

NORTH HERTFORDSHIRE DISTRICT COUNCIL



13 November 2020

Our Ref Planning -24.11.20
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To: Members of the Committee: Councillors: Ruth Brown, Daniel Allen, 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, George Davies, 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

TUESDAY, 24TH NOVEMBER, 2020 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda **Part I**

Item	Page
<p>1. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</p> <p>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.</p>	
<p>2. APOLOGIES FOR ABSENCE</p>	
<p>3. NOTIFICATION OF OTHER BUSINESS</p> <p>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.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>4. CHAIR'S ANNOUNCEMENTS</p> <p>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.</p>	
<p>5. PUBLIC PARTICIPATION</p> <p>To receive petitions, comments and questions from the public.</p>	
<p>6. 20/00073/FP NORTH HERTFORDSHIRE COLLEGE, CAMBRIDGE ROAD, HITCHIN, HERTFORDSHIRE, SG4 0JD REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Demolition of existing sports hall and squash court building, erection of new sports hall, provision of new 3G pitch, new car parking provision, remodelling of site to provide level access to new sports facilities and enabling development of 116 residential dwellings, new access road, open space, landscaping and associated works (as amended by plans received 26/06/20,</p>	<p>(Pages 5 - 80)</p>

16/07/20, 21/07/20 and 13/10/20)

- 7. 19/02999/FP LAND OFF, GERON ROAD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE** (Pages 81 - 128)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of two detached 2-storey building comprising of 9 flats (5 x 2 bed and 4 x 1 bed) and one office building following demolition of existing buildings including No.29 Gernon Road. Creation of new vehicular access off Gernon Road, associated car parking and two cycle/bin stores (as amended by plans received 05.10.2020)
- 8. 20/01692/FPH 6 CUBITT CLOSE, HITCHIN, HERTFORDSHIRE, SG4 0EL** (Pages 129 - 138)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

First floor rear extension, and erection of additional rear conservatory following demolition of existing detached rear garden conservatory (amended by plans received 03.10.20)
- 9. PLANNING APPEALS**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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ITEM NO:	
<u>Location:</u>	North Hertfordshire College Cambridge Road Hitchin Hertfordshire SG4 0JD
<u>Applicant:</u>	North Hertfordshire College &
<u>Proposal:</u>	Demolition of existing sports hall and squash court building, erection of new sports hall, provision of new 3G pitch, new car parking provision, remodelling of site to provide level access to new sports facilities and enabling development of 116 residential dwellings, new access road, open space, landscaping and associated works (as amended by plans received 26/06/20, 16/07/20, 21/07/20,13/10/20 and 02/11/20)
<u>Ref. No:</u>	20/00073/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

14 April 2020

Submitted Plan Nos.:

7944_P104D, 7944_P120B, 7944_P121B, 7944_P122C, 7944_P123B, 7944_P124B, 7944_P125B, 7944_P126B, 7944_P127B, 7944_P105C, 7944_P106B, 7944_P107B, 7944_P150.1B, 7944_P150.2B, 7944_P152.1B, 7944_P152.2B, 7944_P151.2B, 7944_P153.2B, 7944_P190.3A, 7944_P190.4A, 7944_P190.5A, 7944_P190.7, CON 22561 13E-sheet 1, CON 22561 13E-sheet 2, CON 22561 13E-sheet 3, CON 22561 13E-sheet 4, CON22561 10C, CON22561-03B-Sheet 1 of 2, CON22561-03B-Sheet 2 of 2, 7944_P162.1A, 7944_P162.2A, 7944_P164.1A, 7944_P164.2A, 7944_P167.1A, 7944_P167.2A, 7944_P168.1A, 7944_P168.2A, 7944_P168.3A, 7922/P001A, 7944_P168.6A, 7944_P168.7, 7944_P168.8, 7944_P169.1A, 7944_P169.2A, 7992/P002A, 7992/P003, 7992/P031, 7992/P032, 7992/P201A, 7992/P202, 7992/P301, 7992/P302, 7992/P401, 7944_P170.5, 7944_P170.1A, 7944_P170.2A, 7944_P170.4A, 7992/P101D, 7992/P102C, 7944_P103E, 7944_P167.3, 7944_P166.1, 7944_P166.2, 7944_P165.1, 7944_P165.2, 7944_P163.2, 7944_P161.3, 7944_P161.2, 7944_P161.1, 7944_P160.2, 7944_P160.1, 7944_P168.4, 7944_P168.5, 7944_P173.3, 7944_P173.2, 7944_P173.1, 7944_P172.2, 7944_P172.1, 7944_P171.4, 7944_P171.3, 7944_P171.2, 7944_P169.3, 7944_P166.3, 7944_P163.1, 7944_P172.3, 7944_P171.1, CON22561-11A sheet 1, CON22561-20, CON22561-12A sheet 1, CON22561-12A sheet 2, CON22561-12A sheet 3, CON22561-11A sheet 2, CON22561-11 sheet 3, 7944_P170.3, 7944_P190.1, 191900-011A Rev C.

Extension of statutory period:

27 November 2020

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, and any development with greater than 500sqm floor space on a site of more than 1 hectare (the site area is 1.36ha), as set out in 8.4.5 of the Council's 2019 Scheme of Delegation.

The application was also called into committee by Councillor Kay Tart on the grounds of being in the public interest, whether the officer recommendation is to refuse or grant permission.

1.0 Relevant Site History

- 1.1 19/02332/SO - Screening Opinion: Residential development comprising of 120 dwellings and redevelopment of college sports facilities including replacement sports hall and 3G pitch and floodlighting – Not required 03/12/19.
- 1.2 12/02640/1 - Extend existing acoustic fence up to 4 metres in height and an additional 41 metres in length – Refused 28/02/13 for:
1. The proposed overall height of 4 metres to both the existing and proposed extension to the acoustic fence would be overbearing and over dominant and as a result would adversely affect the amenities of the residents adjoining the site and the visual amenities of the area contrary to the advice in section 7 of the National Planning Policy Framework.
- 1.3 12/02638/1 - Section 73 Application: Reference planning permission 10/02345/1 granted 24 November 2010 for the construction of an all-weather pitch with associated floodlighting, acoustic bund, fencing and landscaping:
Development A: Variation of Condition 6 to allow the use of the all-weather pitch and associated floodlighting between the hours of 9.00am and 09.00pm, Monday to Friday from September to June (no extension to existing hours in July and August). At weekends, the hours of use proposed are 9.00am to 5.00pm (throughout the whole year).
Development B: Variation of Condition 5 to allow the use of the all-weather pitch to accommodate "multi-games" use
Development C: Removal of Condition 12 to bring back into use the existing sand-based all-weather pitch for sports activities.

Refused 25/04/13 for:

1. *Development A*
The proposed extension of hours would be likely to result in excessive levels of noise and disturbance to local residents at unsocial hours to the detriment of their living conditions. The development would be contrary to the provisions of Policy 39 (Leisure Uses) of the District Local Plan and the guidance in Sections 7 and 8 of the National Planning Policy Framework

2. *Development C*

The proposal to allow the re-use of the existing sand based pitch through the removal of condition 12 of planning permission ref: 10/02345/1 dated 24th November 2010, would, through the cumulative impact of sport being played simultaneously on two all weather pitches in close proximity to residential property, be likely to result in excessive levels of noise and disturbance to local residents to the detriment of their living conditions. The development would be contrary to the provisions of Policy 39 (Leisure Uses) of the District Local Plan and the guidance in Sections 7 and 8 of the National Planning Policy Framework.

3. *Development B*

The proposal to allow the use of the all weather pitch to accommodate multi-games use would be likely to result in excessive levels of noise and disturbance to local residents to the detriment of their living conditions. The development would be contrary to the provisions of Policy 39 (Leisure Uses) of the District Local Plan and the guidance in Sections 7 and 8 of the National Planning Policy Framework.

This was appealed. Following a hearing, on 19th May 2014 the Planning Inspector allowed Developments A and C. Development B was not allowed.

- 1.4 10/02345/1 - Construction of an all-weather pitch with associated floodlighting, acoustic bund, fencing and landscaping and footpath link (as a variation to planning permission ref 05/01262/1 dated 14 Nov 2005) – Approved 24/11/10.
- 1.5 08/02915/1 - Redevelopment to provide a replacement 3 storey building with part lower ground floor and detached sports hall for North Herts College with associated parking for 370 vehicles including 26 disabled spaces, 112 cycle spaces and other associated works including internal access roads, landscaping and a floodlit all-weather pitch – Approved 27/02/09.
- 1.6 05/01262/1 - All weather sports pitch with six 13 metre floodlight columns, earth bund and acoustic fence, landscaping, access road and disabled parking spaces – Approved 14/11/05.
- 1.7 03/01355/1 - Redevelopment of the existing site to provide a new three storey college complex plus a part basement area, to include theatre and sports hall (19,077sq.m gross external area); surface level parking; landscaping and ancillary works. All weather sports pitch with floodlighting and 2.5m acoustic fence. Demolition of all existing buildings excluding Walsworth House. Access as existing via Cambridge Road and St. Michaels Road (see attached schedule for approved plans and documents) – Approved 22/01/04.
- 1.8 00/00499/1 - Renewal of outline planning permission no. 97/0690/1 granted 21/8/97 (construction of sports centre for community/college use, following removal of existing pre-fabricated classroom and demolition of sports hall, new car parking, landscaping and ancillary works) – Approved 23/05/00.
- 1.9 97/00690/1 - Construction of sports centre for community/college use following removal of existing pre-fabricated classroom and demolition of sports hall. New car parking, landscaping and ancillary works – Approved 21/08/97.
- 1.10 96/00089/1HH - 80 additional car parking spaces and two 4 metre high lighting columns (as amended by plan received 7.3.96) – Approved 04/04/96.

2.0 **Policies**

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

Policy 8 – Development in Towns
Policy 14 – Nature Conservation
Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
Policy 21 – Landscape and Open Space Patterns in Towns
Policy 26 – Housing proposals
Policy 39 – Leisure Uses
Policy 51 – Development effects and planning gain
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 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

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
SP7 – Infrastructure requirements and developer contributions
SP8 - Housing
SP9 – Design and sustainability
SP10 – Healthy communities
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, biodiversity and landscape
SP13 – Historic environment
T1 – Assessment of transport matters
T2 – Parking
HS2 – Affordable housing
HS3 – Housing mix
HS5 – Accessible and adaptable housing
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
HC1 – Community facilities
NE1 – Landscape
NE2 – Green infrastructure
NE4 – Protecting publically accessible open space

- NE5 – New and improved public open space and biodiversity
- NE6 – Designated biodiversity and geological sites
- NE7 – Reducing flood risk
- NE8 – Sustainable drainage systems
- NE9 – Water quality and environment
- NE10 – Water Framework Directive and wastewater infrastructure
- NE11 – Contaminated land

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)
Design SPD (2011)
Planning Obligations SPD (2006)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 30/01/2020 Expiry Date: 22/02/2020

3.2 **Press Notice:**

Start Date: 30/01/2020 Expiry Date: 22/02/2020

3.3 **Neighbouring Properties:**

For the originally submitted plans, 54 objections were received from residents of Campbell Close, Chaucer Way, Old Park Road, Coleridge Close, Ruskin Lane, Gibson Close, Browning Drive, Willian Road, Common Rise, Purwell Lane, Highover Way, Bearton Road, Woolgrove Road, Harkness Way, and Whinbush Road. Additional objections were also received from St Ippolyts, Lilley Bottom, St Albans, and Aberdeen. The objections received were on the following grounds:

- Too large for the area. Would not enhance the setting and be sensitive to the character of the area.
- Number of dwellings too high.
- Layout and density inappropriate.
- Houses with 2-3 bedrooms more appropriate than 1 bed flats. Dwelling mix inappropriate and favours applicant.
- Virtual creation of a private gated community.
- Houses not architecturally sympathetic to the surroundings.
- Visible in longer views.
- Set a precedent for other developments. Precedent for development of College campus.
- Would be better to be used by a secondary school.
- Query financial management of the College, as development of the Artworks site hasn't solved their problems.
- The college needs to be kept for future generations.
- Overlooking and overshadowing from the blocks of flats.
- Loss of light.
- Loss of privacy to dwellings on Chaucer Way and Coleridge Close.
- New sports hall will block our views. General loss of views.

- Minimum 22m separation distance between existing and proposed dwellings is not provided. Differences in levels will exacerbate impacts. Not respecting differences in levels with existing properties.
- Vibration and general late night activity from the housing.
- Overbearing impacts from 2.5/3 storey houses.
- The operating hours of the pitch should not be increased, to be consistent with the appeal decision on the present pitch.
- Longer hours would cause more noise.
- Longer lighting hours will affect properties and are unacceptable.
- It could be reasonably argued that a reduction in hours should be required.
- The acoustic bund and fence does not provide adequate noise mitigation.
- Should be a noise barrier for the new pitch.
- The replacement pitch at Priory School is in the wrong part of Hitchin.
- Cars shouldn't park near residential properties.
- Insufficient 15% affordable housing compared to local plan requirement of 40%.
- Existing shortage of primary school places will be more critical. Lack of provision of primary and secondary school places.
- Strain on doctor's surgeries. Additional services required.
- Loss of the community asset of 3 grass football pitches. Loss of recreational area and sports facilities.
- Amenity area insufficient. Location chosen due to proximity to River Purwell and potential for flooding.
- Undersized gardens.
- Future residents affected by existing light pollution from the College.
- Increased noise. Noise from traffic using new road.
- Speed bumps will raise noise and emissions.
- Safety concerns if road isn't fenced off from footpath.
- Increased traffic, and exhaust fumes.
- Cars should only be allowed to enter and exit the site from the side of the road the entrance would be on.
- Cumulative impacts of increased traffic with other new and planned houses, particularly Highover Farm.
- A filter lane will not be sufficient to ease traffic.
- Traffic survey incomprehensible and inadequate. Was taken during school holidays when roads/traffic quieter.
- Travel Plan not sufficient.
- More parking pressure in Hitchin.
- Additional 200+ cars entering and leaving the site via one road. Daily backlog of traffic which will block access. Needs measures to address this such as a roundabout.
- Site road may not be sufficient for larger vehicles.
- Garages will not be used for parking, reducing parking capacity.
- Over-provision of parking.
- No electric car charging.
- Cycle stores not shown on plans, will not encourage cycling.
- Cycling infrastructure insufficient and inexcusable.
- Increased impacts on cyclists.
- Do not want access from Chaucers Way as could encourage anti-social behaviour, and more parking on Chaucers Way.
- Train services insufficient.
- No plans to improve access to Hitchin Station. S106 money could do this.

- Huge increase in number of commuters using the crossings at the roundabout.
- Insufficient landscaping. No trees on soft landscaping proposals.
- Huge detrimental impact on Purwell nature reserve. Loss of wildlife habitats. Pressure on wildlife.
- The existing hedging should not become private property, and should be protected.
- Not clear if development will provide a net gain in ecology.
- Extra pollution. Harm to air quality.
- Light pollution.
- Lack of renewable energy solutions. No consideration of the climate emergency.
- The Passivhaus standard has not been considered or applied.
- Increased flood risk from more hard surfaces. Drainage.
- Has there been any flood risk assessment.
- There needs to be some flood defence between Chaucer Way and the site.
- Constant noise and disruption from building works.
- Health risks from substation.
- Fire hydrants should be provided.
- Increased crime from new network of footpaths. Keep Gibson Close as a Close.
- Most new houses not affordable.
- Many properties did not receive notification of pre-application consultation. Design not at this consultation.
- The design has not changed positively in response to public feedback from the consultation.
- The plans have changed from the first meeting to now include buildings behind 2-6 Chaucer Way.

Four comments in support were received including from Hitchin Belles FC and Hitchin Town Youth FC, which were on the following grounds:

- Hitchin needs a viable North Herts College, which the proposed development will do.
- Variety of homes proposed.
- Support the new sports provision, provided existing provision is not unduly affected during and after construction.
- The new 3G pitch at Priory School will double the numbers of such pitches in Hitchin.

Following amended plans received on 26/06/20, 13 additional objections were received:

- Not sustainable in any respect.
- Can't identify any meaningful changes.
- No attempts to address concerns of local residents.
- Does not reflect the local character and community preferences.
- Does not address modern lifestyles and lessons learnt from the Covid19 pandemic.
- Number of dwellings excessive.
- Some of the tallest buildings would be on the highest parts of the site. They should be re-located to lower ground.
- The current green space is much appreciated and well used.
- Loss of playing fields as a community and environmental asset.
- Overlooking. The playing field is almost a metre higher than my back garden.
- Overbearing – Houses higher than Chaucer Road houses.

- Increased noise.
- Private gardens too small.
- Current infrastructure insufficient.
- Schools already at full capacity.
- Minimum environmental compliance unacceptable in a climate emergency.
- Impacts on ecology and wildlife.
- Impacts on traffic, pollution on Cambridge Road severe.
- Stupid for all vehicles to enter and exit on St Michaels Road. There are problems now with traffic.
- Will add to already overburdened traffic congestion.
- Access is a concern, is inadequate.
- Parking insufficient.
- Impacts of construction work, traffic, sewage etc. in Purwell Meadows.
- Lack of security around the site.
- Drain in the playing field behind No. 2 Chaucer Way not shown.
- Who will pay for maintenance of the sports facilities.
- Who will be responsible for maintenance of the hedge and fence at the back of my property.
- Please confirm there would be no right of way access from the footpath behind my property.
- No analysis of financial problems of the College.
- Alternative proposal – The Council grants the applicant 116 dwellings at Highover Farm in return for a payment equivalent to that paid by the College. The existing pitches be given protected status, and financial oversight given to the College.
- The proposals should've been fundamentally revised in line with Covid19.

One additional comment was received in support, from Hitchin Belles, FC Comets and Hitchin Town Youth football clubs:

- We run 58 teams. All clubs are growing each year, meaning adequate pitch provision is a growing concern.
- We have made arrangements to play matches and training on other local pitches.
- Support the College redevelopment.

Following the receipt of amended plans on 13/10/20 and a further round of public consultation, at the time of writing seven objections and other comments had been received on the following grounds:

- Still object for original reasons.
- No attempt to address my original concerns.
- Changes have been minor.
- Building more and more into the same small spaces we have.
- Loss of pitches to the community.
- Object to the proposed steps which would increase crime due to greater access and escape options.
- Loss of privacy and poorer quality of life for community.
- College governance and sports hall funding questionable.
- Increase pressure for harmful and dangerous opening of Gibson Close to pedestrian transit from the footpath.
- A fully protected pedestrian and cycle crossing opposite Footpath 80 and linked to Benslow Path is needed.

- The stepped access is discriminatory against users with disabilities. The connection to Chaucer Way should be upgraded instead.
- Were told during earlier consultation that there were no plans for additional openings into FB083.
- Extra traffic on an already busy road, can't see how it will cope.
- Needs more explanation of traffic data collection times, number of cars stated to be needed, the numbers for the traffic base.
- Mitigation is already needed. Congestion will increase.
- Ecological impacts on Purwell Meadows from the development itself and increased pressure on that area.
- Impacts on the river, wildlife, local ecology.
- Building should be mitigated with reducing emissions in all localities.
- New developments need to be on the outskirts of town.

Other comments:

- Can see the need for both developments.
- Population growth leads to a need for more homes.
- Homes would be more affordable if there were more of them.
- People needing homes have no forum.
- Many objectors live on the 'Poets' area, which used to be farmland.
- If some had not objected to the College hiring out their 3G pitch during the most profitable times, the College may have had more resources to invest without needing an enabling development.
- The proposed cycle route to St Michael's Road could be on existing paths rather than creating new ones.

3.4 Hitchin Forum:

I am responding as Hitchin Forum's planning applications observer.

We have no objection to the college proposal for the sports hall and other sports facilities.

Our concerns are about the proposed housing development.

