer:

The full assessment of the application is set out in **Appendix 1**. The three preceding assessments on earlier versions are contained on the Council's website.

3.7 Local Residents:

All letters of objection from local residents are displayed on the Council's website. The concerns expressed can be summarised as follows:

Insufficient detail to fully appraise the heritage issues;

Work has started on site which is not appropriate before any consents are issued;

A bat mitigation strategy needs to be undertaken and worked through in accordance with the advice of the Herts and Middlesex Wildlife Trust.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Large grade II listed farm house in substantial grounds with many outbuildings forming a courtyard appearance at Rye End Farm, Green Lane, Codicote.

4.2.1 Proposal

Internal and external alterations to Barn, East Stables and West Stables. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.

4.3 Key Issues

4.3.1 Full a full assessment of this proposal for listed building consent please see attached appendix 1.

4.4 Conclusion

4.4.1 I have nothing to add to the full assessment of the Council's Senior Conservation Officer set out on appendix 1.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

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

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 listed building consent.

3. Prior to the construction of the lean-to against the farmhouse, a sample panel of the brick type, bond and mortar mix shall be erected close to the farmhouse and east stable range and shall either be inspected by the Local Planning Authority on site or photographs submitted to and approved in writing by the Local Planning Authority prior to the construction of the lean-to. Thereafter, the brickwork shall be implemented in accordance with the approved sample panel.

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

4. The roof to the lean-to against the farmhouse, shall be covered with clay handmade clay tiles to match the existing section of lean-to roof alongside 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 the grade II listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. During the course of stripping the existing roofs to East Stables, Main Barn and West Stables the buildings shall be properly protected and all clay tiles/slates shall be inspected for defects and set aside for reuse. The balance to replace those unsuitable for re-roofing shall be made up either with second-hand salvaged tiles/slates to precisely match the existing or new natural slate/clay handmade tiles subject to samples being submitted to and approved in writing by the Local Planning Authority. Thereafter, the re-roofing shall be undertaken in accordance with the approved materials.

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

6. As part of the conversion works, the roofs to East Stables, Main Barn and West Stables shall retain exposed eaves throughout 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Full details of all wall and roof insulation systems to be used in the conversion of East Stables, Main Barn and West Stables shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby granted consent. Thereafter, the wall and roof insulation systems shall be implemented in accordance with the approved details.

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

8. With the exception of approved drawing no. REF-MNP-WSC-SK-S-4011 Rev P1 received on 21/01/2021, all other sections of the timber frame to the East Stables, Main Barn and West Stables that are deemed necessary to replace or where new sections of frame are required where previous frame members are missing, shall be identified and agreed with the Local Planning Authority prior to the new frame members being formed. Furthermore, where new frame sections are required, these shall be undertaken in oak 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Prior to any works being undertaken to the '*brick cobbled floor*' of the Threshing Barn as referred to at page 74 of the submitted Heritage Statement (Feb 2020), full details as to whether the existing brick cobbled finish is to be retained beneath the proposed new floor surface or salvaged and re-used as part of the new flooring and including details of any proposed underfloor heating system, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the Threshing Barn floor shall be implemented in accordance with the approved details.

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

10. Full details of the precise type and size of the roof lights shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the roof lights shall be implemented in accordance with the approved details.

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

11. All window and door joinery (internal and external) shall be manufactured in timber and windows shall have flush as opposed to storm proof frames unless otherwise agreed and approved in writing by the Local Planning Authority. Where windows or doors are shown to receive glazing bars, a 1:1 glazing bar profile including the glazing system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the manufacture and installation of the windows/doors and these shall be implemented in accordance with the approved details.

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

12. Details of all internal doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the internal doors shall be implemented in accordance with the approved details.