First, we believe there should be an additional entrance/exit to the development. A road which bridges the Purwell and joins Chaucer Way would reduce the congestion into St Michael's road/Cambridge road for those wishing to travel to Letchworth Garden City and further east.

Second, NHDC has declared a Climate Emergency so the planning department ought to insist on the highest standard of energy saving efficiency - solar panels, heat pumps, passive house standard insulation, water harvesting and electric vehicle charging points.

Third, we believe the design style of the residential properties to be both too traditional and bland. There are examples of visually more up to date appropriate housing in Hitchin, one example of which is attached.

This site offers a good opportunity for these considerations to be taken into account.

3.5 **Hitchin Historical Society:**

- We do not have any objection to the principle of the proposals for revamping the College sports facilities and developing the portion of the existing sports field for housing.

- We are very disappointed, however, that – so far we are aware - the scheme makes no reference to the fact that Walsworth House is a Grade II Listed Building. This building itself is not, of course, directly affected by the development proposals. But it is the case that the re-/development will take place within, and adjacent to, what remains of the historic landscape gardens of the house. In particular, we are concerned that the proposed vehicular entrance from St Michael's Road to the housing development will impact on the tree planting to the west of the house probably dating from the 1830s, and that the repositioning of the Sports Hall will mean the total loss of the mature trees, also dating from the same time, along what was then the southern boundary of the house garden. The south-western boundary planting, which will now be along the new residential access road, has its origins at the same time too.

- Much more serious thought should be given to the surviving features of the Walsworth House gardens, as revealed in the relevant documentary and map sources, before the final layouts of the proposed development are approved. In this way the maximum use can be made of the qualities and interest of the current site thereby countering the inevitable pressure to adopt the 'anytown' characteristics typical of modern suburban development. Hitchin's distinctive local history and landscape deserves much better.

Statutory Consultees:

3.6 Hertfordshire County Council Growth and Infrastructure Fire Authority

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

3.7 Historic England

On the basis of the information available to date, we do not wish to offer any comments.

3.8 Natural England

Natural England has no comments to make on this application.

3.9 Waste Officer

No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason – To facilitate refuse and recycling collections.

- The freighter used in the vehicle tracking of Appendix G of the Transport Statement has a kerb-to-kerb radius of 9.8m. This is too small. We would need to see that a vehicle with a kerb-to-kerb radius of 11.4m could traverse the site without issues. We cannot guarantee that we would have a vehicle available that could get round a site built for a freighter with a 9.8m kerb-to-kerb radius, and therefore this could seriously affect our ability to carry out collections.
- We would need to see tracking for all the bends and corners on the site that the freighter is expected to use, not just selected ones.

Financial contribution of £6751 towards waste collection and recycling.

3.10 Lead Local Flood Authority

No objections.

The drainage strategy for the site is based on attenuation and discharge into the River Purwell. It is not proposed to infiltrate due to variability of the infiltration rates found across the site and the risk of solution features.

The proposed development is adjacent to the River Purwell which is a chalk stream and is sensitive to changes in the water quality. There is also a nature reserve on the other side of the River Purwell called Purwell Meadows. The site is also located within the total catchment of a Source Protection Zone associated with a groundwater abstraction point. Therefore, it necessary to ensure surface water quality treatment stages within the proposed drainage scheme and where possible provide environmental benefits to the site and the surrounding area.

The application consists of the residential phase and a college redevelopment phase with independent drainage schemes for each phase. An attenuation basin has been proposed for the residential area of the development with restricted discharge to the Purwell at 15.1l/s (Qbar), the proposed hardstanding areas comprising driveways, car parking areas and private access roads are to be constructed using tanked pervious surfaces such as permeable block paving or similar. The access road will pass through swales/gravel strips with filter drains prior to discharge into the basin. The basin has been designed to up to and including the 1 in 100-year event plus 40% for climate change. A freeboard of minimum 0.300m between the climate change 1 in 100-year storage level and minimum top bank level.

For the college development the access road and parking areas will comprise of permeable paving. The new 3G pitch will be constructed of tanked pervious surface and the new sports hall will drain to an attenuation tank prior to discharge into the River Purwell restricted 7.5l/s (Qbar).

Ardent Consulting has undertaken a hydraulic modelling study of 30-year fluvial event to ensure the proposed outfall from the development site is not surcharged. Based on the proposed layout (Drawing No: 024-000-001) it seems that the outfall is located closed to Node C1488.03.1 where the 30-year water level is predicted to be at 55.34m AOD. We note that the final outfall locations have not yet been detailed and it has been agreed to

determine the appropriate outfall location and levels as part of a condition. The technical report recommends that interpolation should be used to derive a more appropriate flood level based on the exact location of the outfalls. Please note that the River Purwell is an ordinary watercourse at this location. Any works to the watercourse may require ordinary watercourse consent.

Therefore, in order to secure the final detail of the proposed scheme, we therefore recommend the following conditions should planning permission be granted.

3.11 Hertfordshire County Council Growth & Infrastructure

Childcare Service

Contributions towards Childcare provision which HCC would be seeking from this development is **£14,105**. These are based on the HCC Toolkit costs below and index linked to PUBSEC 175. This will be towards childcare provision in the new, on-site, primary school.

Primary Education

HCC can confirm that there is insufficient spare primary education capacity in the area. Therefore HCC are seeking a primary education contribution from this development. This should be through proportionate contributions towards the new 2FE primary school at the Highover Farm, Hitchin development site.

Therefore the level of primary education contributions which are sought from the development at North Hertfordshire College are **£1,012,343** (£990,947 + £21,396) (based on costs as of 1Q2020 – BICS All in TPI, indexation to be applied).

Secondary Education

Contributions towards additional secondary education provision in the area (**£268,607**) This contribution is based on Table 2 below (index linked to PUBSEC 175).

Youth Service

Contributions towards the increase of capacity at Hitchin Young People's Centre (**£5,198**) This contribution is based on Table 2 below (index linked to PUBSEC 175).

Library Service

Contributions towards the enhancement of Hitchin Library **£20,515** (This contribution is based on Table 2 below (index linked to PUBSEC 175)).

3.12 Hertfordshire County Council Archaeology

The main archaeological potential of the site comes from its size, and the generally high density of archaeological remains that have been discovered in the wider landscape. Little archaeological work has taken place in the immediate vicinity, although a Late Bronze Age/Early Iron Age ditch (Historic Environment Record no. 18205) was discovered during investigations in 2011 just over 100m to the north at the Anchor public

house. Other nearby archaeological sites include the Roman villa at Ninesprings (HER no. 467), a scheduled monument, which lies circa 700m to the south east. Scattered Roman remains are known within 500m to 1km to the west and north west of the site, including at least two cremation cemeteries (HER nos. 107 & 1207), many pottery finds and individual features such as ditches or pits. A Roman farmstead has recently been discovered circa 950m to the north at Highover Farm (TVAS 2019).

The applicant's archaeological desk-based assessment (DBA) has highlighted the geoarchaeological potential of the site in particular (RPS 2019). It lies within a river floodplain and layers of alluvium or, possibly, peat with important geoarchaeological information about past land use, climate and occupation may be present. Otherwise the main archaeological potential is believed to be related to Bronze Age/Iron Age features underlying the playing fields.

Archaeological layers at the proposed development site are, however, likely to have been impacted, and probably completely removed in places, by previous construction and landscaping works. The extent of this impact is impossible to know for certain without intrusive archaeological investigation.

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

3.13 Environmental Health Air Quality

Local Air Quality / Sustainable Transport:

An approach to considering the impact of a development on local air pollution and the potential mitigation of such is now in place in the form of the NHDC Air Quality Planning Guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>

Application of the guidance to a development of this scale and location defines the site as being a MEDIUM scale development, requiring mitigation to include appropriate provision of EV charging, and a dedicated Travel Plan to be agreed with the Council, prior to development.

The development includes:

16 x 1-bed flats

17 x 2-bed flats

With 33 parking spaces allocated to occupants of the flats

4 x 2-bed houses

49 x 3-bed houses

30 x 4 bed houses

With 227 curtilage parking spaces allocated to occupants of the houses

Plus 6 visitor parking spaces

On this basis, mitigation is required that befits a medium scale development as follows:

For TYPE 2 (MEDIUM) developments require the default mitigation for TYPE 1 (MINOR) developments, requiring an appropriate level of EV charging points (as detailed below), and in addition a detailed travel plan. Recommend appropriate conditions to secure these.

3.14 Housing Supply Officer

Under the adopted Local Plan, the affordable housing requirement on a threshold of 20 dwellings or more is 25%.

Following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the proposed submission Local Plan.

Based on the provision of 116 new dwellings, the council's affordable housing requirement is 40%, which equates to 46 affordable dwellings.

Within the overall 40% affordable housing the council requires a 65% rented/ 35% intermediate affordable housing tenure mix, in accordance with the proposed submission Local Plan, the 2016 Stevenage and North Hertfordshire Strategic Housing Assessment (SHMA) Update and the Planning Obligations SPD. This would equate to 30 rented units and 16 intermediate affordable tenure units.

The applicant's proposals for affordable housing provision at 15% overall do not meet the council's affordable housing requirements or the recommendations based on the SHMA evidence.

In addition the tenure split proposed is not satisfactory and should be a 65% rented/ 35% shared ownership tenure mix and not 59%/ 41% as stated in the applicant's planning statement.

There is great demand across the district for smaller family houses (two bedrooms) particularly for rent. The applicant is not proposing to deliver any two bedroom houses as part of the affordable housing offer, whereas the percentage of one and two bedroom flats is far greater than required to meet housing need.

If the applicant is unable to submit a policy compliant affordable housing scheme they should submit a financial viability assessment, using a recognised financial toolkit for issues of viability. This will be independently tested at full expense to the applicant.

3.15 Anglian Water

No objections.

3.16 Landscape and Urban Design Officer

Existing

1. The site boundary encompasses the whole of the NHC buildings, associated car parking and the existing sports hall and playing fields. The proposal is for residential

development in the eastern half of the site and enhanced sports facilities within the central part of the site.

2. The college currently has two access points into the site, one off Cambridge Road, which also serves the sports facilities, and the other off St Michaels Road which will serve the new residential development. This will be the sole vehicular access for the dwellings.

3. The area identified for residential development is enclosed by the rear gardens of existing residential development along the south-west and south-east boundaries, North Herts College sports grounds along the north-west boundary and Purwell Meadows, a County Wildlife Site (CWS) along the north-east boundary.

4. Existing vegetation within Purwell Meadows provides some screening from the north towards the site and hedging and vegetation in rear gardens bounding the site create some screening but the site itself is devoid of vegetation apart from one tree in the eastern corner (T29 Norway maple).

5. Existing pedestrian permeability within and to/from the site is limited but there is a Public Right of Way, Prow 83, which runs along the south-west boundary of the site from St Michaels Road to Browning Drive then continues as PROW 81 which runs south-east into Chaucer Way. This PROW connects with PROW88 which runs south-west through Coleridge Close and into St Michaels Road.

Proposed

6. 116 dwellings are proposed in a mix of flats and houses up to three storeys high. The layout is very formal with straight roads connected at right angles to one another and little space for street tree planting. Although the site is generally level it does rise up steeply creating an embankment along the south-west boundary. To accommodate the change in level on this boundary, three storey town houses are proposed with rear gardens at first floor level accessed by a flight of steps. Retaining walls are a feature of the south-west boundary to create the rear gardens and protect the 6m wide service easement.

7. Three blocks of flats, with parking to the rear, are located along the north-west boundary next to the proposed 3G pitch presumably to screen the views of the sports facilities. A fourth block is located centrally within the development. The remaining properties are a mix of two and three storey detached, semi-detached and terraced houses.

8. The scheme lacks a sense of place and does not respond to its location adjoining Purwell Meadows. The open space is located on the edge of the development. On the northern edge the SUDs and play area create a landscape buffer to Purwell Meadow and in the south-west corner there is a small amount of open space at the entrance into the development. However, these green spaces are not linked and there is no open space within the development. The scheme lacks a landscape structure which would help to create a sense of place and a less urban character.

9. Other concerns to note are the orientation of the two detached houses at the entrance into the development and their relationship with neighbouring dwellings, their garages and the open space around them. They should create an entrance into the

development along with the blocks of flats on the opposite side of the road but they won't.

10. The flats currently have pitched roofs which make them a dominant element in the scheme. Flat roofs would be preferable to reduce the ridge height, particularly for the central block of flats, and to improve their relationship with adjoining houses.

11. The house in the northern corner of the site should be omitted or repositioned closer to the adjoining property (pair of semis?) to create more space between the development and Purwell Meadows.

12. The residential boundary with Purwell Meadows should have a softer more feathered edge with open space seeping into the site to connect with open space within the scheme. At present there is continuous residential development which creates a hard edge to the open space.

13. The residential access road should include provision for pedestrian and cycle routes.

14. Pedestrian permeability within the site and linking into the surrounding area is important to connect the new development into the surrounding facilities. Opportunity should be taken to create pedestrian entrances into the site especially from Chaucer Way as a more direct route to Hitchin railway station. Pedestrian access to local facilities including public transport, schools and shops should be taken into account. Cycle routes are needed to encourage cycling to the station and Hitchin town centre, etc.

15. The number of dwellings may need to be reduced in order to create the best scheme for this site.

16. Have CMS been consulted on the planting proposed along the boundary with Purwell Meadow to ensure suitability and compatibility? This is shown on the Indicative Landscape Masterplan CON22561 10, dated Dec 2019.

17. No trees are proposed for back gardens in the landscape plans although there are lots shown in the rear gardens on the Proposed Site Layout (Residential) dwg no: 7944/P102, dated Dec 2019.

Further comments on amended plans

1. Further to my memo dated 4th February 2020 these comments are on the revised plans as stated above.

2. My previous concerns with this application were to do with:
- the formal layout;
 - lack of pedestrian permeability;
 - lack of landscape structure;
 - location of the open space on the edge of the development;
 - orientation of the two houses at the entrance into the site;
 - position of house on plot 27;
 - the dominance of the pitch roof of flat block D;
 - and the residential development edge with Purwell Meadows.

3. It is not clear what the changes are to the scheme, but it appears that:

- There has been no change to the layout;
- There is a new pedestrian link into the site in the south east corner, which is welcomed, although there are no details. However, it looks like this requires a flight of steps with no alternative ramped route;
 - There have been no changes to the landscape structure for the scheme;
- Open space is still only located on the northern or south-west corner of the site and is not linked. There are no internal areas of open space;
 - There has been no change to the orientation of the two houses at the entrance;
 - The position of the house on plot 27 has improved slightly;
 - There has been no change to the pitched roof of flat block D;
- There has been no change to the residential edge with the open space along the northern boundary.

4. The changes that have been made are welcomed but they insufficient to create a high-quality development that has a sense of place and functions well.

3.17 Sport England

No objections.

I have seen the draft provisions (which does include the term definitions) which I am happy with. As I wrote in my comments, provided these terms are within the S.106 Agreement and the Agreement is signed (and forwarded to me for confirmation that it is signed with the draft provision included) and the condition requested is imposed Sport England would not be objecting to scheme. Technically, until the point that the s.106 is signed and condition imposed the holding objection would have to remain.

As you are aware, since Sport England submitted its holding objection to the scheme the applicant/consultant has been proactively working with Sport England to address the matters raised.

Sport England –Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The application proposes residential development and new/replacement sports facilities on the site. The works would result in the loss of the entire natural turf playing field and a small Artificial Grass Pitch (AGP) at the college while other sports facilities would be replaced.

Assessment against Sport England Policy

The proposal would result in considerable redevelopment of the colleague site. There is currently a full size AGP, smaller AGP (both with sports lighting), sports building containing a sports hall, squash courts and activity studio/gym and natural turf playing field. The works would result in the loss of all these facilities however a replacement full size AGP with sports lighting and a new sports building with sports hall and gym is proposed. It is confirmed in the submitted documentations that these facilities would be designed and constructed in accordance with Sport England/FA guidance. These facilities would be available for community use for at least the same period of time as the existing facilities (internal facilities to reflect the entire peak period for community sport participation and external facilities until 9pm on weekdays, during the day on Saturdays and Sunday morning and early afternoon). This community use should be secured by a Community Use Agreement (CUA). The existing sports building is in aged and in a poor condition therefore the indoor facility proposed would represent a considerable enhancement of the existing provision while the proposed AGP would be constructed and designed to modern standards. It is noted that the squash courts would be lost however the applicants have worked with current users of the courts to relocate them to suitable local facilities that have spare capacity.

Although the proposal does intend to provide replacement provision, some of which would be of considerably improved quality than the existing facilities, there still would remain a considerable loss of sports provision on the site due to the loss of the natural turf playing field, small AGP and squash courts. Although the applicants have demonstrated that there is sufficient squash court capacity locally to accommodate existing users of North Hertfordshire College, further replacement provision is required to mitigate the loss of the external facilities. This additional provision would be located at The Priory School. The Council recently granted planning permission for a new AGP at The Priory School (Ref: 19/01920/FP) which was proposed as partial mitigation for the proposed loss of outdoor facilities at North Hertfordshire College. This new AGP would not only would provide some replacement capacity of the playing pitches that would be lost at the application site but also aligns with the Council's Playing Pitch Strategy priorities. In addition, playing field improvements at The Priory School are also proposed that would allow an area of the school's playing field that has limited use to be brought into/back into use. The applicants have engaged with a sports agronomist who

has set out a schedule of works that would improve the playing field. These works would be secured in the s.106 Agreement.

There has been some discussion in relation to the delivery of the replacement/new sports facilities. Sport England do seek for new provision to be in use before the loss of existing provision but in some instances it does accept that this is not always possible. The applicants/consultants have confirmed that it is unlikely that all the new provision would be available for use prior to any loss but has worked with existing community users of the site to provide alternative temporary provision for the period where there would be no facilities available at North Hertfordshire College and/or The Priory School. Although this is not an ideal situation there would be continuity of use for existing users and in the long-term the town would have an enhanced facility provision therefore Sport England is willing to be pragmatic in this instance and not object to a interim period with reduced facilities. This interim period would be set out in the s.106 Agreement.

In light of the above, the proposal would result in the loss of a large area of playing field, squash courts and a small AGP but would result in a replacement AGP, new sports hall, gym and ancillary facilities, a new AGP and playing field improvements at Priory School that would increase the playing capacity at that site. As a result, Sport England considers that provided all these mitigation measures can be secured through the s. 106 Agreement and that community use of the proposed sports facilities at North Hertfordshire College is secured by a CUA then there is considered sufficient replacement and/or benefits to sport for Sport England to consider that the proposal would broadly align with its Playing Field Policy and wider Planning Policy.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet Exception 4 of the above policy. The absence of an objection is subject to the s. 106 Agreement being signed (that includes the draft provisions seen by Sport England) and the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

01) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and facilities within the sports building hereby permitted and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>. For artificial grass pitches it is recommended that you seek guidance from the Hertfordshire Football Association and

Football Foundation on pitch construction when determining the community use hours the artificial pitch can accommodate.

Should the condition recommended above not be imposed on any planning consent and the s.106 Agreement not signed, Sport England would consider the proposal to not meet exception 4 of our playing fields policy, and we would therefore object to this application

If you wish to amend the wording of the recommended condition, or use another mechanism in lieu of the condition, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Please be aware that Sport England's holding objection still stands until Sport England views and approves the s.106 Agreement signed that includes the draft s.106 Agreement provisions that have been agreed between the applicant/consultant and Sport England.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

3.18 Hertfordshire County Council Public Health

Our response is in relation to the residential development. We defer to Sport England to respond regarding the sports facilities part of this planning application.

The Air Quality Assessment (December 2019) concludes there are no air quality concerns

for the proposed development. Poor air quality is a Public Health priority and there are two

AQMAs in Hitchin – Stevenage Road and Paynes Park roundabout. We look to both the Applicant and the Planning Authority to demonstrate that this development will not create or worsen the existing air quality problems. The proposed development has provision for 266 car parking spaces for 116 dwellings which has the potential to encourage car usage. It is essential the proposed development reduces the reliance on the car by promoting walking and cycling to local destinations and public transport routes.

The development is 1.5km from Hitchin Town Centre. The nearest bus stops are within 150m walking distance and Hitchin train station is within 550m of the development site. We defer to Hertfordshire Highways response for specific improvements required to enable active and sustainable travel as viable modes of transport. This would be in accordance with the policy provisions of Hertfordshire's Local Transport Plan.

We seek reassurance that the residences within close proximity to the sports pitches (plots 1 – 9, 10 – 17, 18 – 23, 24, 25, 26 and 27) will not be exposed to excessive noise and that the recommended mitigation measures in the Noise Impact Assessment (December 2019) will be effective to reduce exposure to excessive noise. We also look to the Planning Authority to restrict pitch use after 21.00 hours as a planning condition. We request that a Health Impact Assessment (HIA) is undertaken for this development.

If the points we have raised are addressed, we support this application. Encouraging active and sustainable travel is essential for this development to reduce car usage.

3.19 Hertfordshire County Council highways and rights of way

Does not wish to restrict the grant of permission subject to conditions.

ACCESS ARRANGEMENTS

It is proposed to improve the existing two vehicular access points from the public highway to meet the NPPF and LTP4 accessibility standards.

The existing priority junction access with Cambridge Road (A505) will be reconfigured as part of the proposals. The improvement works, to be delivered as part of s278 agreement, include provision of a ghosted right turn lane with pedestrian refuge crossing, sections of new footway with tactile paving, dropped kerbs together with a raised pedestrian crossing.

The existing priority junction access with St Michaels Road will be improved by installation of a raised pedestrian crossing and extension of an existing footway to its southern side. Although not shown on the plans the existing access radii would need to be reduced, subject to tracking, to aid crossing for pedestrians using the main footway of St Michael's Road. The works will be secured by the Existing Access – Improved: St Michael's Road condition (condition number 2 above).

The visibility splays to both sides of the accesses are within the required standards.

SAFETY ASSESSMENT

Road Safety Audit

A Stage 1 and 2 Road Safety Audit (RSA) has been provided for the proposed improvement works to the access and is deemed acceptable.

Highway Safety

A review of the most recent collision data on the network in the vicinity of the site reveals no existing patterns. Therefore, it is anticipated that the development will not have a detrimental impact on the safety of the highway network.

Swept Path Analysis and inter-visibility at the junctions

The landscape plans provided (as part of the application CON2261 sheets 1-4) show the low-level planting/landscaping that would not obstruct visibility at the junctions.

The submission incorporates vehicle manoeuvre tracks for a refuse vehicle between the highway network and the proposed refuse bin storage areas. These manoeuvres can be accommodated without the need for a vehicle to reverse to or from the highway. The landscaping plan provides hedges and timber knee rail that does provide some on-street car parking restraint in the turning areas. In addition, plan 191900-12B shows additional timber knee rail to discourage further on-street parking in refuse vehicle turnaround areas. The plan also shows the set back of the garage (behind plot 44) and parking bays to enable the refuse vehicle to turnaround. The plans are therefore considered to be appropriate.

INTERNAL LAYOUT AND ONSITE PARKING

Overview

The on-site road layout is shown on plan ref 7944/P101 D Proposed Site Layout (combined). It will be in a form of shared surface streets and traditional streets with 2m wide footways to each side. The main access road/spine road is shown at a width of 5.5m and will be shared with cyclists. Two proposed sinusoidal humps and differences in a road texture together with links to the side roads and the main shared path to the north of the site with exit onto Chaucer Way will ensure that cycle permeability across the site is maintained in line with para 110 a) of the NPPF.

The Highway Authority has previously recorded its support for this arrangement on the basis that it was not expecting to adopt the development road system.

TRIP GENERATION AND DISTRIBUTION

Chapter 6 of the submitted TA outlines the trip generation for the proposed development.

Vehicle Trips for Proposed Improved Sports Centre

The applicant has not undertaken any TRICS assessment for this element. The Highway Authority queried this as the new Sports Hall and pitch represents an increase in floor area. The applicant subsequently provided a Technical Note stating that in their view the increased size is modest, at just 155sq.m (from 1205m² to 1360m²), and the numbers of college pupils will be unchanged. As an aside, it is noted that the applicant proposes to extend the existing hours of operation from 8pm to 9pm Monday to Friday and Saturday from 2pm to 4pm (Para 2.21 of the TN, Ref- 19100-050`6).

The Highway Authority agrees that the modest increase in floor area is not significant in a highways context and would not generate substantial number of extra vehicle trips compared to the existing.

Vehicle Trips for Proposed Residential Dwellings

The TA (para 3.2) has confirmed that the proposed residential development is mix of 33 flats (16x1bed +17x2bed) and 83 houses(4x2beds+49x3beds+30x4beds). To determine the potential trip generation associated with the development the applicant has used the TRICS database.

The parameters used are acceptable to the Highway Authority.

Based on the above, the TA claims that the residential part of the proposed development would generate a total number of 465 vehicular trips over 12 hrs period in a weekday of which 50 will be undertaken in the am peak and 45 in the pm peak . This is also a

similar scenario as carried out by the Highway Authority and would be acceptable.

Trip Distribution and Assignment

Vehicle trip distribution assumptions for the proposed development have been provided in the TA (para 6.17). The trip distributions through each of the assessed junctions were derived using Census 2011 Travel to Work statistics. This is a standard approach and considered acceptable for the purposes of the assessment. The percentage distribution based on the travel to work data is as follows:

- 38.14% of the development trips were routed via St. Michaels
- 27.53% of the development trips were routed via Cambridge Road (westbound)
- 15.81% of the development trips were routed via Cambridge Road (Eastbound)
- 9.53% of the development trips were routed via Willian Road.
- 8.68% of the development trips were routed via Woolgrove Road and
- 0% of the development trips were routed via Meadowbank

The distribution has been checked and found to be broadly robust.

JUNCTION MODELLING AND CAPACITY TESTING:

The TA has input the trip generation, surveyed traffic flows, and traffic distribution assessment into the modelling process. The two site accesses have been modelled, as has the Cambridge Road / St Michaels Road / Meadowbank roundabout and the Cambridge Road / Willian Road junction. Base 2019 models have been produced as have future year 2024 models, both with and without the development (for comparative purposes). TEMPRO growth rates have been applied to the 2024 model to take account of other wider increases in traffic levels across the network in the vicinity of the site.

The outputs show that the two site accesses (one onto Cambridge Road and one onto St Michaels Road) operate well within capacity currently and will continue to do so with the new development in place. There will be no discernible increase in queuing at these two accesses.

The Cambridge Road / St Michaels Road / Meadowbank roundabout is shown to operate within an acceptable capacity level both with and without the development, with all Ratio to Flow Capacities (RFCs) below 0.85. An RFC above this figure is generally accepted as the point at which a junction begins to struggle with the amount of traffic routing through it, and larger queues form. However, in this case a maximum of 2 extra queuing vehicles is shown as result of the development, which will occur in the evening (5-6pm) peak hour on the St Michaels Road arm. Nevertheless, in the original TA the applicant had not undertaken a calibration/validation exercise of this model, and the base 2019 base model did not match well with the observed queue lengths in reality. The Highway Authority therefore requested this exercise be undertaken, and the applicant has since resubmitted a revised model for this junction. This now more accurately represents the observed queue lengths at the junction, but still shows that the impact of the development is just as minimal.

In terms of the Cambridge Road / Willian Road signalised junction model, the TA included a side-by-side comparison of the base model queue lengths with the measured queue lengths, and broadly these match up. As with the other models above, this model has been checked by our Traffic Data and Modelling team and found to be broadly robust. The impact on this junction as a result of the development is somewhat more noticeable, with a maximum increase of 5 queuing vehicles on both Cambridge Road approaches in the morning peak hour (8-9am). However, this could not be considered as severe in the context of

paragraph 109 of the NPPF.

PLANNING OBLIGATIONS AND OFF-SITE WORKS

First strand (works to be undertaken under s278):

- Removal of the existing dropped kerb crossing in Cambridge Road;
- Cambridge Road- upgrading of this access;
- St Michael's Road- upgrading of this access;
- Provision of dropped kerb crossing in Chaucer Way for shared path.
- Provision of dropped kerbs and tactile paving in a few locations within the highway;
- Improvements to the public rights of way footpath (Surfacing, Lighting, 3 x Dropped Kerbs).
- RTI bus stop displays in two locations in Cambridge Road (£6,000 x 2= £12,000).

Second Strand (s106):

In accordance with the HCC Planning Obligations Guidance, contributions are sought on a unit rate basis and are pooled where appropriate. For residential use the charge is based on the number of bedrooms. This is calculated based on the following: site's accessibility zone and based on the following mix given in the application form:

- 16 one-bedroom 16 x £375= £6,000
 - 21 two-bedroom 21 x £500=£10,500
 - 49 three-bedroom 49 x £750=£36,750
 - 30 four-bedroom dwellings 30 x £1,000=£30,000.
- Total: £83,250.

This gives a sum of £83,250.00, which increased by 44,18% (£39,310.65, this % is an estimate and is to be confirmed at s106 signing stage) to take into account SPONS indexation since 2006, would result in a final Sustainable Transport contribution figure of £122,560.65. This would be spent on the CIL test compliant scheme: project PTM11.1-Hitchin Urban transport Plan: Improve Eastern Access to Hitchin Railway Station, which would improve pedestrian access from the development site to the station.

CONCLUSION

The site is considered to be reasonably well located in terms of reducing the need for travel by private car. The promotion of travel by sustainable modes is an important consideration for this proposal and improvement to public transport and walking and cycling are therefore sought.

3.20 Planning Policy Officer

The important policy considerations to be considered in identifying the principle of the proposed development would be policy 21 of the SLP and policy NE4 of the ELP.

The decision maker should be aware that the harm resultant from the proposed development must significantly and demonstrably outweigh the benefits to warrant a refusal in this case.

The weight to be applied to the relevant policies and the NPPF requirements are a matter for the decision maker based on the facts at the point of any future determination and may change should the new Plan progress in this time.

3.21 Environment Agency

We do not wish to comment on this application at this time.

3.22 Hertfordshire Ecology

We accept the measures in section 8 to reduce light pollution and to protect the site from construction activities but note that in our 'pre-app' letter we specifically requested that the anticipated increase in recreational pressure and urban edge effects (e.g. littering, vandalism etc) that could reasonably be expected to arise from the development was assessed and, if necessary, mitigated. It is noted the Design and Access Statement identifies the ability to access the nature reserve as an 'opportunity'.

This issue does not appear to be addressed by either EA yet each concludes that the development proposals will avoid adverse impacts on the adjacent LNR.

This conclusion lacks sufficient evidence and the risk remains that the LNR could be harmed which would conflict with local planning policy. Until provided, the Council will not be in a position to determine this application. Consequently, we recommend that a revised EA is provided. We would be happy to comment further upon receipt.

Comments 28/10/20

Thank you for your email of 26 October 2020 describing your views on the proposed mitigation to reduce the effects of recreational pressure on the Purwell Local Nature Reserve. The comments below follow on from pre-application advice for development on this site on 24 July 2018, an EIA screening request on 29 November 2019, and responses to previous iterations of this application on 12 May 2020¹ and 18 September 2020.

In our previous correspondence, we have provided consistent advice concerning the impact that recreational pressure and urban-edge effects from residential development could have on the adjacent Purwell Meadows Local Nature Reserve and Local Wildlife Site (LNR/LWS).

This led to proposals by the applicant for a range of measures amounting to a total of £8,000. Whilst we are content with the measures themselves, we raised concerns via email regarding the duration that active management would be pursued, which would only be sustained for three or four years or so. We drew parallels with emerging requirements for biodiversity net gain (which whilst not completely applicable) provided useful context given that the pressures would effectively be permanent following occupation.

In turn you have suggested an increase in the sum to £10,000. Roughly speaking, I calculate this would secure management works for an additional year or two.

Whilst a welcomed improvement, I still believe this will fail to provide certainty that the LNR/LWS will be safeguarded. Ultimately, however, this is a decision for the Council. It is relevant that the Council has its own obligations to *conserve biodiversity* under s40(1) of the NERC Act 2006.

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

This can be taken to mean a responsibility to ensure the LNR and LWS are safeguarded and managed appropriately. Therefore, it would perhaps be worthwhile to consider how the measures you propose are consistent with this duty.

I offer no further comment other than to state that the Council would not pursue an objection over this.

3.23 Environmental Health Officer

Lighting of 3G pitch:

I have reviewed the submitted Report, specifically the Spill Lighting Results in Appendix 1. I previously overlooked the EvLux annotations to residential plots in this Drawing. The Report demonstrates compliance with Institution of Lighting Professionals "Guidance Notes on the Reduction of Obtrusive Light", Table 2, Light Intrusion into Windows in terms of EvLux as highest EvLux level at dwellings of 1 Lux. The Lighting scheme may therefore be Approved.

Remainder of the proposed development:

I have no objections that cannot be overcome by conditions should permission be granted.

Noise

I have reviewed the Acoustic Report and additional information / comments provided by the Applicant. It is stated that after several reviews that the proposed location is the only practical location for the new AGP. The Acoustic Report clearly indicates that there will be an adverse effect on residents should the 3G pitch be used after 21.00hrs (Table 3). I therefore recommend a Condition such that the sports pitch, including floodlighting, is not to be used after 21.00hrs. I also recommend a temporary permission be granted for the operating times such that they can be reviewed should complaints be received.

The Acoustic Report found noise mitigation measures to be required. The enhanced glazing and ventilators required for the proposed new dwellings in line of sight of the pitch are detailed in Table 4, Section 4.19 of the Report. With regard to the existing dwellings, a 2.5metre high acoustic barrier is proposed (Section 4 of Report); the acoustic Report states effects will be reduced to a minimum, however there is still the potential for there to be disturbance and an adverse effect of the amenity of existing residents. By imposing a temporary Condition the impact of the permitted operating hours of the sports pitch can be assessed and revised if necessary in the future.

Recommendations:

1. The sports pitch hereby permitted shall only be used between 09.00hrs to 21.00hrs Monday to Saturday and 09.00hrs to 20.00hrs Sundays and Bank Holidays. [I suggest a temporary permission for these operating hours of say two years to assess the impact on residents]

Reason: To protect the residential amenity of existing and future residents.

2. The noise mitigation measures detailed in "Noise Impact Assessment, North Herts College", Report reference RP-01-19270, Rev 1, dated 28 November 2019 by Cass Allen Associates Limited shall be implemented (Section 4: 2.5m Noise barrier and Section 4.19 glazing and ventilation specifications for new dwellings). Use of the sports pitch shall not be permitted until the noise mitigation measures have been implemented in accordance with the approved details. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

No objections/comments.

3.25 Environmental Protection Contamination

No objections.

I have considered the Environmental Protection Team records, and the information submitted with this application. The information submitted includes the following reports:

- Phase 1 site appraisal (desk study), project reference: P9001, by GRM, dated December 2019.
- Phase 2 site appraisal, project reference: GRM/ P9001/ F.1 Rev A, by GRM, dated December 2019.

The Phase 1 report identified a small number of potential sources of contamination at The site, including made ground and asbestos arising from previous/ existing development and hydrocarbons from fuel tanks. Intrusive investigation was found to be required. I am in agreement with the method and conclusions of the Phase 1 report.

I am in general agreement with the methodology implemented in the reported Phase 2 intrusive investigation. Based upon the results obtained, I agree with the recommendations made so far. However, as recommended in the report, the recommendations need to be reassessed in the light of the results of proposed further, post-demolition intrusive investigation. I note that the number of soil samples taken from the area to be developed to residential use and subject to chemical analysis, was limited to locations close to the Northern, Western and Southern boundaries. I would be grateful if further shallow samples could be taken from the central part of the area to be developed to residential, and analysed for metals and PAHs, during the proposed further intrusive investigation.

Given the results of the above-mentioned reports, I have no objections to this application, with respect to contamination on land. However, because of the sensitivity (residential land use) of the proposed development to the presence of land contamination, and the requirement for further investigation identified in the reports submitted, a Land Contamination condition should be included.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site comprises land owned by North Hertfordshire College, which has two vehicular access points onto Cambridge Road and St Michaels Road. The site is roughly rectangular, and extends from the north-west to the south-east. The site can be separated into three sections – 1) A small area at the front (north-west) comprising car parks behind mature trees, and Walsworth House (part of the College, and a Grade II listed building); 2) The main complex of College buildings of one to three storeys, with a sports centre and two car parks to the rear of the main buildings; and 3) Artificial and grass sports pitches (primarily for football) occupying the south-east half of the site. Parallel to the south-east side of the largest artificial pitch is an acoustic fence and planting.

4.1.2 Ground levels rise gradually from north-west to south-east, and from north-west to south-west. This rise is fairly gentle overall, but is greater at the front of the site than at the rear. There is a steeper rise of approx 2-3m to a bank south-east and south of the full-size artificial pitch. A public footpath extends along the south-west boundary of

the site, which has access points onto St Michaels Road, Campbell Close, and Chaucer Way.

- 4.1.3 The south-east side boundary is comprised of a hedge approx. 2m in height, which continues to the south-east boundary slightly beyond the southernmost car park on the site and is approx. 1.5m high. The rest of the south-east boundary of the site is comprised of a higher hedge approx. 2-3m high. The north-west boundary of the site is comprised of young to maturing trees and other vegetation.
- 4.1.4 Development opposite the north-west boundary of the site with Cambridge Road is residential of mainly detached two storey dwellings. Similar residential development primarily of two storey detached dwellings continues to the south-west. Development to the south-west is comprised of terraced two storey dwellings.
- 4.1.5 Extending along the whole north-east boundary of the site is Purwell Meadows, a relatively large undeveloped area comprising grassland, wetland, vegetation and trees. Trees become higher and denser to the south-west and south-east. Purwell Meadows forms part of a Local Nature Reserve, and Site of Wildlife Significance, in the 1996 adopted Local Plan. Purwell Meadows is also part of a 'green finger' of undeveloped land that extends from the south-east to Walsworth Common.
- 4.1.6 In the 1996 adopted Local Plan, the part of the site comprising the sports pitches is Landscape and Open Space Pattern. This Pattern extends onto Purwell Meadows and from there north-west and south-east. The rest of the application site does not have any Policy designations. Purwell Meadows contains a watercourse with Flood Zones 2 and 3 within it, with part of the Flood Zone 3 being adjacent to part of the south-east boundary of the site. Purwell Meadows is designated Green Belt in the adopted Local Plan (the application site is outside of the Green Belt). In the emerging Local Plan, the application site does not have any Policy designation. Purwell Meadows is Green Belt, and does not have any other Policy designation.

4.2 **Proposal**

4.2.1 Planning permission is sought for:

Demolition of existing sports hall and squash court building, erection of new sports hall, provision of new 3G pitch, new car parking provision, remodelling of site to provide level access to new sports facilities and enabling development of 116 residential dwellings, new access road, open space, landscaping and associated works. The residential development is proposed as enabling development to allow the College to provide new re-configured sports facilities for its students and the wider community.

4.2.2 The application site comprises all of North Herts College, with the proposed development being in the majority of the site immediately south-east of the main College buildings. To facilitate the development, the following features will be removed:

- Sports Hall (two storeys).
- Sports facility building (single storey).
- Two artificial sports pitches, including one full-size football pitch. All associated fencing and hard surfaces would also be removed.
- Four grass football pitches.
- Two car parks, to the north and south of the existing sports hall.
- Parking spaces south-west of the main College buildings.
- An acoustic fence and nearby vegetation.
- Trees near the Sports Hall and main College buildings.
- Other associated hard surfaces, fences and structures.