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

13. All new rainwater goods shall be manufactured in metal and be black painted 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 **Appendices**

7.1 **Appendix 1:** Full report and assessment of listed building matters by the Senior Conservation Officer

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North Hertfordshire District Council

Building Conservation comments

File Ref: 20/00643/LBC

Date: 10/03/2021

Planning Officer: SE

Address: Rye End Farm, Green Lane, Codicote, Hitchin, Hertfordshire SG4 8SU

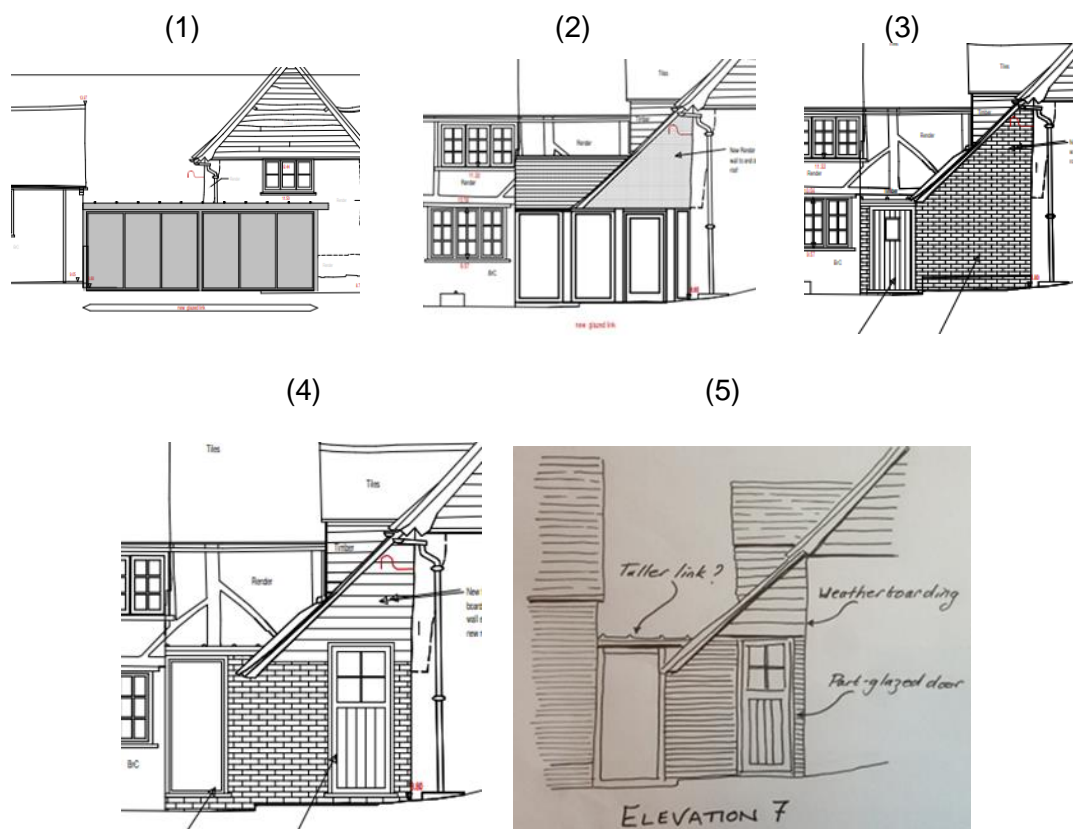
Subject: Internal and external alterations to Barn, East Stables and West Stables. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.

1.0 Introduction

1.1 I previously commented on 26/06/2020 and 18/11/2020. Then, on 02/12/2020 I responded to plans informally received on 30/11/2020. These latest comments are in response to a 23-day re-consultation period which commenced on 17/12/2020. My sincere apologies for the delay in getting back to the case officer and ultimately the applicant.

2.0 Link

2.1 The images below show the progression of the discussion from the initial flat roof, large glazed 'box' concept (1) through to a partially glazed lean-to with dual-pitched link (2), through to a brick lean-to with flat roof link with solid doors (3) through to the current version of a part brick/part weatherboard lean-to with a short flat-roof glazed link (4).



- 2.2 Whilst there would be a modest amount of harm occasioned to the farmhouse and to the East Stables by forming this link, this element is crucial to the accessibility of this courtyard group. The latest version follows the format offered in a sketch I prepared previously (see 5 above) and I am prepared to support this alteration.

3.0 East Stable Range

- 3.1 A 'STATEMENT OF STRUCTURAL DESIGN INTENT' (26/10/2020) has been prepared by mason navarro pledge [MNP] and states at 6.1.1 that

"The roof structure was not visible above the ceiling. We understand that the ceiling is to be removed as part of the proposed works, allowing the rafters and truss elements to be inspected. A roof of sawn rafters, purlins and trusses is anticipated."

- 3.2 It has, therefore, not yet been established as to the extent of any necessary roofing repairs.
- 3.3 I note that the elevation treatment has been amended from the top image below to the bottom image below and is now considered to be a much more sensitive handling of the elevation and is unobjectionable.

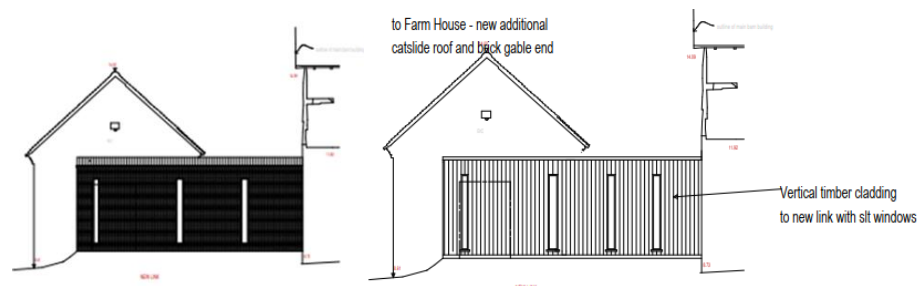


4.0 Main Barn

- 4.1 I previously advised against a chimney stack and the applicant has offered a 'cranked' flue projecting from Elevation 17 and although a permanent fireplace is still shown rather than a 'floating' type as indicated in the images previously provided, I find the new arrangement unobjectionable.



- 4.2 On reviewing the link between the East Stables and Main Barn, I suggested that having seen the brick-faced option, it might be worthwhile considering a vertical timber cladding external finish as this would give a more desirable contrast to the brickwork either side and still look semi-agrarian? The latest proposal takes this design concept on board and is considered unobjectionable.



- 4.3 In light of comments previous made, the fenestration to both gable ends has been adjusted and is considered acceptable.



- 4.4 In December 2020, I stated that whilst a survey record of the timber frame has been made and a 'STATEMENT OF STRUCTURAL DESIGN INTENT' (26/10/2020) has been prepared by MNP, neither is a fully worked up structural solution and more work is clearly necessary in this regard to fully understand what the structural implications are not only for the main barn but also for the stables/outbuildings.
- 4.5 It is noted at 1.1.4 of the above report that the applicant's strong preference is to retain as far as possible the existing interior aesthetic. In effect this means leaving a maximum amount of the original structure on display **by placing the necessary insulation outside the structure**. This contradicts the submitted

DAS which states that “.... This will require the floor and walls to be upgraded as well as insulating and boarding the inside of the roof structure. The internal walls will have a timber stud insulated wall built inside the external walls filled with insulation and covered over with plasterboard. The existing floor will be damp proofed and then insulated and screeded..”. To avoid any confusion and favouring the MNP approach, I advise this work is conditioned.