4.2.3 The new development comprises new facilities for the College which will be approximately in the middle of the site, and new residential development south-east and adjacent to the new College facilities.

College facilities

4.2.4 These will comprise a new sports building, re-sited artificial grass pitch (AGP), and car park. Ground levels used for the proposed development would be similar to the existing, with an exception being the new pitch would be 1.5-2m above the level of the new car park.

4.2.5 The sports building would have flat and pitched roofs, and be of a contemporary appearance clad primarily in grey aluminium standing seam cladding. This building would house a gym, sports hall with space for four badminton courts, and ancillary changing rooms, administrative facilities and storage. The building would have a maximum height of approx. 10.6m, a length of 41m and a width of 37m. A 'plaza' area in front of the main entrance will connect the building to the new car park. There will be a secondary plaza area between the north-west elevation of the building and the main College buildings and additional hard surfaced paths to provide pedestrian links between the sports building, AGP, new car park and wider College site. The sports building would be available for use by the College and by the wider community.

4.2.6 The new AGP would be sited between the sports building, the new car park, a new access road to the residential development, and part of the residential development. The pitch would measure approx. 105.5m by 69.5m, with some additional areas of hardstanding around it. The pitch would be enclosed by a mesh fence approx. 4m high. The pitch would be floodlit by lighting on six columns, each 15m high. New planting and soft landscaping is proposed to the south-east of the pitch. A 2.5m high acoustic fence would be sited close to the boundary of the site adjacent to the east side of the neighbouring footpath.

4.2.7 The pitch would be used by the College and the wider community. The proposed operating hours (an increase over the existing larger AGP), would be:

- Monday – Friday: 0900 to 2100
- Saturday: 0900 to 1600
- Sunday: 0900 to 1400; 0900 to 1200 in July and August
- Bank Holidays: Closed.

4.2.8 The car park would be between the sports building, AGP, and north-east boundary of the site. It would provide 88 parking spaces, including four disabled spaces. Four additional minibus parking spaces would be provided. This part of the development would also include cycle parking, a drop-off point, a bin store, and soft and hard landscaping.

4.2.9 The alterations to the access road to the rear of the site would involve re-siting it further from the south-west boundary of the site, removing existing perpendicular parking bays, new pedestrian footways, and new soft landscaping and planting. A sub-station would be provided in a detached single storey building with a pitched roof between the AGP and the residential area.

Residential development

4.2.10 This would be in the widest south-eastern third of the site, and would be accessed primarily by an extended existing access road. A total of 116 new dwellings would be provided, in a mix of four 3 storey buildings containing 1 and 2 bedroom flats; and the

remainder in 2, 3 and 4 bed dwellings. Residential development would occupy the majority of the site in a fairly conventional layout, including one cul-de-sac and two dead ends. Two areas of public open space would be provided in the north-east of the residential area adjacent to Purwell Meadows, with a smaller area in the south-west.

- 4.2.11 The largest of the residential buildings would be flat blocks A, B, C and D. Blocks A, B and C would have a car park to their rear and would be sited near the proposed AGP, providing 23 dwellings. These blocks would be three storeys with pitched roofs, a mix of gabled and hipped ends, and projecting cladded gable ends. They would have a height of approx. 13.2m to the ridges of their cladded gables, and would be 12.1m high to the ridges of their main roofs. The flats and their parking area would occupy a part of the site measuring approx. 71m by 34.5m. They would be of a more contemporary design and appearance, finished externally in weatherboarding, buff multi-brick, and grey tiles.
- 4.2.12 Block D would be part three and part two storey, sited towards the south corner of the site, and would contain 9 dwellings with parking at the rear. This block would be of a more traditional red brick appearance with a grey tiled roof, although it would incorporate three gable ends clad in weatherboarding. This building would have a maximum height of approx. 13.3m, and would be 28m in length and 20m in width.
- 4.2.13 The remaining 84 dwellings would be primarily in detached, linked-detached and semi-detached dwellings. There would also be one terrace of three dwellings. Eight of the dwellings would be three storeys and of a town house style. A total of 25 of the dwellings would be 2.5 storeys, some of these including front and/or rear dormer windows. The remaining 51 dwellings would be two storeys. The higher dwellings would be sited generally further to the south-west of the site, with the highest concentration near the proposed flats and existing footpath.
- 4.2.14 The dwellings would largely have gabled roofs, although some of these gable ends would be at the front and rear. Three of the dwellings would have hipped roofs. External materials would vary from red and grey tiled roofs; and walls of red multi brick, red/orange multi, buff multi, and a light render. The dwellings would be considered to be of a more traditional design and character. Some dwellings would include detached single garages with pitched roofs, and single storey rear projections.
- 4.2.15 The majority of the dwellings proposed would be market housing (99 in total), with the remaining 17 being affordable. All of the dwellings in flat block D would be affordable for affordable rent. The other 7 affordable dwellings would be in seven of the three bedroom dwellings, and would be for shared ownership.
- 4.2.16 The larger area of public open space for the development would be in the north-east of the residential area, occupying a triangular area approx. 175m in length and 35m in width at its deepest points. This would be a more formal area, incorporating a children's play area, grassed areas, and drainage facilities. Two smaller more informal areas of public open space would be to the side of dwelling 27, and in front of dwellings 98 and 99.
- 4.2.17 Pedestrian access from the residential areas of the site to the wider locality is proposed to include two links to the adjacent footpath, and one link onto Chaucer Way at the east corner.

Planning obligations

- 4.2.18 The applicant proposes the following planning obligations:
- 15% affordable housing.

- Childcare - £14,105.
- Primary education - £1,012,343.
- Secondary education - £268,607.
- Youth service - £5,198.
- Library service - £20,515.
- Upgrading of adjacent right of way.
- Upgrading two bus stops outside the site on Cambridge Road.
- Travel Plan and Car Club.
- Junction improvements for site entrances at St Michaels Road and Cambridge Road.
- New AGP at Priory School, Hitchin.
- Off-site ecological mitigation measures for Purwell Meadows - £10k.
- Phasing plan to ensure continuous provision of sports facilities and Community use agreement for the proposed new sports facilities.

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.
- Whether appropriate sports and community facilities would be provided.
- The acceptability of the proposed development with regards to parking, sustainable transport, and impacts on the public highway.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.
- The appropriateness of the planning obligations proposed.
- All other matters.

Principle of Development:

4.3.2 In the 1996 adopted Local Plan, the application site is within the settlement of Hitchin, classed as a Town in Policy 8. This Policy 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. The development proposed is not specifically excluded from being acceptable in principle on the site. It does need to comply with other relevant Policies to be acceptable, which will be assessed in greater detail below in this report.

4.3.3 The site is part of a Landscape and Open Space Pattern in a Town (Hitchin), where such development should be assessed against Policy 21 of the adopted Local Plan. Policy 21 states that the Council will maintain a general pattern of landscape features, and of public and private open spaces. Criteria i. to v. would need to be complied with. Policy 21 does not however place restrictions on the type of development acceptable in Landscape and Open Space Patterns, therefore there are no objections in principle to the development in respect of Policy 21. Whether the proposed development complies with Policy 21 will be assessed elsewhere in this report.

- 4.3.4 In the emerging Local Plan, the site is within the defined boundary of Hitchin. Policy SP2 identifies Hitchin as one of six towns where the majority of future development will be directed. The site does not have any specific policy designations restricting the type of development that could be permitted there. The general principle of the development proposed on the site is therefore considered acceptable in principle.
- 4.3.5 The proposal would involve the loss of outside sports pitches, and publicly accessible open space as per Policy NE4. Whether this loss would be acceptable is dependent on a variety of factors which will be assessed in more detail below in this report. The principle of the proposed development is not specifically excluded by emerging Local Plan Policies. The proposal would however need to comply with relevant local and national policies regarding its details to be acceptable, which will be assessed below.

Character and appearance, layout, size, scale and design:

- 4.3.6 Two buildings, two artificial pitches, car parks, fences and hard surfaces would be removed from the site to facilitate the proposed development. These buildings and structures are not listed or in a Conservation Area, are of a recent age, and are not considered to be of significant historic or architectural merit. Therefore, there are no objections to their demolition and removal.

New College facilities

- 4.3.7 The proposed new sports building would be large, although its size and height would be typical for such a building. This building would not be significantly larger than the sports building it would replace, and it would be subordinate to the larger complex of existing College buildings nearby. Externally the building would be of a contemporary appearance with materials and detailing considered to be of good quality and compatible with the College buildings. It would be sited such that it would have a clear association with the College, with appropriate pedestrian and vehicular linkages to the rest of the campus. The 'plazas' adjacent to the sports building would be considered to be of an acceptable quality with appropriate hard and soft landscaping and planting, which would integrate the sports building satisfactorily with the wider site. While the building would be visible from the nearby public footpath, it would have limited impacts on the wider locality due to its siting at the rear of the College buildings. The sports building is considered to be of an acceptable size, siting and design.
- 4.3.8 The new car park would replace an existing car park, a small single storey building, and the smaller of two AGP's. The new car park would be a similar length to the above, but smaller in width, and with more planting and soft landscaping. The new car park and its landscaping would have a softer edge and better transition to the wilder and more natural Purwell Meadows at the boundary. The new car park is considered acceptable and would be considered an improvement to this part of the site.
- 4.3.9 The new AGP is the largest in area of the new College facilities proposed. Given the size of the site and as it would replace an existing AGP while also being on land presently occupied by the College sports hall and a grass pitch, the pitch would not look out of place in this location. Its colour, surface materials, surrounding fence and lighting columns would be similar in appearance and size to those of the existing pitch and are considered acceptable. The use of the pitch for sport and associated noise and lighting would be consistent with sporting uses that presently take place on the site, therefore would not appear out of character. The AGP is therefore considered to be of an acceptable design and appearance. The 2.5m high acoustic fence would be on the high side, although I do not consider it would appear significantly high in the context of

1.8-2m high fences on the other side of the footpath and high hedges/vegetation slightly further up the footpath to the north.

- 4.3.10 The new access road to the south-west of the AGP to the residential part of the would be set in from the site boundary and the AGP, and would include tree planting on each side. I consider this would provide an acceptable visual appearance and standard of environment in this part of the site, providing interest as a tree-lined route from the College to the residential area. There would in addition be some visual benefits from the removal of an existing gravel car park. Accessed off the road would be a new substation – this would be small, unobtrusive and of an acceptable design, therefore there are no objections to the substation.

Residential development

- 4.3.11 This would occupy the majority of the redeveloped part of the site, with 116 dwellings proposed. This area would measure approx. 225m by 200m, with two areas of public open space in the north-east and south-west. The area of the site that would be occupied by the dwellings would be approx. 225m by 140m.
- 4.3.12 In hectares, the area occupied by the dwellings excluding the larger area of open space would be approx. 3.15 ha. With the open space, this would be approx. 3.8 ha. Dwellings per hectare would be around 37 and 30 respectively using the above figures.
- 4.3.13 The development of the private sports pitches/open space would result in a substantial change to this character of the site, which is a large area of essentially open land in this part of Hitchin (albeit partially developed with a full-size artificial football pitch, with most other areas of the site used as grass sports pitches), and adjoins Purwell Meadows which is a larger area comprising a nature reserve and is completely undeveloped.
- 4.3.14 The site in the adopted Local Plan is designated as a Landscape and Open Space Pattern in Towns (LOSP) under Policy 21. This designation also includes Purwell Meadows to the north-east, and additional land to the north-west and south-east, therefore the site can be considered a LOSP in isolation and cumulatively. Policy 21 states:

In towns, the Council will maintain a general pattern of landscape features, and of public and private open spaces, as shown on the Proposals Map:

i. by normally refusing development proposals which would have a significantly detrimental effect on the character, form, extent and structure of the pattern;

ii. if development is acceptable in these terms, by requiring the character, form and layout of the development proposals to retain and/or reinforce the pattern through appropriate landscape and open space provision and quality of design;

iii. by managing appropriate land for open spaces;

iv. by encouraging their positive use and management for formal and informal recreation, for amenity and nature conservation; and

v. by undertaking and encouraging small scale environmental improvements where they will reinforce the pattern of landscape features and open spaces. In addition, the Council will seek to reinforce the pattern in areas for consolidation of open space and landscape pattern as shown on the Proposals Map.

- 4.3.15 The development would result in the loss of much of the open space, however a mix of public and private open space would remain (two areas of public open space in the

residential area, and the replacement pitch). The site would remain open from buildings on its north-east edge with Purwell Meadows. There would not therefore be a complete loss of the open space, and setting the residential element away from Purwell Meadows would provide a transition between the site and the Meadows beyond. The wider pattern and network of LOSPs would not be detrimentally affected in my view as the development would be on a small part of this network with an area of open space remaining to provide a transition. I do not consider that the proposed development would be significantly detrimental to the LOSP for the above reasons.

- 4.3.16 The density and dwellings per hectare would be higher than adjacent residential areas in Chaucer Way, Gibson Close, Coleridge Close and Browning Drive, which predominantly consist of detached or terraced dwellings. The density of the proposed development is driven upwards by the four flat blocks – if the flats were not included, the density of the individual dwellings would be more comparable to its surroundings.
- 4.3.17 The density and amount of dwellings could be considered out of character with the surrounding residential development to the site. The development would also however be viewed in the context of the College campus and buildings at the front of the site, as they would be within its boundaries, accessed from one of the entrances to the College, and directly across from the campus and AGP.
- 4.3.18 The higher density is accounted for by the four 3 storey flat buildings, which together would provide 32 of the 116 dwellings proposed. The individual dwellings are semi-detached or detached (apart from one terrace of three dwellings), which have a density more comparable with neighbouring residential development.
- 4.3.19 Flat Blocks A, B and C would together be the largest group of new residential buildings, as all would be three storeys with pitched roofs. They would be sited relatively close to the south-east end of the new pitch, across from the proposed sports building and existing 3/4 storey College buildings. I consider that flats A, B and C would be viewed in the context of the existing and proposed College buildings, the other residential development within the site, and the existing two storey residential development to the south-west.
- 4.3.20 The flat blocks A to C are considered to be in keeping with the size and scale of the existing larger College buildings to the north-west, and would not be significantly different in height to the taller new dwellings to the south-west and south-east, therefore I consider they would appear sufficiently related to this context in their size and scale.
- 4.3.21 Blocks A to C would appear higher and larger than the two storey residential development of Coleridge and Campbell Close and Browning Drive, however they would be on ground approx. 2m lower than the closest dwellings and at least 26m from the dwellings to the south-west. I do not consider that flats A to C would appear significantly and detrimentally different to the dwellings of Coleridge and Campbell Close and Browning Drive for the reasons above, and are not of a size, height and scale that is unacceptable on this part of the site.
- 4.3.22 Flat block D is the other largest residential building, which would be south-east of flats A to C, would be predominantly 3 storeys with a part 2 and part 3 storey return facing to the north-east. This building would be a similar height to the 3 storey dwellings proposed to the south-west and to flats A to C, and would be in the area of the site with the highest proposed buildings. In this context I consider flat block D would relate acceptably to the height and scale of the development proposed in the south-western area of the site proposed for residential development.

- 4.3.23 Block D would be 3 storeys compared to the two of dwellings of Coleridge Close and Gibson Close, however as shown by Streetscene A-A the lower ground levels of the application site would mean that the ridge of D would be similar to the ridge heights of existing opposite dwellings therefore D would not appear significantly larger than those dwellings. Block D would also be behind the dwellings adjacent to the public footpath to the south-west and approx. 40m from that boundary of the site, therefore block D would be viewed more in the context of the proposed development than existing nearby dwellings. I therefore consider block D to be of an acceptable size, height and scale.
- 4.3.24 The proposed dwellings would vary in storeys from 8 dwellings of fully three storeys with a second floor below the roof, 25 dwellings of 2.5 storeys (with accommodation in the roof), and the remaining 83 being two storeys. The maximum heights of the dwellings would vary from approx. 11.4m to 7.9m. Two dwellings would have a minimum height of approx. 6.9m, although the majority minimum height would be around 7.9m.
- 4.3.25 The largest concentration of the highest dwellings would be plots 85 to 99 where the site abuts the adjacent footpath. As stated above, the existing dwellings on the other side of the footpath are all of two storeys and lower than 85 to 99. The higher proposed dwellings would however be on lower ground than those to the south-west approx. equal to one storey, therefore the 3 and 2.5 storey dwellings closest to the footpath would appear as two storeys or of a similar height to the dwellings to the south-west. I do not therefore consider that the dwellings that would be adjacent to the south-west site boundary would appear out of scale with nearby existing development.
- 4.3.26 Dwellings on Chaucer Way to the south-east, including those backing onto the application site, are predominantly two storey terraces with pitched roofs. These dwellings are fairly uniform in height, size and design (although there are some differences in external materials). Fourteen of the proposed dwellings and their plots would be sited against the Chaucer Way boundary. Of these 14, 5 would be higher due to roof accommodation proposed, while the remaining 9 would be a similar height and scale to the Chaucer Way dwellings. Overall I do not consider the height and size of the dwellings proposed behind Chaucer Way unacceptable as they would all be two storeys with the majority being a similar height to the Chaucer Way dwellings. The dwellings proposed would be viewed as a new development separate and behind Chaucer Way, and would not be considered to be harmfully out of scale in that context and taking into account the other factors above.
- 4.3.27 The other dwellings proposed would be further inside the site and from existing residential development to the south-east and south-west. These remaining dwellings would be predominantly two storeys with no roof accommodation, with building heights generally lowering towards Purwell Meadows to the north-east. These other dwellings are considered to be of an appropriate height, size and scale given the location of the site.
- 4.3.28 The proposed layout would be fairly conventional, reflecting its rectangular shape and the need for an area of open space between the development and Purwell Meadows and its watercourse. I consider however that visual interest would be provided by the mix of house and flat types, designs, heights, detailing and materials, which would vary on each street. There will also be differences in how far buildings are set back from their front boundaries, size and depths of front gardens, planting, and external materials. The two areas of public open space and planting would soften the

residential development and provide two reasonably large green areas in different parts of the site.

- 4.3.29 The dwellings and flats would be of a mix of external materials. Wall materials would be comprised of red multi brick, red/orange multi, buff multi, render, and weatherboarding. The weatherboarding would be used on the gable ends of the four flat blocks. Roof tiles would be red or grey. I consider this mix of materials to be of an acceptable quality, and will compare favourably to those of the existing nearby residential development to the south, east and west. There are no objections to the ancillary residential buildings such as garages. There is a listed building at the front of the site on Cambridge Road, however I do not consider that its setting would be harmed as the proposed development would be some distance away and behind existing College buildings, while impacts from traffic etc. would not be materially different to the present.
- 4.3.30 Policy 57 of the adopted Local Plan states that to achieve the highest standards of design, housing proposals should relate to and enhance their site and surroundings. Policy D1 of the emerging Local Plan states that planning permission will be granted where development responds positively to the site's local context, with SP9 stating that the Council will support new development where it is well designed and located. The NPPF section 12 essentially seeks high quality buildings and places through good design.
- 4.3.31 I consider that the dwellings and flats proposed are of a good quality design and appearance individually and collectively. There are 21 different house types proposed, which vary further with different external materials and detailing. Should permission be granted, I consider Class B permitted development rights for roof additions should be removed by condition to allow the LPA some control over the design and appearance of the dwellings. Flat blocks A, B and C would be the largest new residential buildings cumulatively and would be prominent within the site, however I consider their contemporary design and materials with more distinctive gable ends to be of an acceptably high quality for these buildings. Flat block D would also incorporate similar cladded gable ends which would visually link it to the other flat blocks and help 'tie' the development together, while the use of red brick on the rest of its elevations would visually relate block D to other nearby proposed dwellings.
- 4.3.32 In respect of the quality of the design and appearance of the individual buildings, I consider this to be sufficiently high to be acceptable. The height, size and scale relates to that of the College and the residential development to the south-west and south-east. The buildings and layout would correspond to the size and shape of the site and its surroundings, including the proposed College facilities. Opinions would differ on whether developing sports pitches would enhance the site and surroundings, however I consider the proposed buildings to be of a sufficiently high quality and design in this location, and are considered an improvement in some respects over the more uniform existing residential developments nearby.
- 4.3.33 I consider that the hard and soft landscaping and planting proposed, including the two areas of open space, would provide additional visual benefits to the site and development that would enhance the overall appearance and quality of the development. Tree planting along the entrance road, on the street against the south-west boundary, and on the middle street heading towards Purwell Meadows, would help to create a sense of place.
- 4.3.34 The adopted and emerging Local Plans largely reflect section 12 of the NPPF, which similarly seeks a high standard of design that will function well and add to the quality of the area. Paragraph 127 d) states that developments should establish or maintain a

strong sense of place. I consider that such a sense of place would be created through the distinctive design of the flat blocks, the proximity and visual links to the College, the design and variety of the dwellings and how they would differ to their surroundings, and the area of public open space in the north-east of the site adjacent to Purwell Meadows.

4.3.35 The site is adjacent to Purwell Meadows, an undeveloped area of amenity value and ecological interest, that is part of a wider area of undeveloped land that extends to the north-west and south-east (albeit roads separate some of this land into smaller areas). The area of Purwell Meadows adjacent to the application site is comprised of trees and vegetation, a watercourse, and grassland beyond. It is considered important how the proposed development integrates with the Meadows.

4.3.36 Ground levels of the application site fall gradually towards the Meadows, with the existing sports pitches set away from the trees and vegetation on the boundary. The new dwellings and their curtilages/gardens would be approx. a minimum of 10m from the boundary with the Meadows, with the majority being considerably further away (20m or more). Those that would be closest (Nos. 24 to 27) would have a separation from the ends of their rear gardens to the boundaries of approx. 10m in depth, which would be part of a continuous planted strip of trees and other vegetation between them and the Meadows. I consider this degree of separation of the dwellings within the site from the boundary would be a sufficient vegetated and visual buffer to allow for an appropriate transition from developed to undeveloped land. This is also reflected in the pattern of development within the site, with higher and denser dwellings in the south-west, which transition to being lower and on more spacious plots the closer they get to Purwell Meadows. The development also includes a road, pedestrian paths and a play area which are closer than the dwellings, however their visual impacts on the setting of the Meadows would be much less than those of the dwellings, and provide an acceptable transition to the valued wilder space of the Meadows. The development also proposes a substantial amount of tree planting between it the site boundary, which would provide softening and screening of its impacts. The development would be visible from Purwell Meadows and from other wider views, however I do not consider it would be harmful to the wider landscape setting as the dwellings would be set back from the site boundary and would benefit from existing and proposed trees and planting that would provide screening and softening.

4.3.37 The development would include two areas of public open space – the larger area adjacent to Purwell Meadows, and a smaller one on the right side at the entrance to the residential area. The smaller area would measure approx. 746 m², and the larger area would measure approx. 3775 m². These are reasonably large areas that would be considered to provide an acceptable quantity and quality of open green space in appropriate prominent locations that would be beneficial to the quality of development within the site and how it relates to its surroundings. The proposed play area in the larger area of open space would be primarily of low impact timber structures, which is considered would be appropriate to this part of the site.

4.3.38 The market housing dwelling mix proposed would be:

Type	No. units proposed	Identified N Herts %
1 bed flat	11 (11%)	2.0%
2 bed flat	12 (12%)	3.6%
2 bed house	4 (4%)	8.4%
3 bed house	42 (42%)	53%
4 bed house	30 (30%)	25.4%
5+ bed house	0	7.9%

There would also be 17 units of affordable housing, comprising 5 one bed flats, 5 two bed flats, and 7 three bed houses.

- 4.3.39 Policy 57 Guideline 4 of the adopted Local Plan requires a mixture of dwelling sizes, particularly on larger sites, however what that mix should be is not specified. There would be a clear mix of dwelling types proposed, with the flats being sited closer to the College and public footpath and within easier walking/cycling distance of the nearby railway station where such units could be reasonably expected. I therefore consider the mix of dwellings acceptable under Policy 57.
- 4.3.40 The emerging Local Plan (ELP) in Policy HS3 refers to housing mix, although it is considered that this Policy should be given moderate weight at this time as the ELP has not progressed through its public examination period. The supporting text of HS3, para. 8.20, states that applicants should make an initial assumption of 60% larger (3+ bedrooms) and 40% smaller (1 or 2 bed homes) to be achieved. Of the 116 dwellings proposed, 36 smaller units would be proposed, a percentage of 31%. The mix is weighted more in favour of larger units, however I do not consider the difference substantial or unacceptable. The larger proportion of larger units can also be viewed as being more similar to the type of existing dwellings nearby. As HS3 can be given moderate weight, as a mix of housing is proposed, and as the mix is fairly close to HS3, I do not consider the mix unacceptable.
- 4.3.41 The refuse strategy would be for each dwelling to have its own storage, and the flats to have communal bin stores. This arrangement has been considered acceptable by the Council's Waste Officer, therefore refuse storage is considered adequate.

Impacts on Residential Amenity:

College facilities

- 4.3.42 There will be no adverse impacts on amenity from the car park as it will be on the other side of the site and far from residential areas to the south-west. Noise and disturbance from the car park would not be considered harmful due to its siting, and would not be considered materially greater than impacts from the existing car park and sports pitch in this part of the site.
- 4.3.43 The new sports building would at its highest be approx. 10.6m, with an elevation of 41m that would be closest to the dwellings to the south-west. The sports building would be approx. 25m from the curtilages and rear gardens of those dwellings, and further from the dwellings themselves. At those distances the sports building would be visible from some of the dwellings to the west, however I consider that it would be sufficiently far away to avoid being harmfully overbearing. Shadows cast from the sports building would not be small however it is considered that they would primarily fall within the application site and would not be harmful to residential amenity. Noise and other disturbance would primarily be contained within the building, and would not cause harm. There are no objections to the 'plaza' areas to the front and sides of the building. The sports building and its associated external spaces are not considered harmful to residential amenity.
- 4.3.44 The new sports pitch would be flat and on existing ground levels, and would not as a building operation appear overbearing or result in loss of light. The pitch would be enclosed by a 4.5m high fence, however at the fence would be approx. 16m from the site boundary I do not consider that the fence itself would not cause any loss of

amenity. The substation to the south-east of the pitch would be small and would not cause loss of amenity.

4.3.45 The pitch would be illuminated by six 15m high lighting columns. The columns would be slender and would not appear overbearing or cause loss of light. The columns would however generate lighting and illumination of the pitch. This illumination would potentially be visible from nearby dwellings, and would also affect the operating hours of the pitch.

4.3.46 The applicant submitted a detailed lighting impact appraisal report, which includes a light spillage plan showing the degree of illuminance the lights would provide to the pitch and its surroundings. The plan shows that the type of lighting proposed would concentrate the illumination on the pitch itself and the areas within its proposed fence. Levels of illumination would then drop off sharply such that there would be none beyond the residential development access road and the south-west boundary of the site. The Council's Environmental Health Officer provided the following comments in relation to the lighting details and the associated report:

I have reviewed the submitted Report in respect of the floodlighting to the sports pitch, specifically the Spill Lighting Results in Appendix 1. I previously overlooked the EvLux annotations to residential plots in this Drawing. The Report demonstrates compliance with Institution of Lighting Professionals "Guidance Notes on the Reduction of Obtrusive Light", Table 2, Light Intrusion into Windows in terms of EvLux as highest EvLux level at dwellings of 1 Lux. The Lighting scheme may therefore be Approved.

4.3.47 The proposed lighting for the pitch would not result in unacceptable illumination and light spillage of nearby dwellings, which is supported by the Council's Environmental Health Officer. I acknowledge that the lighting and illumination would be visible from nearby dwellings, however visibility alone is not considered harmful. There would in addition be approx. 20m from the curtilages of the closest dwellings to the areas of greatest illumination, residential curtilages opposite the pitch are oriented parallel to the footpath therefore lighting would be at oblique angles to these dwellings, and lighting would in any case be limited to the operating hours of the pitch therefore stopping at reasonable times in the evening. I therefore consider that proposed lighting for the pitch would not be harmful to residential amenity. The 2.5m high acoustic fence would not be harmful to residential amenity as it would not be much higher than 1.8-2m high fences on the rear boundaries of the rear gardens of dwellings on the other side of the adjacent footpath, and would have some benefits in terms of reducing noise transmission from the pitch.

4.3.48 Noise generation from the proposed pitch has resulted in concerns and objections from nearby residents. The pitch is proposed to be used at the following times:

- Monday – Friday: 0900 to 2100
- Saturday: 0900 to 1600
- Sunday: 0900 to 1400; 0900 to 1200 in July and August
- Bank Holidays: Closed.

4.3.49 The proposed pitch will directly replace two grass pitches, the smaller artificial pitch, the sports centre and its car park. The grass pitches do not have operating hours restrictions, although they are unlit which therefore limits their use by default. The artificial pitch is restricted to the hours of Monday – Friday 0900 to 2000; Saturday 0900 to 1400; Sunday: 0900 to 1400, 0900 to 1200 in July and August; Bank Holidays closed.

4.3.50 The wider development would also result in the removal of the larger artificial pitch and two other grass pitches. The applicant has put forwards the argument that noise

generation from the proposed pitch will be 6 decibels quieter than noise from the existing 5 pitches that will be removed. This is however contingent on all the existing pitches being used simultaneously, with noise from the unlit pitches varying according to available daylight hours and the time of year. The loss of the car park as a source of noise and disturbance is also referred to, although noise from here is not quantified and is likely to be infrequent.

4.3.51 With the removal of all sports pitches within the site, there will be improvements to residential amenity overall through the loss of all of these noise sources. Noise is however limited by the grass pitches not being lit, and the larger artificial pitch oriented so that the half-way line area (where most noise is generated) is relatively far from the boundaries of the site and neighbouring dwellings. There is also an acoustic fence with vegetation to the south-west of the pitch, further limiting noise.

4.3.52 The hours of the larger AGP were determined at appeal by a hearing relating to previous application 12/02638/1. That application originally proposed the operating hours of this pitch to be 0900 to 2100 Monday to Friday from September to June (no extension to existing hours in July and August), from 0900 to 1700 at weekends during the whole year, and not on bank holidays. This would have been an increase in the hours set by original permission 05/01262/1. The 2012 application sought to extend the operating hours of the pitch by a further 11 hours per week, and by 8 more hours a week in July and August. Operating hours of the present pitch were restricted to prevent harm from noise and loss of amenity. The Inspector considered that increasing the hours of use as proposed, particularly at weekends, would impinge unreasonably on residents' enjoyment of their properties, therefore that condition should remain.

4.3.53 The hours proposed for the new pitch would be 3 more hours per week than the present AGP has permission for. While only the one pitch would remain on the site; it would be 4m closer to the nearest dwellings, re-oriented so that its length is parallel to the south-west boundary, and without the existing acoustic fence. A 2.5m high new acoustic barrier is however proposed on the site boundary with the footpath that would extend beyond both ends of the pitch.

4.3.54 The Council's Environmental Health Officer has provided the following comments in relation to the noise surveys from the applicant:

I have reviewed the Acoustic Report and additional information / comments provided by the Applicant. It is stated that after several reviews that the proposed location is the only practical location for the new AGP. The Acoustic Report clearly indicates that there will be an adverse effect on residents should the 3G pitch be used after 21.00hrs (Table 3). I therefore recommend a Condition such that the sports pitch, including floodlighting, is not to be used after 21.00hrs. I also recommend a temporary permission be granted for the operating times such that they can be reviewed should complaints be received.

The Acoustic Report found noise mitigation measures to be required. The enhanced glazing and ventilators required for the proposed new dwellings in line of sight of the pitch are detailed in Table 4, Section 4.19 of the Report. With regard to the existing dwellings, a 2.5metre high acoustic barrier is proposed (Section 4 of Report); the acoustic Report states effects will be reduced to a minimum, however there is still the potential for there to be disturbance and an adverse effect of the amenity of existing residents. By imposing a temporary Condition the impact of the permitted operating hours of the sports pitch can be assessed and revised if necessary in the future.

Recommendations:

1. The sports pitch hereby permitted shall only be used between 09.00hrs to 21.00hrs Monday to Saturday and 09.00hrs to 20.00hrs Sundays and Bank Holidays. [I suggest a temporary permission for these operating hours of say two years to assess the impact on residents]

Reason: To protect the residential amenity of existing and future residents.

2. The noise mitigation measures detailed in “Noise Impact Assessment, North Herts College”, Report reference RP-01-19270, Rev 1, dated 28 November 2019 by Cass Allen Associates Limited shall be implemented (Section 4: 2.5m Noise barrier and Section 4.19 glazing and ventilation specifications for new dwellings). Use of the sports pitch shall not be permitted until the noise mitigation measures have been implicated in accordance with the approved details. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

4.3.55 The temporary permission suggested would be for two years and for opening hours that would far exceed those proposed by the applicant, including on Sundays and Bank Holidays. The EHO considers the pitch should not be used after 9pm, although does not have a specific objection to the use of the pitch before 9pm. The EHO does not have a specific objection to the hours of use proposed. Setting temporary hours of use by condition would result in some uncertainty to local residents and the applicant over what the operating hours of the pitch would be, with the possibility that potential hours of use could be much greater and result in more noise and disturbance than would arise from the applicant's proposed hours. I therefore recommend permanent hours of use of the pitch based on those proposed by the applicant which are only slightly longer than those of the existing pitch, takes into consideration the loss of sources of disturbance from existing pitches to be removed, and would provide more certainty to local residents.

Residential development

4.3.56 The residential development will be most visible to dwellings of Chaucer Way, Gibson Close, Coleridge Close, and Campbell Close. All of the above are residential streets that have dwellings with rear elevations and gardens facing directly onto the site or are sideways-on. A public footpath separates the site from the latter three streets from the proposed development.

4.3.57 The proposed development would change the views from the adjacent nearby dwellings, as well as being very visible. Being visible on its own is not considered harmful, therefore this is not a source of objection. Impacts on views or loss of views are not material planning considerations, therefore these effects of the development would not constitute harm to amenity.

4.3.58 The potential main sources of loss of amenity from the residential development could be whether it would be overbearing, would cause loss of light and overshadowing, whether there would be harmful loss of privacy, and noise generation.

4.3.59 Dwellings 84 to 98 would be the closest to existing dwellings of Gibson Close, Coleridge Close, and Campbell Close. Including the footpath, the closest any of these proposed dwellings would be to any of the existing dwellings on the above streets would be approx. 12m – the distance between No. 37 Gibson Close and the facing side

elevation of plot 84. The other proposed dwellings 85 to 98 would be a minimum of 16.6m to 19.7m from the boundaries of the closest dwellings on the other side of the footpath.

- 4.3.60 Dwellings 84 to 97 would collectively be the tallest dwellings on the site, with some being three storeys, and the rest with roof accommodation, however due to the lower ground levels of the site they would appear as being two storeys from the dwellings opposite. There are no policy guidelines on when a development would be overbearing or not, however for dwellings 85 to 97 that would be at least 16.6m from the boundaries of the closest dwellings I would consider this arrangement fairly typical of suburban residential development, with dwellings 85 to 97 considered to be at a sufficient distance to avoid harmful overbearing impacts. These distances would also ensure that overshadowing from them would primarily fall within their curtilages and the footpath. Any overshadowing and loss of light of existing dwellings and their gardens is considered limited and would not be detrimental to their amenity.
- 4.3.61 Dwelling 84 would be approx. 12m from No. 37 Gibson Close. The facing side elevation of No. 87 contains a garage, with the main two storey part of No. 37 approx 3m further away. Dwelling 84 would be fairly level with the front and rear elevations of No. 37, and would be less visible from it and its rear gardens than other existing dwellings. I do not therefore consider that dwelling 84 would result in harmful overbearing impacts and loss of light to No. 37 Gibson Close.
- 4.3.62 Regarding privacy, Policy 57 Guideline 7 of the adopted Local Plan states that a distance of 30 metres between the rears of dwellings may achieve a minimum degree of privacy if a 2m wall or fence is used as a screen. Other factors such as the topography of the site, the details of the design etc. can also affect privacy. It can however be reasonably assumed that if the rear of a dwelling is 15m from its neighbouring opposite dwelling, then this should provide a reasonable and acceptable degree of privacy.
- 4.3.63 As above, dwellings 85 to 97 would be a minimum of approx. 16.6m from the boundaries of dwellings in Gibson Close, Coleridge Close, and Campbell Close. I therefore consider these distances sufficient to prevent harmful loss of privacy to the rear gardens of dwellings of the above streets closest to the site.
- 4.3.64 Back-to-back distances between the rear elevations of Nos. 118, 119 and 120 Coleridge Close and dwellings 85 to 90 would be a minimum of approx. 22.2m. While this would be less than 30m, the 30m is a guideline rather than a strict requirement, and the Council has approved residential development at distances similar to that elsewhere in the District. The rear gardens of Nos. 118, 119 and 120 also contain some vegetation that would restrict views. I do not therefore consider that harmful loss of privacy would occur to the above three Coleridge Close dwellings.
- 4.3.65 Dwellings Nos. 100 and 101 Coleridge Close are opposite proposed dwellings 91 to 97, and are oriented such that one of their side elevations faces the proposed dwellings. The facing side elevation of No. 100 would be approx. 25.5m from the rear of proposed dwellings 96 and 97 – this is fairly close to the 30m guideline and is considered an acceptable distance. The rears of proposed dwellings 92 and 93 would be approx. 21m from the side of No. 101 which is just over two-thirds of the guideline, however this would be over 20m with no overlooking of main habitable rooms, therefore I do not consider this arrangement harmful.
- 4.3.66 Proposed dwelling 84 would not have any side windows (apart from a small window to its garage) facing No. 37 Gibson Close, therefore no loss of privacy would occur. The

side of dwelling 98 would not have any openings facing towards existing dwellings, therefore this would also not result in loss of privacy.