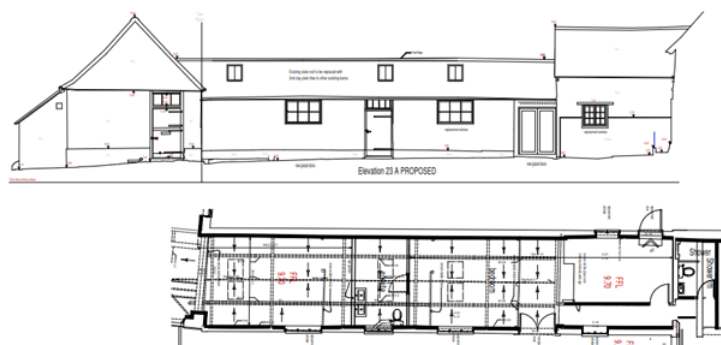
- 4.6 At 1.1.5 it states that the insulation is to be placed **outside the masonry walls and will be over-clad in boarding** continuing the plane of the wall above. No objection is raised to this approach.
- 4.7 I am happy with the suggestion at 3.1.2 that *‘structural engineering interventions should be undertaken only where necessary, with maximum retention / minimum loss of historic fabric. Works should be undertaken in a manner both structurally and aesthetically that ‘goes with the grain’ of the historic fabric. Preferably an intervention should be distinguishable (Honest) from the historic fabric and should be reversible (should technological advances allow a more sympathetic solution)’*
- 4.8 Once again at 4.1.1 of the report I welcome the suggestion that the *‘proposed works to the three buildings (Barn, East Stables, West Stables) are broadly similar, with a light-touch conversion approach envisaged’*.
- 4.9 The ‘Anticipated approach’ at 5.4 of the report is to repair decayed/ fractured members using a combination of local repair (with new timber), splinting, or through-bolting. I am satisfied that generally where interventions are envisaged that this work can be handled in such a way that it *‘should blend in with what is there. Additional members will be visually obvious but, with care, should go with the grain of the existing structure’*.
- 5.0 **West Stable range**
- 5.1 At 7.1.1 of the MNP report, it states that:
- “The structure to the low-roofed area is of rectangular sawn rafters on purlins propped by raking posts on tie beams. It is expected to require only minimal structural work, perhaps strengthening with added steel plates) if any.”*
- 5.2 Whilst at 7.1.2 and 7.1.3 it states that: *‘The rear wall is of full height solid brick construction, which wasn’t obviously distorted’* and *‘The front wall is of timber stud behind cement rendered interior finish. Decay of many of these posts is anticipated’* respectively.
- 5.3 Under 8.2 ‘Anticipated approach’ the following is noted:
- “The arrangement of the existing roof structure needs to be improved. There are probably a few options or combinations of tying opposing rafters and adding support to the purlins, perhaps using props off new members spanning north–south between side walls”.*
- 5.4 Included with the latest submission is a new drawing no. REF-MNP-WSC-SK-S-4011 Rev P1 entitled West Stable – Centre East Elevation – External Timber Repairs which was received on 21/01/2021. This drawing is really helpful in fully understanding the task in hand in bringing one elevation of one

Architectural drawing of the east wall of the west barn, showing timber framing, insulation, and various replacement components. The drawing includes a detailed list of parts and their specifications, such as 'NEW 100mm PIR Insulation', 'NEW 125mm PIR Insulation', and 'NEW 100mm PIR Insulation'. It also includes a legend for 'Existing timber', 'Replacement Lap Joint timber', 'Replacement Face-Plant timber', 'Slip Tenon', and 'Full replaced timber'. The drawing is labeled 'ELEVATION ON EAST WALL TO WEST BARN'.

- "The internal walls will have a timber stud insulated wall built inside the external walls filled with insulation and covered over with plasterboard. The existing floor will be damp proofed and then insulated and screeded".*

5.6 I previously suggested the following (which is considered acceptable):

- Omit one 'pair' of roof lights;
- Retain a false external door and fanlight to the ensuite bay; and
- Insert a window to match the one to the right.



- 6.1 The previous formal landscaped courtyard has now been omitted and the latest version is much more acceptable.

7.0 Ecology

- 7.1 On 24/01/2021 I received an email from the agent which, amongst other things, mentions that:

".... The BAT report has all been informally approved by HE and I know you have sent the report to HE for their comments. The structural design intent was prepared and issued to you last Oct.

We really need to draw a line on this application and I hereby now ask if you would kindly within the next 7 to 10 days be able to combine everything on the applications so that they can then be finally approved.

We are happy for any pre commencement conditions to be added if reasonable and happy for any conditions to be added to the approval for further details to be submitted for approval after the consents are in place.

I hope you can appreciate and I must put a heavy emphasis as highlighted many times before, that these listed building are being destroyed by the lack of care and the worsening weather we now have, and that if planning is held off any longer, we will not be able to get the works done in time to make the buildings safe for the bats...."

- 7.2 On 04/02/2021, I was copied into a further email from the agent which stated:

"I know from earlier today that Herts Ecology will now be responding shortly to you"

- 7.3 On 24/02/2021, I was copied into an email from the applicant which stated:

".....We are so worried that we won't be able to complete this before May, for the bats. How can we manage this situation for the bats and save the listed buildings.

The bat expert has just informed me that the report they provided that if there is a delay it will contravene all of the bat regulations which will incur tens of thousands of pounds and the listed buildings will be lost....."

- 7.4 On 24/02/2021, this time I receive an email from Stuart Ellis at MNP stating:

"..... Works at Rye End Farm barns are progressing somewhat stutteringly and with the tiles (which were in a very fragile and frost damaged condition) having now been removed I am in a position to visit to measure and inspect the condition of the roof timbers. This will inform designs to stabilise and strengthen the structure to support the weight of insulation. The intention is to retain all historic timbers and to add a few steel ties (to resist roof spread) and to counter the implications of the (historically) shortened posts (possibly cut and replaced with brick side walls up to mid rail level).

The client is anxious to obtain Planning and Listed Building Consent and does not want to proceed without the permissions in place. Unfortunately, the ecologists require the roof tiles to be replaced by May, for bat roosting and will not accept provision of temporary alternative roosts. We understand that the inspectors dealing with Planning Application have recently left the council and are unable to find out its status.

I wonder, are you in a position to comment on the LBC aspects of the proposals / conditions submitted to date, so that works can progress with a view giving the bats a suitable May roost. "

- 7.5 A further email was received on 09/03/2021 in which concerns have been expressed regarding delays in seeking to address the issue of bats on site.

The request is to potentially explore options to permit some of the works for it is understood that as matters stand, there is no mechanism for summer roost provision and apparently this could have a detrimental impact to the local bat population.

8.0 Suggested conditions (the following only relates to potential LBC conditions and I suspect that hard/soft landscaping, ecology etc will need to be addressed under the sister planning application).

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 listed building consent.

3. Prior to the construction of the lean-to against the farmhouse, a sample panel of the brick type, bond and mortar mix shall be erected close to the farmhouse and east stable range and shall either be inspected by the Local Planning Authority on site or photographs submitted to and approved in writing by the Local Planning Authority prior to the construction of the lean-to. Thereafter, the brickwork shall be implemented in accordance with the approved sample panel.

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

4. The roof to the lean-to against the farmhouse, shall be covered with clay handmade clay tiles to match the existing section of lean-to roof alongside 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 the grade II listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. With the exception of approved drawing no. REF-MNP-WSC-SK-S-4011 Rev P1 received on 21/01/2021, all other sections of the timber frame to the East Stables, Main Barn and West Stables that are deemed necessary to replace or where new sections of frame are required where previous frame members are missing, shall be identified and agreed with the Local Planning Authority prior to the new frame members being formed. Furthermore, where new frame sections are required, these shall

be undertaken in oak 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. During the course of stripping the existing roofs to East Stables, Main Barn and West Stables the buildings shall be properly protected and all clay tiles/slates shall be inspected for defects and set aside for reuse. The balance to replace those unsuitable for re-roofing shall be made up with second-hand salvaged tiles/slates to precisely match the existing 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Full details of all wall and roof insulation systems to be used in the conversion of East Stables, Main Barn and West Stables shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby granted consent. Thereafter, the wall and roof insulation systems shall be implemented in accordance with the approved details.

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

8. As part of the conversion works, the roofs to East Stables, Main Barn and West Stables shall retain exposed eaves throughout 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Full details of the precise type and size of the roof lights shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the roof lights shall be implemented in accordance with the approved details.

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

10. All window and door (internal and external) joinery shall be manufactured in timber and windows shall have flush as opposed to storm proof frames unless otherwise agreed and approved in writing by the Local Planning

Authority. Where windows or doors are shown to receive glazing bars, a 1:1 glazing bar profile including the glazing system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the manufacture and installation of the windows/doors and these shall be implemented in accordance with the approved details.

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

11. Details of all internal doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the internal doors shall be implemented in accordance with the approved details.

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

12. All new rainwater goods shall be manufactured in metal and be black painted 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 these listed buildings under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.0 Recommendation

- 9.1 Although the conversion scheme will result in some harm, this would, in my opinion, be towards the lower end of the 'less than substantial' continuum. The conversion would facilitate a long-term viable use for the barn and stable range and ensure that these buildings do not find themselves on a subsequent Register of Buildings at Risk. Whilst this may not necessarily be the optimum viable use (alternative uses not explored), it is important that a new use is found sooner rather than later. In this regard, the scheme is sufficiently well-handled in my opinion to ensure that the special character and significance of the buildings at Rye End Farm (farmhouse, barn and stables) is not unduly affected.

It is considered that subject to the above conditions, the proposal is **UNOBJECTIONABLE** on the basis that the proposal would satisfy the provisions of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating The Proposed Main Modifications (November 2018).