- 4.3.67 Some objections were received specifically relating to the larger flat blocks. Block D would be approx. 39m from the south-west site boundary, which is considered sufficient to avoid any loss of amenity being caused by it. Block A would be 22m from the site boundary and 26.2m from the curtilages of the closest dwellings, which would be sufficient to avoid overbearing impacts and loss of light, although it is acknowledged that block A would be visible. The closest upper floor openings of block A would be a minimum of approx. 26.2m from the curtilages of the closest dwellings, which is considered sufficiently far to prevent harmful loss of privacy. Flat blocks B and C, and all other dwellings and buildings within the residential area, are considered sufficiently far from dwellings in Gibson Close, Coleridge Close, and Campbell Close to avoid causing loss of amenity to them.
- 4.3.68 Turning to the dwellings on Chaucer Way, Nos. 2 to 32 face onto the site, and would therefore be most exposed to the proposed development as it would be clearly visible from their rear elevations and gardens. Ground levels of the site adjacent to those of Nos. 2 to 32 are considered slightly higher. The proposed development would therefore change their views, although as above impacts on views are not material planning considerations.
- 4.3.69 Proposed dwellings Nos. 71 to 83 would face the rears of Nos. 2 to 32 Chaucer Way, and would be the elements of the proposed development that could most affect those Chaucer Way dwellings. Proposed dwelling 84 is not considered harmful to the Chaucer Way dwellings as it would be oblique from No. 32 and sufficiently far from No. 34 to avoid causing any loss of amenity.
- 4.3.70 The proposed dwellings 71 to 83 would at their closest be approx. 12.9m from the ends of the rear gardens of the opposite Chaucer Way dwellings, with a maximum distance of 16.5m. Distances from the rear elevations of the Chaucer Way dwellings would vary from 22.6m to 27.8m. All proposed dwellings would be two storeys, apart from the four on plots 76 to 79 which would be 2.5 storeys with rear roof dormers. The two storey dwellings would be approx. 8.6m to 9m in height, and the 2.5 storey dwellings would be 10.2m in height.
- 4.3.71 The proposed dwellings 71 to 83 would change the outlook and views from the rears of Nos. 2 to 32 Chaucer Way. I do not however consider the distances of the proposed dwellings from the rear gardens and elevations from the Chaucer Way dwellings unreasonable for new residential development. The majority of the proposed dwellings would be two storeys, therefore limiting their heights and visual impacts. The taller 2.5 storey dwellings (plots 76 to 79) would be a minimum of approx. 26.8m from the rear elevations of 14 to 24 Chaucer Way, although the 2.5 storey dwellings are not that different in height to the two storey dwellings.
- 4.3.72 Due to the siting, distances, heights and designs of the proposed dwellings relative to Nos. 2 to 32 Chaucer Way, I do not consider that the proposed dwellings 71 to 83 would appear harmfully overbearing. These proposed dwellings would also be in pairs of semis with two detached, therefore there would be gaps between the buildings. In addition, the ground levels of the proposed dwellings would be similar or lower than those of the Chaucer Way dwellings.
- 4.3.73 Also due to the siting, design etc. of dwellings 71 to 83 north-west and west of Nos. 2 to 32 Chaucer Way, shadowing towards Chaucer Way would be limited to late

evenings in the summer months during longer daylight hours. However due to the proposed separation distances between the existing and proposed dwellings and their size, siting and design, I consider that shadowing from the proposed dwellings would primarily fall over their proposed rear gardens, with only limited impacts on the Chaucer Way dwellings. I do not therefore consider that the Chaucer Way dwellings would experience harmful overshadowing and loss of light.

- 4.3.74 Regarding impacts on privacy, the proposed dwellings 71 to 83 would be 12.9m to 16.5m from the rear gardens of Nos. 2 to 32 Chaucer Way, and 22.6m to 27.8m from their rear elevations. These distances would be comparable to those considered acceptable for the dwellings proposed facing onto the dwellings of Gibson Close, Coleridge Close, and Campbell Close and are not considered harmful and unreasonable.
- 4.3.75 Dwellings 76 to 79 would include second floor accommodation in their roof slopes, with two rooflights and a dormer on their rear elevations. The rooflights would serve a bathroom, at a higher level and angled upwards, therefore I do not consider that they would affect privacy of the opposite Chaucer Way dwellings. The dormer would serve a bedroom and would be higher than the first floor windows, however it would be set further back and relatively modest in size. The dormers would also be a minimum of approx. 28.2m from the rear elevations of the respective Chaucer Way dwellings opposite, which is close to the 30m guideline distance of Policy 57 of the adopted Local Plan.
- 4.3.76 The other residential buildings within the site would be a minimum of 43.5m away, and while they would be visible from the Chaucer Way dwellings, at the above distances they would be sufficiently far away to avoid causing overbearing impacts, loss of light and amenity.
- 4.3.77 Numerous objections have been received relating to noise generation from the proposed dwellings. While the density and numbers of units are relatively high, this is largely due to the four flat blocks proposed. The other units are all dwellings on their own plots, which would in my view generate noise levels comparable with the existing neighbouring residential areas of Chaucer Close, Gibson Close, Coleridge Close, and Campbell Close. These existing areas are fairly quiet, therefore it can be reasonably expected that the proposed development and its occupants would exhibit similar characteristics, which is not something I can object to.
- 4.3.78 Potential noise from residents cars and other traffic using the proposed access drive has been specified as one concern relating to noise. I acknowledge that noise from residents and other vehicles such as refuse lorries, delivery vans etc. would cause noise along the access road and within the site itself. Within the site leading away from the access drive, the road network is essentially a series of cul-de-sacs. In each of these cul-de-sacs, it is considered that vehicle noise and other related disturbance would be small and comparable to the quieter residential streets of Gibson Close, Coleridge Close, and Campbell Close, therefore I do not consider this would be harmful to amenity.
- 4.3.79 The Transport Assessment submitted with the application indicates predicted two-way vehicle trips into and out of the site over a 12 hour period on weekdays of a total of 465. Per hour this would be 38.75 trips, which would be a little less than one two-way trip every two minutes. Slightly more of these trips are expected during morning and evening commuting peaks of 8-9am and 5-6pm, resulting in the average number of trips in the other 10 hours being 37 per hour. One such trip every two minutes or slightly less would be audible, however I do not consider this amount of traffic relatively light and not harmful to amenity. A further factor is the expected traffic noise

compared to noise generation from the existing pitches, where this pitch noise is considered more harmful as it would be generated from each pitch for periods of at least half an hour at a time, whereas noise from passing cars will dissipate quickly. The Council's Environmental Health Officer has also not objected to noise generation from traffic using the access drive. I consider this impact of the proposal acceptable.

- 4.3.80 Some nearby residents have raised concerns relating to crime. I acknowledge that the connections proposed into the development from the adjacent footpath could present opportunities for additional routes away from Chaucer Way, Campbell Close and Coleridge Close. However no concerns relating to crime have been raised by the Police Liaison Officer, which is given significant weight. There is any case a requirement for pedestrian access points from the development onto the footpath and Chaucer Way to promote sustainable travel and ensure the development would be well-connected with its surroundings, which are considered to outweigh concerns relating to crime.

Amenity of Future Occupiers:

- 4.3.81 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. Matters relating to whether future residents would have acceptable living conditions concern the quality and quantity of internal space, quality and quantity of outside amenity space, outlook and light that would be received by main habitable rooms and gardens, the privacy of dwellings and their rear gardens, impacts of noise and light from the proposed sports pitch and existing other sources, and overall whether residents would have a satisfactory quality of life in the development.
- 4.3.82 Guideline 5 of Policy 57 of the adopted Local Plan states that within a dwelling, the total space and the size of rooms should meet the reasonable requirements of the expected occupants and serve their intended purposes. The proposed bedrooms would be doubles or spacious singles, with other main habitable rooms such as living rooms being spacious with user-friendly layouts and shapes. Internal main habitable rooms are therefore considered acceptable and meet the objectives of Policy 57.
- 4.3.83 Policy D1 of the emerging Local Plan states that residential development should meet or exceed the nationally described space standards, dating from 2015. The individual rooms and overall living space of the flats are in accordance with or exceed these standards, therefore the internal living space proposed is considered acceptable.
- 4.3.84 Guideline 8 of Policy 57 of the adopted Local Plan sets out requirements for amenity space provision. With regard to private amenity space, Guideline 8 states:

The sizes of gardens or private amenity space in a new housing development should relate to the needs of future residents and to the amount of public amenity space. The larger the house, the greater generally should be the garden area, and thus public amenity space can be towards the minimum. However, for high density developments such as small, terraced houses or flats, the Council would expect a higher amount of public amenity space. On the basis of an average 15 metres minimum back garden depth, a rough guide would be private amenity space of 75 square metres.

Flats also require a minimum reasonable private utility and amenity space. For general and elderly persons housing, 18 square metres per one-bedroom flat should be provided with a further 10 square metres for each additional bedroom.

- 4.3.85 Guideline 8 does not set minimum amenity space requirements for individual dwellings, but that the space provided should reflect the needs of future residents. The amount of public amenity space is also a factor in whether amenity space would be sufficient, and can include space proposed within a site as well as existing space outside a site.
- 4.3.86 With this application, all dwellings would have private rear gardens. The majority of those gardens would be over 75 m², with the average size being around 100 m². Six dwellings would have rear gardens under 75 m², varying in size from 55 m² to 67 m². This is not ideal and could be indicative of too many dwellings on the site, however the gardens are would provide some usable private amenity space. In addition there would be combined large areas of public open space available within and outside the site (Purwell Meadows). I therefore consider private amenity space provision for the dwellings acceptable.
- 4.3.87 Regarding the flats, Guideline 8 specifies that they should have 18 m² per one bedroom flat, with a further 10 m² for each additional bedroom. Flats A, B and C would have a private amenity area of 369 m². Flats D would have a private amenity area of 149 m². These areas include narrow strips at the front of these flats between the buildings and planting, and realistically may not be of the quality required to be usable. I consider that amenity space within the curtilages of the four flats would fall under the requirements. However, the wider site includes two areas of public open space a short walk away, with the large area of open space Purwell Meadows also within easy walking distance. Due to this availability of public open space, I consider that occupants of the proposed flats would have access to sufficient amenity space.
- 4.3.88 The amount of public open space within the site would be 5100 m². Guideline 8 states with regard to public open space provision:
- Where public open space can reasonably be expected, the National Playing Fields Association standards will be used: 0.4 hectares/1000 population for informal open space; and between 0.6 and 0.8 hectares/1000 population for children's playspace. As a minimum standard for say 50 houses, 500 square metres and 750 square metres will be required respectively. More will usually be expected depending upon the types of dwellings and the location of the space within the layout. In relation to the size of playspaces, approved play equipment for children should be provided. This equipment and the land for public open space should be dedicated to the Council.*
- 4.3.89 The amount of public open space within the site far exceeds the above, with 2488 m² of informal open space and 2709 m² of children's play space (including satisfactory children's play equipment) proposed. The public open space and play equipment would be managed and maintained by an appropriate management company as specified in the applicant's Soft Landscape Management and Maintenance Plan. No objections to this approach have been raised by the Council's Leisure and Parks and Open Spaces sections. I consider the management of the public open space proposed acceptable, which can be secured by appropriate condition/legal agreement.
- 4.3.90 The proposed dwellings and flats would be of fairly conventional internal layouts, with main habitable room openings on their front and rear elevations. As such, it is considered that they would receive sufficient outlook and light. The dwellings would largely have satisfactory relationships and sitings with each other and the flats which could be reasonably expected from a residential development of this scale, and would not be unacceptable. The dwellings and flats would be located sufficiently far from other buildings and structures within and outside the site, including the proposed College sports facilities, to avoid experiencing overbearing impacts and loss of light from them.

- 4.3.91 The dwellings and flats would have rear gardens and plots varying in depth from 10m to 15m, which are considered would provide a reasonable and acceptable level of mutual privacy between them. Potential overlooking from nearby dwellings outside the site is not considered unacceptable, with distances from their rear elevations to the gardens of the proposed dwellings largely being a minimum of 10m. A first floor side window of No. 10 Coleridge Close is closer than this, however this side window is considered to serve a stairwell therefore the degree of overlooking from this would not be considered harmful.
- 4.3.92 Flat blocks A, B and C, and dwellings 24 and 25, would be closest to the proposed sports pitch and therefore would be most exposed to light and noise from it. Flat block A, specifically it's north-west elevation and two attached gable ends, would be closest to the pitch and its lighting. Lighting from the pitch would be visible from openings of block A, however this would be limited to the operating hours of the pitch, would be known in advance by future occupants, and has not been objected to by the Council's Environmental Health Officer. No other proposed residential properties would also be adversely affected by lighting from the pitch. Other potential sources of light pollution to future residents are either too small in scale or sufficiently far away to avoid causing any adverse effects.
- 4.3.93 Noise from sports taking place on the pitch would be similarly restricted by its opening hours, would be less apparent from the goal end closest to the residential area than the middle of the pitch, while prospective occupants would also be aware of the pitch and its likely effects. The recommended hours of operation condition would restrict noise to appropriate times. There are no other noise sources nearby that could result in adverse living conditions for occupants of the proposed residential development.
- 4.3.94 Overall, occupants of the development would have access to sufficient amenity space, outlook, light and living conditions. The site would have a well-designed fairly attractive and interesting environment including soft landscaping/planting. Routes for walking and cycling would be available within the site with wider connections externally, which would allow pedestrian and cycle access to nearby schools, shops and Hitchin railway station. I consider that the development as a whole would provide satisfactory living conditions for potential occupants.

Sports and Community Facilities:

- 4.3.95 The proposal will involve the demolition and loss of an existing sports hall, smaller sports building (contains squash courts and a gym), two artificial sports pitches (one a full-size football pitch), and land that can accommodate four grass sports pitches. The sports facilities proposed are a replacement full-size artificial pitch, another full-size pitch at The Priory School in Hitchin (to be financed and secured by an appropriate Section 106 legal contribution), and a new sports building including a sports hall and a gym.
- 4.3.96 Summarising the above, there would be a loss of four grass pitches and squash courts. There would be a gain of one artificial full-size pitch (delivered off-site), and a new upgraded sports building with new facilities.
- 4.3.97 The adopted Local Plan does not contain any saved policies concerning the loss of sports facilities. Policy HC1 of the ELP does however concern the loss of community facilities, which would be permitted if replacement facilities are provided, or there is no local need for them, or that the facility is no longer viable. HC1 cannot be afforded full weight as the public examination of the ELP is not concluded. Section 8 paragraph

97 of the NPPF contains similar wording to HC1, with the NPPF being a material consideration.

4.3.98 The main concerns are the loss of the grass pitches and the squash courts. In assessing whether the proposal with regards to the resulting provision of sports facilities is acceptable, the Council have consulted Sport England, whose comments are given significant weight. Sport England have not objected to the principle of the development with regards to changes to sports facilities, with benefits from a new full-size artificial all-weather pitch at Priory School considered significant. Sport England have agreed to the draft Section 106 agreement. Existing customers have been found nearby facilities of an acceptable quality which meet the approval of Sport England, which have reached agreement with the applicant to use the suggested temporary facilities. Appropriate phasing of the construction of the new facilities will be set by condition/planning obligation, ensuring present sportspersons and teams will not experience a detrimental loss of facilities in the short to medium terms, with the phasing being that the new sports facilities on and off site would be provided within 12 months of the uses of the existing facilities ceasing. The proposal with regard to sports facilities are considered acceptable.

Parking, Sustainable Transport, and Highways:

Parking

4.3.99 New car and bicycle parking is proposed for the College and for the residential development. For the College, 121 marked spaces and a further gravel unmarked parking area would be lost, amounting to approx. 170 parking spaces. The new College facilities include 88 spaces, a reduction in current provision of approx. 80 parking spaces. Four minibus parking spaces are also proposed. The total number of parking spaces within the College site would be 151.

4.3.100 The amount of parking spaces on the site would be reduced substantially, however there would also be a reduction in the amount of sports facilities. The Council's 2011 parking standards SPD requires a maximum provision of 20 spaces per outdoor football pitch as a maximum. Fitness centres/sports clubs should have a maximum of 1 space per 15 m² gross floor area, which is considered partially relevant to the sports building – it is considered that some College students may use the sports building when also attending the College for classes, therefore resulting parking on the site would serve more than one purpose. The sports building would measure approx. 1500 m², resulting in a maximum requirement of 100 spaces. The gym and the sports hall are relatively small, therefore I do not consider that customers using these areas would be anywhere close to the maximum 100 spaces of the SPD. I consider that parking provision for the College would be at acceptable levels.

4.3.101 Cycle parking for 32 bicycles is proposed to the front and side of the sports building. The 2011 SPD requires a minimum of 1 short-term space per 10 players/participants at the busiest period for the pitch; and 1 short-term space per 25 m² gross floor area and 1 long-term space per 10 full-time staff.

4.3.102 The cycle parking for the sports pitch would be considered to meet the above requirements. Sixty cycle spaces would be required as a minimum for a fitness

centre/sports club with an equivalent floor space to the proposed sports building, with probably two to three cycle spaces required for staff. However, it is not considered that the provision per floor space is directly applicable to the College sports hall as it is not a standalone commercial fitness centre that would be open regularly to the general public. Its gym and sports hall are relatively small, and with the location of the building at the rear of the College campus it is not considered that it would attract larger numbers of the general public. The cycle parking provision would also be a significant upgrade to the existing situation, where there is presently no such parking next to the existing sports buildings. Cycle parking is therefore considered acceptable.

4.3.103 Turning to the residential development, each dwelling would have a minimum of two parking spaces, with the majority having three spaces. The Council's minimum parking standards are for dwellings with two bedrooms or more to have a minimum of two parking spaces, therefore parking provision for the dwellings would comply with these standards.

4.3.104 The flats are a mix of one and two bed units. One bed units require one parking space, with the 2 bed units requiring two spaces. Flat block D would contain 5 one-bed flats and 4 two-bed flats, therefore requiring 13 spaces. Ten spaces would be provided, which would be a deficit of three. For these flats I do not consider the deficit significant, while block D is on a part of the site closer to the public footpath and cycle routes with residents considered less likely to be reliant on the private car, therefore I consider parking provision for flat block D sufficient.

4.3.105 Flats A, B and C would in total have 11 one-bed flats and 12 two-bed flats, resulting in a minimum requirement of 35 parking spaces. 23 spaces would be provided, which would be a deficit of 12 spaces. This would be a larger and more significant deficit than block D of approx. 35% under the requirement. Appendix 4 of the ELP, which refers to residential car parking standards, states that 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. In this case each flat would at least have one parking space, and would be on a part of the site benefitting from pedestrian and cycling connections being a short walk from Hitchin railway station, therefore it is not considered that each two bedroom flat requires two parking spaces. The under-provision will also encourage more sustainable modes of transport such as cycling. I do not therefore object to parking provision for flats A, B and C.

4.3.106 Visitor parking standards in the 2011 SPD and ELP are 0.25 spaces per dwelling with no garage, and 0.75 spaces per dwelling with a garage. The majority of the proposed dwellings would have garages, therefore total visitor parking should be weighted towards 0.75 spaces per dwelling. Only two visitor parking spaces are proposed, which are south-west of flat block D, which is therefore a large under-provision of such spaces.

4.3.107 The Council's parking standards state that reductions in provision will be considered where:

1. *Alternative publicly available off-street parking is available within 2 minutes' walk of the site;*
2. *Visitor parking arising from small-scale (i.e. infill) development can be accommodated on-street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate; or*
3. *Relevant evidence is submitted by the applicant which supports a reduction in standard and considers existing and future car ownership and likely visitor demand.*

- 4.3.108 The applicant has provided a Transport Assessment (TA), which includes a section on residential visitor parking. The TA states that the Council's parking standards would require a total of 216 parking spaces plus 29-87 visitor spaces. The TA then states that 266 parking spaces are provided; comprising 227 curtilage spaces for the dwellings, of which 166 would be allocated and the remaining 61 would be additional on-plot visitor parking; and other spaces for the flats (which will be discussed separately).
- 4.3.109 Many of the proposed dwellings would have three spaces in their curtilages, therefore it is considered that the third spaces in addition to the two other minimum required spaces can be reasonably considered as being visitor spaces. 61 of the proposed 84 dwellings would have a third 'visitor space' resulting in a shortfall of 23 spaces, falling to 21 when including the two spaces near flat block D. The TA states that this level of parking, which takes account of local car ownership rates and the accessible location of the Site, provides a level of restraint while giving a realistic level of car parking which is unlikely to adversely effecting on-street parking capacity in the local area.
- 4.3.110 The proposed parking numbers and arrangements for the dwellings would I consider result in visitors using the in-curtilage spaces and parking on the street outside the visited dwelling. Due to the convenience of wanting to park close to the dwelling being visited, I consider that visitors would primarily park within the site. Some visitors would also walk or cycle to the dwellings due to the site's access to public and sustainable transport. Given the type, scale and location of the proposal I do not object to the visitor parking arrangements for the dwellings.
- 4.3.111 The flats would have their own visitor parking. Flat block D would have two visitor spaces, however they would be outside its plot where I consider visitors to other properties or other residents may park there instead, therefore these two spaces may not be a reliable source of visitor parking for block D. Block D would require two visitor parking spaces under present Council parking standards, therefore there would be a shortfall of two visitor spaces given the two spaces on the street would be likely to be used by non-visitors to D. Blocks A to C would have 4 visitor spaces, which would be a shortfall of two. There would be an overall shortfall of four visitor spaces for all of the flats which is likely to result in visitors arriving by car parking on the streets of the development, however visitors may also arrive by other means of transport given the location of the site and proposed external connections.
- 4.3.112 Cycle parking for the dwellings would be available within the garages or elsewhere within the curtilages of the dwellings. Each flat block would have its own internal and external bike storage areas, which are considered to provide an acceptable quantity and quality of storage.