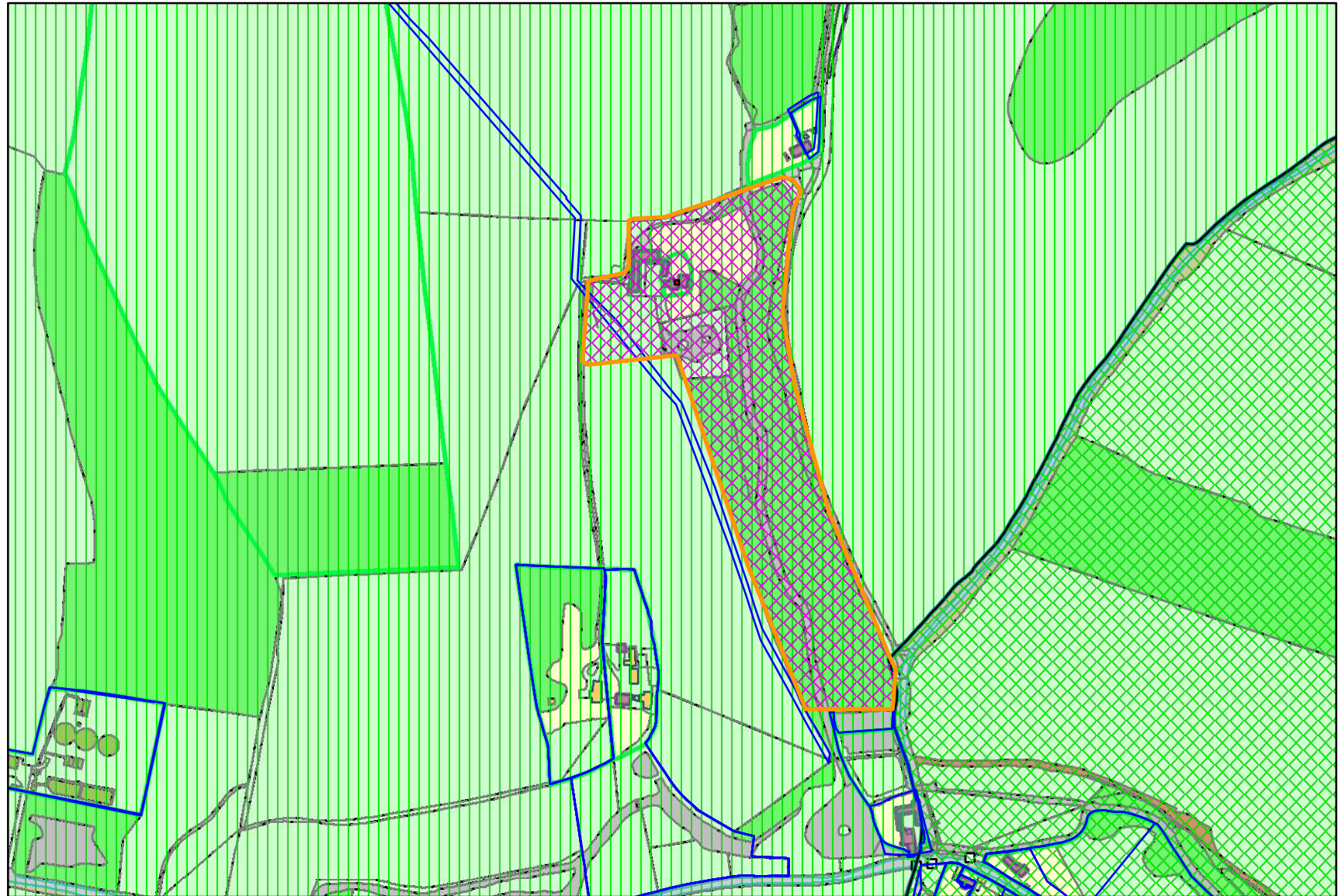
Mark Simmons
Senior Conservation Officer

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Application Validation Sheet

20/00643/LBC Rye End Farm, Green Lane, Codicote, Hitchin, Hertfordshire, SG4 8SU

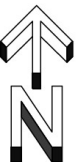
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-  **Area of Outstanding Natural Beauty**
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-  **Listed Buildings**
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-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
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-  **Noise Nuisance Indicators**
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-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:5,000

Date: 25/03/2021

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