Internal circulation/routes

- 4.3.113 The pedestrian, cycling and vehicle routes and turning areas serving the College part of the development have not raised objections from the County Council highways authority, and are considered acceptable.
- 4.3.114 The road layout proposed for the whole site includes sufficient manoeuvring space for large refuse vehicles (as stated by HCC highways), therefore refuse will be able to be collected safely and without unreasonably disrupting the flow of traffic in the proposed development. Refuse collection arrangements in terms of bin storage etc. are acceptable, on the basis of the absence of objections from the Council's Waste Officer. This also means that other large vehicles and residents cars etc. would be able to sufficiently navigate the development on roads and junctions of an appropriate and acceptable design and width.

4.3.115 A key requirement for new residential development of this size is to provide opportunities for pedestrian and cycle transport that will encourage these modes of sustainable transport. The layout for the residential development will comprise shared surface streets and more traditional streets with 2m wide footways on each side. The main access road would be 5.5m wide with a 2m wide footway on at least one side. This road would be shared with cyclists, using two proposed sinusoidal humps, differences in road texture, and links to the main shared cycle way (and to external highways). These measures are supported by the County Council highways officer as they would ensure that cycle permeability across the site is maintained in accordance with paragraph 110 a) of the NPPF. I consider that the quality of infrastructure proposed within the site for cyclists and pedestrians is of a sufficiently high standard to encourage these modes of travel within the site.

External connections and impacts on the public highways

4.3.116 To further encourage cycling and walking of residents, various external links and alterations/contributions to existing transport infrastructure are proposed or have been agreed to be provided by the applicant. These comprise the following:

- Three new pedestrian links (steps are proposed for the southern link) onto adjacent public footpath FP 83.
- Full re-surfacing of the adjacent public footpath with improvements to lighting to meet current specifications.
- A pedestrian and cycle link onto Chaucer Way at the south-east corner of the site, involving widening and re-surfacing to make this a suitable entry/exit point.
- Improvements to the existing accesses of St Michael's Road and Cambridge Road to provide raised pedestrian crossings and improved vehicular access.
- Improvements to the two closest bus stops to the site on Cambridge Road and St Michael's Road to provide real time information display screens.
- Dropped kerbs and tactile paving at nearby junctions to provide additional crossing points.
- A Travel Plan, and one Car Club bay.

4.3.117 Some of the main sources of objections from local residents concerns an increase in vehicular traffic from the development and its knock-on effects on this part of Hitchin, which can experience congestion during peak journey times. For the College development it is not considered that this will result in an increase in vehicular traffic as the increase in the floor space of the new sports building compared to the existing is small, and as there would not be an increase in the numbers of College students. A further consideration is the loss of all existing pitches (excluding the re-sited large artificial pitch), which would result in less vehicular traffic through this fall in sporting activities. The County Council highways officer does not consider the College facilities would increase vehicular traffic, therefore these parts of the proposal are not considered to result in additional impacts on traffic flow and the operation of the public highway.

4.3.118 The potential for new traffic from the residential element has generated the most controversy. The applicant has provided modelling of predicted additional vehicular traffic and its impacts, which has been assessed by the highways officer. The detailed comments of the highways officer relating to this are as follows:

Vehicle Trips for Proposed Residential Dwellings

The TA (para 3.2) has confirmed that the proposed residential development is mix of 33 flats (16x1bed + 17x2bed) and 83 houses (49x3beds+30x4beds). To determine

the potential trip generation associated with the development the applicant has used the TRICS database.

The parameters used are acceptable to the Highway Authority.

Based on the above, the TA claims that the residential part of the proposed development would generate a total number of 465 vehicular trips over 12 hrs period in a weekday of which 50 will be undertaken in the am peak and 45 in the pm peak . This is also a similar scenario as carried out by the Highway Authority and would acceptable.

Trip Distribution and Assignment

Vehicle trip distribution assumptions for the proposed development has been provided in the TA (para 6.17). The trip distributions through each of the assessed junctions were derived using Census 2011 Travel to Work statistics. This is a standard approach and considered acceptable for the purposes of the assessment. The percentage distribution based on the travel to work data is as follows:

- 38.14% of the development trips were routed via St. Michaels*
- 27.53% of the development trips were routed via Cambridge Road (westbound)*
- 15.81% of the development trips were routed via Cambridge Road (Eastbound)*
- 9.53% of the development trips were routed via Willian Road.*
- 8.68% of the development trips were routed via Woolgrove Road and*
- 0% of the development trips were routed via Meadowbank*

The distribution has been checked and found to be broadly robust.

JUNCTION MODELLING AND CAPACITY TESTING:

The TA has input the trip generation, surveyed traffic flows, and traffic distribution assessment into the modelling process. The two site accesses have been modelled, as has the Cambridge Road / St Michaels Road / Meadowbank roundabout and the Cambridge Road / Willian Road junction. Base 2019 models have been produced as have future year 2024 models, both with and without the development (for comparative purposes). TEMPRO growth rates have been applied to the 2024 model to take account of other wider increases in traffic levels across the network in the vicinity of the site.

The outputs show that the two site accesses (one onto Cambridge Road and one onto St Michaels Road) operate well within capacity currently and will continue to do so with the new development in place. There will be no discernible increase in queuing at these two accesses.

The Cambridge Road / St Michaels Road / Meadowbank roundabout is shown to operate within an acceptable capacity level both with and without the development, with all Ratio to Flow Capacities (RFCs) below 0.85. An RFC above this figure is generally accepted as the point at which a junction begins to struggle with the amount of traffic routing through it, and larger queues form. However, in this case a maximum of 2 extra queuing vehicles is shown as result of the development, which will occur in the evening (5-6pm) peak hour on the St Michaels Road arm. Nevertheless, in the original TA the applicant had not undertaken a calibration/validation exercise of this model, and the base 2019 base model did not match well with the observed queue lengths in reality. The Highway Authority therefore requested this exercise be undertaken, and the applicant has since resubmitted a revised model for this junction. This now more accurately represents the observed queue lengths at the junction, but still shows that the impact of the development is just

In terms of the Cambridge Road / Willian Road signalised junction model, the TA included a side-by-side comparison of the base model queue lengths with the measured queue lengths, and broadly these match up. As with the other models above, this model has been checked by our Traffic Data and Modelling team and found to be broadly robust. The impact on this junction as a result of the development is somewhat more noticeable, with a maximum increase of 5 queuing vehicles on both Cambridge Road approaches in the morning peak hour (8-9am). However, this could not be considered as severe in the context of paragraph 109 of the NPPF.

4.3.119 To summarise the above, the applicant has provided acceptable modelling of expected increases in vehicular traffic and how this will affect existing traffic. The two site accesses operate well within capacity, and the development will not generate a discernible increase in queuing there. Impacts on the nearby roundabout have been modelled as being an extra two queuing vehicles, which will occur in the evening peak of 5-6pm. In terms of the Cambridge Road/Willian Road signalised junction, the impacts would be more noticeable with a maximum increase of 5 queuing vehicles on both Cambridge Road approaches during the morning peak of 8-9am. The County Council highways officer considers these impacts minimal and not sufficient to raise objections, which I do not disagree with.

4.3.120 Impacts on the public highway from vehicular traffic from the residential development are therefore considered minimal and not of a scale whereby objections could reasonably be raised. Furthermore the improvements specified in 4.3.116 and the emphasis on encouraging sustainable modes of travel within and out of the site follow best practices and would encourage less car journeys. For the reasons above, and giving significant weight to the absence of objections from the County Council highways officer, I do not consider that the proposal would adversely affect the operation of the public highway while also providing sufficient mitigation to account for increased demands on those highways and public transport.

Trees and Landscaping:

4.3.121 The site contains 8 mature trees near the existing sports and main College buildings, and a hedge/planting that is part of the sound-proofing in the southern area of the site. These trees and the other planting are proposed to be removed to allow for the construction of the development. Three other trees are also proposed to be removed in association with the provision of the access road.

4.3.122 The hedge and other planting at the sound-proofing barrier are not considered significant, therefore there are no objections to their removal. The latter three trees referred to above are part of larger groups of mature trees, therefore their losses are small in this context and are not considered detrimental. The other 8 trees are further back into the site and make a visual contribution to this part of the site, however I would not consider this significant due to their limited number. It should be noted that these trees aren't protected by Tree Preservation Orders and are not in a Conservation Area, therefore the applicant could remove them at any time without needing consent from the LPA.

4.3.123 The application includes a large amount of new planting, in particular along the entrance road, between the new sports pitch and the residential area, and around the north-east boundary with Purwell Meadows. Tree planting is also proposed near the new sports building and its car park, along the middle residential road, and within the larger area of public open space. These trees would be young and 3-3.5m in height, however the amount of planting is considered significant and largely of deciduous trees. The quality and quantity of new tree planting is considered to outweigh the

relatively small loss of existing trees. There would in addition be ecological and environmental benefits, which will increase over time, with further benefits from the planting of other vegetation proposed.

4.3.124 The hard and soft landscaping proposed within the site is considered to be of an acceptable balance between the two, with trees, vegetation and lawned/grassed areas providing an appropriate softening of the harder surfaces. The hard surfaces are also proposed to be varied, employing surface types ranging from tarmac for the main access road to block paving/gravel for smaller areas of hard surfacing such as some of the parking spaces, which will add interest to the development. Not all hard surfacing details have been provided for the residential element, however it is considered that they can be reasonably required by condition.

4.3.125 Long-term management of the landscaping will be by the owners/occupiers of the individual dwellings for their curtilages; and a company for the management of the public open space, roads, paths, and play area to be secured as part of the S106 legal agreement. Further details are set out in the Soft Landscape Management and Maintenance Plan. These arrangements are considered satisfactory.

4.3.126 There will be removal of three parts of the hedge on the south-west boundary of the site with the public footpath to provide access to it. The sections of the hedge to be removed would be 2m wide for each point, therefore losses will be limited and not harmful. In any case these will be more than compensated by new planting proposed.

4.3.127 A sensitive part of the site is its north-east boundary with Purwell Meadows. From the boundary into Purwell Meadows, the land drops down fairly steeply and has trees and vegetation extending from the boundary. College development will be further from the boundary than the existing parking and artificial pitch and will also include new tree planting, which is considered to be an improvement to the existing.

4.3.128 The dwellings, residential roads and paths will be separated from the boundary with Purwell Meadows by the largest area of open space, and a smaller buffer between dwellings 24 to 27. There will in addition be tree and vegetation planting along much of the boundary with Purwell Meadows, which will provide an appropriate barrier between the development and the Meadows.

4.3.129 In terms of impacts on the wider landscape, the College development will be sited close to the existing campus and facilities to be demolished, with the sports building being relatively far from the Purwell Meadows boundary. As such I do not consider that the new College facilities would be harmful to the landscape.

4.3.130 The residential development will be more visible and prominent than the existing sports pitches and proposed College development. It would be most visible from Purwell Meadows to the north-east, with less visibility from open land to the south-east of Chaucer Way, and from some higher land on parts of the Cambridge Road towards Letchworth. I do not however consider this visibility harmful on its own to the wider landscaped setting as the residential development would be set away from the Purwell Meadows boundary, the development closest to the north-east boundary would be lower than the larger development which is sited more appropriately closer to the College and existing residential development, and as the residential development would not project further forwards than the north-east side of No. 2 Chaucer Way which marks the north-east extent of residential development in this area of Hitchin before Purwell Lane. Due to the above factors I do not consider that the development would be harmful to the wider landscaped setting of the area.

- 4.3.131 The applicant has provided a detailed Ecological Assessment, and a Biodiversity Net Gain Assessment. The application site is largely amenity grassland, man-made hard surfaces (artificial pitches, car parks etc.), some trees and hedges, and College buildings. The site supports commuting and foraging bats; and the boundary features have the potential to support hedgehog, foraging badgers, nesting birds and reptiles. The site was not however identified as containing existing habitats of any significance.
- 4.3.132 A large amount of new planting is proposed to compensate for the removal of existing site features. Mitigation and enhancement measures also include new bird boxes, bat boxes, bee bricks, hedgehog holes and insect hotels. These measures have been calculated as achieving an 11.49% increase in habitat units and a 39.14% increase in hedgerow units. Together these measures have been considered acceptable by Hertfordshire Ecology as providing a sufficient net gain in biodiversity therefore meeting the aims of the NPPF. Given the expertise of Hertfordshire Ecology I do not disagree with their assessment. The ecological improvement and mitigation measures proposed for the site are considered acceptable, and can be secured by condition.
- 4.3.133 The site also shares a boundary with the Purwell Meadows Local Nature Reserve and Local Wildlife Site, which contains the river corridor with woodland, scrub and grassland. The proposed development will not physically affect these habitats, although there will be impacts from increased recreational pressure and urban-edge effects from the development. To mitigate this, the applicant has agreed to provide £10k financial contributions as part of the Section 106 agreement which would include measures such as improvements to footpaths and signage, habitat management and creation, additional litter/dog bins, increased litter picking, and direct improvements to the river habitat. These measures have not been objected to by Hertfordshire Ecology which is given significant weight in their favour, therefore with these measures it is not considered that the proposed development would adversely harm Purwell Meadows.

Drainage and flood risk

- 4.3.134 The proposed development is adjacent to the River Purwell which is a chalk stream, and is adjacent to the Purwell Meadows nature reserve on the other side of the river. The drainage strategy is based on separate drainage arrangements for the College and residential elements. The drainage strategy for the site is based on attenuation and discharge into the River Purwell.
- 4.3.135 This approach, following detailed discussions and negotiations with the Lead Local Flood Authority (LLFA), resulting in pervious hard surfaces and filter drains that will discharge run-off water to an attenuation basin with restricted water discharge to the Purwell. The basin has been designed to have capacity for a 1 in 100 year event plus 40%.
- 4.3.136 The LLFA consider this approach and the detailed mechanisms proposed acceptable, and do not raise objections. There have not been any objections from the Environment Agency. The LLFA have recommended conditions relating to completion of the proposed drainage works and some more minor technical matters. Given the expertise of the LLFA and the EA, and the lengthy detailed discussions that have taken place to reach this point, I do not disagree with the opinions of these consultees which I give significant weight. On this basis I consider that the proposal is acceptable with regards to drainage and flood risk.

Planning obligations

4.3.137 The applicant proposes a variety of planning obligations. As set out in paragraph 56 of the NPPF, planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Following detailed negotiations with the applicant, agreement has been reached on a range of matters that are included in a draft S106. All of the S106 obligations are listed in the following table:

Element	Detail and Justification
Affordable Housing (NHDC)	On site provision of 17 affordable dwellings based on 65% rented tenure (units of mixed size) and 35% shared ownership (units of 3 bedrooms) NHDC Planning Obligations Supplementary Planning Document Submission Local Plan Policy HS2 'Affordable Housing'
Childcare Service (HCC)	Contribution of £14,105 towards childcare provision as part of the new 2FE primary school on the Highover Farm, Hitchin development site. Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Primary Education contributions (HCC)	Contribution of £1,012,343 (before indexation) towards the new 2FE primary school on the Highover Farm, Hitchin development site. Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Secondary Education contributions (HCC)	Contribution of £268,607 (before indexing) towards either the expansion of The Priory School (in Hitchin) or the expansion of existing secondary schools in Letchworth Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Library Services	Contribution of £100,000 (before indexing) to go towards providing

(HCC)	<p>additional capacity at Hitchin Library</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>
Youth Services (HCC)	<p>Contribution of £5,198 (before indexing) towards providing additional capacity at the Hitchin Young People's Centre.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Sustainable Transport contributions (HCC)	<p>Contributions to upgrade and improve sustainable transport as follows:</p> <ol style="list-style-type: none"> 1. Contribution towards improving Public Right of Way FP083 2. Contribution towards improving the Cambridge Road junction 3. Contribution towards pedestrian improvements 4. Travel Plan document 5. £6,000 towards the assessment and monitoring of the Travel Plan 6. £84,000 (£122,560 index-linked) towards provision of an eastern access to Hitchin station. Members must note that this has been removed from the Section 106 contribution requirements following negotiations with the County Council highway authority over the costs and timing of the requisite highway works, in recognition of the viability and deliverability of the whole project. <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Ecological off-site compensation scheme (NHDC)	<p>Contribution of £10,000 towards off-site local ecology/biodiversity mitigation for the Purwell Meadows LNR</p>
Pitch Sports Contribution (NHDC)	<p>Contribution towards the provision of a new full-size artificial sports pitch at Priory School, Hitchin</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>
Waste Collection & Recycling (NHDC)	<p>Contribution based on NHDC Planning Obligations SPD (figures are before indexing):</p> <p style="text-align: center;">Page 61</p> <p>District Contributions:</p>

	<ul style="list-style-type: none"> - £71 per house - £54 per flat with its own self-contained garden - £26 per flat with shared or no amenity space <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>
Car Club Scheme (HCC)	Provision of one car club bay, to be made available for use in accordance with Travel Plan at no cost to the Council.
Open space/ landscape management and maintenance arrangements	<p>Private management company to secure the provision and long-term maintenance of the on-site public open space</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Community Use Agreement	Agreement to make the sports facilities available for community use, and not to use the Sports Facilities or allow the Sports Facilities to be used until a Community Use Agreement has been entered into

Affordable housing

4.3.138 This application is accompanied by a Viability Assessment that makes the applicant's case that the development costs associated with the application enabling the development of the College sports facilities prevent the provision of a level of affordable housing required by Policy HS2 of the emerging Local Plan (ELP) – i.e. 40% of all units to be affordable. The viability assessment has been reviewed by the Council's consultants and this has resulted in some of the assumptions over build costs, land values, profit levels, sales values etc. being queried.

4.3.139 Negotiations have been on-going between the applicant, the Council's viability consultants and officers to establish an agreed level of affordable housing provision. Having carefully and independently interrogated the applicant's evidence on viability, the Council's consultants have concluded that the maximum proportion of affordable housing that can reasonably be delivered on site from this scheme is 15%, taking into account expected costs of providing on and off-site sports facilities (which would also be available to the wider community). The Council's viability consultants stated:

The point we are making is that the context of this assessment is such that the cost of providing 'non revenue-producing elements' is being used to justify a reduction in affordable housing provision. It is for the Council to decide whether this trade-off is acceptable, i.e. presumably considering matters of balance including whether those non revenue-producing elements are of sufficient benefit to the community, or similar, to offset a reduced provision of community benefits in the form of affordable housing.

The applicant's summary of viability discussions is considered accurate, and demonstrates that providing more than the 15% of affordable housing proposed would not provide a sufficient developer's premium (as set out in Viability Planning Practice Guidance) to provide a reasonable incentive for the site to be brought forwards for development. Benchmark Land Value (which covers the value of the existing use; reflects abnormal costs, site-specific infrastructure costs, and professional site fees; and a premium to landowners) is higher than Residual Land Value (sales proceeds

minus costs of the development) for the proposal calculated by both the Council's and the applicant's viability consultants, leaving no further funding available for a greater affordable housing contribution when taking into account costs of meeting required planning obligations.

4.3.140 Officers have been made aware of a potential additional source of funding for this development proposal from the Local Enterprise Partnership (LEP). This funding has not been secured but if delivered would have conditionality attached. Part of the purpose of this funding would also be to ensure the long term viability and sustainability of the proposed new sports facilities and for the community, to be secured through the community use agreement (part of the proposed S106 Obligation). This funding is not secured and if it is it will be conditional on how the sports provision is managed and maintained in the long so on that basis has not formed part of the viability appraisal.

4.3.141 The breakdown of affordable housing would be 15% of total units, being 17 units. This would be separated into 5 one bed flats, 5 two bed flats, and 7 three bed dwellings. Six units (35%) would be for shared ownership, with the remaining 65% (11 units) for affordable rent. This level and type of affordable housing has been the most that can be expected given the viability of the scheme.

4.3.142 Policy HS2 of the ELP would require 40% affordable housing. The ELP is still however subject to the Examination in Public process and therefore full weight cannot be attached to the policies in the Plan at this stage. Through extensive dialogue and detailed advice I have received from the Council's independently appointed viability consultants I consider that the applicant's viability evidence has been robustly examined. The affordable housing provision is also closer to the 25% required by adopted Local Plan Policy 29A, albeit still lower. On this basis and giving some weight to the emerging affordable housing policy I am satisfied that the affordable housing proposal which has been negotiated is the best that can be achieved for this development scheme.

Other obligations

4.3.143 The other obligations that have been requested are for:

- Childcare - £14,105.
- Primary education - £1,012,343.
- Secondary education - £268,607.
- Youth service - £5,198.
- Library service - £20,515.
- Upgrading of adjacent right of way.
- Upgrading two bus stops outside the site on Cambridge Road.
- Travel Plan and Car Club.
- Junction improvements for site entrances at St Michaels Road and Cambridge Road.
- New AGP at Priory School, Hitchin.
- Off-site ecological mitigation measures for Purwell Meadows - £10k.
- Phasing plan ensuring delivery of new sports facilities within the wider scheme and its community use.
- Open space and SUDs management and maintenance.

4.3.144 These obligations, and associated trigger points relating to the phasing of the development, have been agreed by the applicant and all relevant parties. These obligations are considered to meet the relevant tests in 4.3.137 and make the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure.

Climate Change Mitigation:

- 4.3.145 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. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste.
- 4.3.146 The applicant has included with the application an Energy Strategy Statement (ESS). The ESS states that the whole development (College and residential) will meet a level of energy efficiency and carbon emissions that would exceed current Building Regulations standards. This would be achieved through a ‘fabric first’ approach, focusing on thermal fabric efficiency, air tightness, orientation of dwellings to maximise solar gain, and effective heating controls. Each dwelling will also include at least one electric vehicle charging point within its plot. The applicant in the ESS has set out why carbon reduction technologies are not optimal and necessary here, with the priority given to reducing energy demand and improving efficiency considered an acceptable approach. The measures proposed (not including electric vehicle charging) would equate to a 6.03% reduction in carbon emissions and a 7.52% reduction in energy requirements compared to if the development was built to meet current Building Regulations standards. The proposed development is considered to have met its aims in minimising potential carbon emissions.

4.4 Planning Balance and Conclusion

- 4.4.1 Paragraph 11 of the NPPF states that where a local planning authority is not able to demonstrate a 5 year supply of deliverable housing sites, granting permission unless 1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.4.2 The LPA’s current housing land supply position is that 2.2 years can be demonstrated. 1) in the above paragraph refers to designated areas/assets such as Green Belt or Conservation Areas, which the application site is not within. Paragraph 11 d) ii. of the NPPF is therefore engaged, therefore this application should be assessed according to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 4.4.3 I will therefore list the adverse impacts and benefits of the proposed development so that the required balancing exercise can take place. The adverse impacts are considered to be:
- Loss of open space and impacts on Landscape and Open Space Pattern – I consider this harm limited as the open space is private and is used for sporting activities; and the impacts on the wider Landscape and Open Space Pattern would not small when the wider network is taken as a whole.
 - Higher density of dwellings than adjacent areas – I consider this harm limited as this density will be derived largely from flat blocks A, B and C which will be viewed partially in the context of the large College buildings they will be opposite. The self-containment of the site will also limit these impacts.
 - A housing mix that differs from ELP policies – This is limited as the mix does not differ significantly from the ELP, while the mix complies with the adopted Local Plan which does not specify percentages of different units.

- Visual impacts of the 2.5m high acoustic fence adjacent to part of the public footpath – This is considered limited as the fence would be set away from the path and would be softened by existing and proposed tree planting and vegetation.
- Small private gardens for some dwellings – This is limited as this applies only to a small number of dwellings, while large areas of public open space would be available within and near the site.
- Amenity space for the flats smaller than policy guidelines – This is limited as some amenity space would be provided while large areas of public open space would be available within and near the site.
- Loss of existing sports facilities – This would be temporary and limited, and agreement has been reached with existing sports clubs to use other facilities nearby on a temporary basis.
- Additional traffic generation – This would be limited and minimal in harm as only a small amount of additional cars could be expected at peak times, which has not resulted in any concerns from the highways officer.
- Loss of existing trees and vegetation – This harm is limited as tree and vegetation loss would be small.
- Pressures on Purwell Meadows – This harm is limited, with the mitigation measures proposed further reducing this harm.
- Affordable housing contribution of 15% - This is below the 40% currently required, however the applicant has put forwards viability arguments that have been accepted as justifying this level of provision. This is considered of limited harm given the amount of affordable housing has been justified and the new College and community facilities it would help enable.

4.4.4 The benefits are considered to be:

- The provision of 116 new dwellings on a 'windfall' site in a sustainable location that is relatively deliverable – This is a significant benefit given according weight, particularly in light of the Council's poor housing land supply position.
- The delivery of replacement sporting facilities for the College that would meet or exceed current standards which would be enabled by the proposed development – This would be a benefit to the College and wider community given significant weight, with the cost of doing so reflected with the affordable housing amount proposed.
- New planting and biodiversity gain – This is given moderate weight.

4.4.5 Taking the adverse impacts and benefits into consideration, the adverse impacts are all limited, and in some cases can be justified or are temporary. The benefits would be significant and would be considered to outweigh the adverse impacts. 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. It is recommended that planning permission is granted subject to appropriate conditions and the Section 106 legal agreement being signed that has been agreed in draft form.

4.4.6 Returning to the question of affordable housing delivery, I am of the opinion that the new sports provision which would be for the benefit of the long term sustainability of Hitchin College and the wider community through a community use agreement of this facility is a benefit that would be established through this development only at the expense of an additional 35% affordable housing within the housing scheme. In essence, if the priority for this site was delivering affordable housing to the maximum required under the emerging Local Plan policy then the wider enabling development of the new sports complex would not take place as it would not be economically viable to do so. This assessment is confirmed by the Council's expert independent advisor. Indeed, it could be argued that a requirement of 40% affordable housing would lead to an abandonment of the whole project in that the College would not sell the land to

CALA Homes if the wider new sports provision could not be secured and therefore there would be no housing delivery let alone affordable housing on this site or a new sports complex.

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, where Development A refers to the College development (Demolition of existing sports hall and squash court building, erection of new sports hall, provision of new 3G pitch, new car parking provision, remodelling of site to provide level access to new sports facilities), Development B refers to the residential development (116 residential dwellings, new access road, open space, landscaping and associated works), and the whole site where A and B are not specified:

1. Developments A and B - 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. Developments A and B - 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. Development B - Details and/or samples of materials to be used on all external elevations 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. Development B - Prior to commencement of the approved development, the following landscape details shall be submitted:

a) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed. The level of detail to be provided shall be equivalent to that of hard landscaping drawings CON22561-12A Sheets 1 to 3 relating to Development A.

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

5. Development A - The details of landscaping approved as part of the planning approval 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. Development B - The details of landscaping approved by discharge of condition and as part of the planning approval 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.

7. Development B - 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 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.

8. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

9. Development B - The use of the garages and 'drive thrus'/car ports hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate, shall remain in use for the parking of motor vehicles, and shall not be used in connection with any form of trade, business or commercial activity.

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site.

10. Development B - Prior to the occupation of any dwelling, details of electrical wiring to accommodate facilities for charging plug-in and other ultra low emission vehicles for each dwelling and each flat block shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of each specific unit.

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

11. Development A - The sports pitch hereby permitted shall only be used between 09.00hrs to 21.00hrs Monday to Friday, 0900hrs to 1600hrs on Saturdays, 09.00hrs to 14.00hrs on Sundays (0900hrs to 1200hrs in July and August), and closed on Bank Holidays.

Reason: To protect the residential amenity of existing and future residents.

12. Development A - The noise mitigation measures detailed in "Noise Impact Assessment, North Herts College", Report reference RP-01-19270, Rev 1, dated 28 November 2019 by Cass Allen Associates Limited shall be implemented (Section 4: 2.5m Noise barrier and Section 4.19 glazing and ventilation specifications for new dwellings). Use of the sports pitch shall not be permitted until the noise mitigation measures have been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

13. Development B - The noise mitigation measures detailed in "Noise Impact Assessment, North Herts College", Report reference RP-01-19270, Rev 1, dated 28 November 2019 by Cass Allen Associates Limited shall be implemented (Section 4: 2.5m Noise barrier and Section 4.19 glazing and ventilation specifications for new dwellings). No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

14. Unless otherwise agreed in writing by the Local Planning Authority, in connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To protect the residential amenities of existing and future residents.

15. Development A - Lighting for the pitch shall be in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

16. Development B - Land Contamination Condition

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

(i) The further intrusive investigation works recommended in the Phase 2 report submitted as part of planning application 20/00073/FP, and those requested by the Environmental Protection Department in response to this report;

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

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

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

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (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.

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

17. The measures set out in the submitted Ecological Assessment, and Biodiversity Net Gain Assessment (including any amendments and/or additions to these documents) shall be implemented prior to occupation of Development B, and thereafter shall remain in perpetuity.

Reason: In the interests of the protection of ecology and providing a net ecological gain within the site.

18. The development shall be completed in accordance with the measures set out in the Energy Strategy Statement (dated July 2020).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

19. Development A - No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. The programme and methodology of site investigation and recording as required

by the evaluation results

3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology.

20. Development B - No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as required by the evaluation results
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology.

21. Development A - The 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 19.

Reason: In the interests of archaeology.

22. Development B - The 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 20.

Reason: In the interests of archaeology.

23. The relevant part of 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 17 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

24. Development B - The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment reference 024/FRA/NHC/001 REVISION G dated December 2019 provided by AEQ Consultant Limited, Technical Report, reference 186980-01 dated 05 March 2019 provided by Ardent Consulting Engineers and the following mitigation measures:

1. Provide attenuation (approximately 1035m³ of storage, or such volume agreed by

the LPA) 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 (40%) event.

2. Implement drainage strategy based on permeable paving with sub-base, swale with filter drain, attenuation basin and restricted discharge at 15.1l/s (Qbar) into the River Purwell

3. Implementing the appropriate drainage strategy based on attenuation and discharge, with the outfall to be located above the 1 in 30-year fluvial event water level.

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

25. Development B - No development (except for demolition), in accordance with the timing / phasing arrangements, shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment reference 024/FRA/NHC/001 REVISION G dated December 2019 provided by AEQ Consultant Limited, Technical Report, reference 186980-01 dated 05 March 2019 provided by Ardent Consulting Engineers. The scheme shall also include:

1. Final outfall design and location above the 1 in 30-year fluvial event water level.
2. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features.
3. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
4. Details regarding any areas of informal flooding (events those exceeding 1 in 30-year rainfall event), this should be shown on a plan with estimated extents and depths and details of final exceedance routes.

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

26. Development B - Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

27. Development A - The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment reference

024/FRA/NHC/001 REVISION G dated December 2019 provided by AEQ Consultant Limited, Technical Report, reference 186980-01 dated 05 March 2019 provided by Ardent Consulting Engineers and the following mitigation measures:

1. 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 (40%) event.
2. Implement drainage strategy based on permeable paving with sub-base, swale with filter drain, attenuation basin and restricted discharge at 7.5l/s (Qbar) into the River Purwell
3. Implementing the appropriate drainage strategy based on attenuation and discharge, with the outfall to be located above the 1 in 30-year fluvial event water level.

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

28. Development A - No development (except for demolition), in accordance with the timing / phasing arrangements, shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment reference 024/FRA/NHC/001 REVISION G dated December 2019 provided by AEQ Consultant Limited, Technical Report, reference 186980-01 dated 05 March 2019 provided by Ardent Consulting Engineers. The scheme shall also include:

1. Final outfall design and location above the 1 in 30-year fluvial event water level.
2. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
3. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
4. Final drainage arrangements for the 3G Pitch included within the development proposal. This should include updated drainage calculations, drainage layout and any detailed drawings
5. Details regarding any areas of informal flooding (events those exceeding 1 in 30-year rainfall event), this should be shown on a plan with estimated extents and depths and details of final exceedance routes.
6. Silt traps for protection for any residual tanked elements.

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

29. Development A - Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage

network.

4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

30. Existing Access -Improved: Cambridge Road- Prior to the first use of the Sports Hall, the existing vehicular access onto Cambridge Road shall be upgraded to the satisfaction of the LPA, to provide a raised pedestrian crossing together with a right turn lane and new section of footways to each side of the access with tactile paving and dropped kerbs, as shown on the plan ref Ghosted right turn priority junction 191900-008 Rev C. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

31. Existing Access - Improved: St Michael's Road- Prior to the first occupation of the residential development hereby permitted, a revised plan should be submitted that shows the existing vehicular access onto St Michael's Road narrowed down (subject to tracking) and upgraded to provide a raised pedestrian crossing with tactile paving. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The access shall then be upgraded in accordance with the approved plans before first occupation of the residential development.

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

32. Chaucer Way shared path works- Before first occupation of the residential development, additional plans must be submitted which show improvement works to the shared path link between the site and Chaucer Way, this information will also include a timetable for the completion of the works. The works shall include widening of the path to 3m, resurfacing, lighting and provision of a dropped kerb crossing to each side of Chaucer Way. This work shall be constructed to the Local Planning Authority's satisfaction and completed in accordance with the agreed timetable.

Reason: In support of sustainable travel and to ensure compliance with paragraphs 108 and 110 of the NPPF.

33. No gating of pedestrian/cycle access- No gates, bollard, chain or other means of obstruction shall be erected between the site and Chaucer Way and the public paths of Hitchin 081 and Hitchin 083 unless details have first been submitted to and approved in writing by the Local Planning Authority. Pedestrian and cycle access via these shall be kept open and accessible in perpetuity by all as shown on Plan Proposed site layout (combined) 7944/P101.

Reason: In the interests of pedestrian permeability and in support of sustainable travel and to ensure compliance with paragraphs 108 and 110 of the NPPF.

34. Development B - Before commencement of the residential development, additional plans, drawn to an appropriate scale, must be submitted and approved in writing by

the Local Planning Authority which show the details of the location of dropped kerbs, tactile paving, and hardsurfacing materials (inclusive of footways, parking areas, roads, vehicle turning areas, shared paths, etc.). The works shall be undertaken before final occupation of the development.

Reason: To ensure that the development complies with Local Development Plan Policies and does not prejudice conditions of safety or traffic flow on adjoining highways.

35. Development A - No development shall commence until a Construction 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 / Statement shall include details of:
- a. construction programme and phasing;
 - b. Construction vehicle numbers, type, routing;
 - c. Access arrangements to the site;
 - d. Traffic management requirements
 - e. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - f. Siting and details of wheel washing facilities;
 - g. Cleaning of site entrances, site tracks and the adjacent public highway;
 - h. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - i. Provision of sufficient on-site parking prior to commencement of construction activities;
 - j. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - k. 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).

36. Development B - No development shall commence until a Construction 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 / Statement shall include details of:
- a. construction programme and phasing;
 - b. Construction vehicle numbers, type, routing;
 - c. Access arrangements to the site;
 - d. Traffic management requirements
 - e. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - f. Siting and details of wheel washing facilities;
 - g. Cleaning of site entrances, site tracks and the adjacent public highway;
 - h. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - i. Provision of sufficient on-site parking prior to commencement of construction activities;
 - j. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - k. 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).

37. The existing dropped kerb pedestrian crossing in Cambridge Road as shown on the approved plan 191900-011 C Pedestrian and cyclist improvements shall be permanently closed and the footway reinstated to the satisfaction of the Highway Authority before first use of the sports complex.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

38. Development A - Before the development hereby approved is first used, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

39. Development B - Before each phase of the development hereby approved is completed, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

40. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

41. Development A - No development shall take place until a Landscape and Ecological Management Plan including any necessary method statements for:
- o the on-site mitigation measures itemised in Section 9 of the Ecological Appraisal (Ethos Environmental Planning, July 2020);
 - o the measures designed to secure a Biodiversity Net Gain (Biodiversity Net Gain Assessment (Ethos Environmental Planning, October 2020);
- Have been submitted to and approved in writing by the local planning authority. The content of each method statement shall include the:
- a. purpose and objectives for the proposed works;
 - b. detailed designs and/or working methods necessary to achieve the stated objectives;
 - c. extent and location of proposed works shown on appropriate scale maps and plans;
 - d. timetable for implementation, demonstrating that works are aligned with the

- proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any wastes arising.

The works shall be carried out strictly in accordance with the approved Plan/Method Statements.

Reason: To mitigate on-site ecological effects and deliver a Biodiversity Net Gain.

42. Development B - No development shall take place until a Landscape and Ecological Management Plan including any necessary method statements for:
- o the on-site mitigation measures itemised in Section 9 of the Ecological Appraisal (Ethos Environmental Planning, July 2020);
 - o the measures designed to secure a Biodiversity Net Gain (Biodiversity Net Gain Assessment (Ethos Environmental Planning, October 2020);
- Have been submitted to and approved in writing by the local planning authority. The content of each method statement shall include the:
- a. purpose and objectives for the proposed works;
 - b. detailed designs and/or working methods necessary to achieve the stated objectives;
 - c. extent and location of proposed works shown on appropriate scale maps and plans;
 - d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e. persons responsible for implementing the works;
 - f. initial aftercare and long-term maintenance (where relevant);
 - g. disposal of any wastes arising.
- The works shall be carried out strictly in accordance with the approved Plan/Method Statements.

Reason: To mitigate on-site ecological effects and deliver a Biodiversity Net Gain.

43. Development B - Bus stop improvements: Prior to the 50th occupation of the residential development hereby approved, the two closest bus stops to the site shall have Real Time Information display screens installed and fully functional to the satisfaction of the Local Planning Authority (i.e. North Hertfordshire College southbound stop St Michael's Road - ref 29050043 and Cambridge Road - 2905 0004 North Herts College eastbound).

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

44. Development B - Public Rights of Way Improvements: Prior to the 50th occupation of the residential development hereby approved, the following improvement works to the public rights of way footpaths number Hitchin 081 and 083 shall be provided:
- a) Full footpath resurfacing- the entire length of path from the Chaucer Way drop kerb (to be installed) at the south eastern most point of Hitchin FP 81 to the existing dropped kerb on the college access road at the north western most point of Hitchin FP83.
 - b) Improvements to the existing lamp columns and the lighting provision to the current highway's specification.
- The works shall be fully completed to the satisfaction of the Local Planning Authority before first occupation of the new development.

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

45. Development B - Dropped Kerbs/tactiles- Prior to the 50th occupation of the residential development hereby approved, pedestrian dropped kerbs and tactile paving shall be provided at the following junctions:
- i) Byron Close with St Michael's Road
 - ii) Browning Drive with St Michael's Road
 - iii) Coleridge Close with St Michael's Road
 - iv) Outside no 2 Chaucer Way to connect with the shared path along no 2 Chaucer Way
- northern building elevation;
- i) St. Michaels Road between bus stops (Stop ID: Hrtgdptd and Stop ID: hrtgdpwd Coleridge Close eastbound and westbound)
- These works shall be completed to the satisfaction of the Local Planning Authority and Highway Authority before occupation of the development.

Reason: To ensure the development complies with paragraph 109 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.

46. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and facilities within the sports building hereby permitted and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

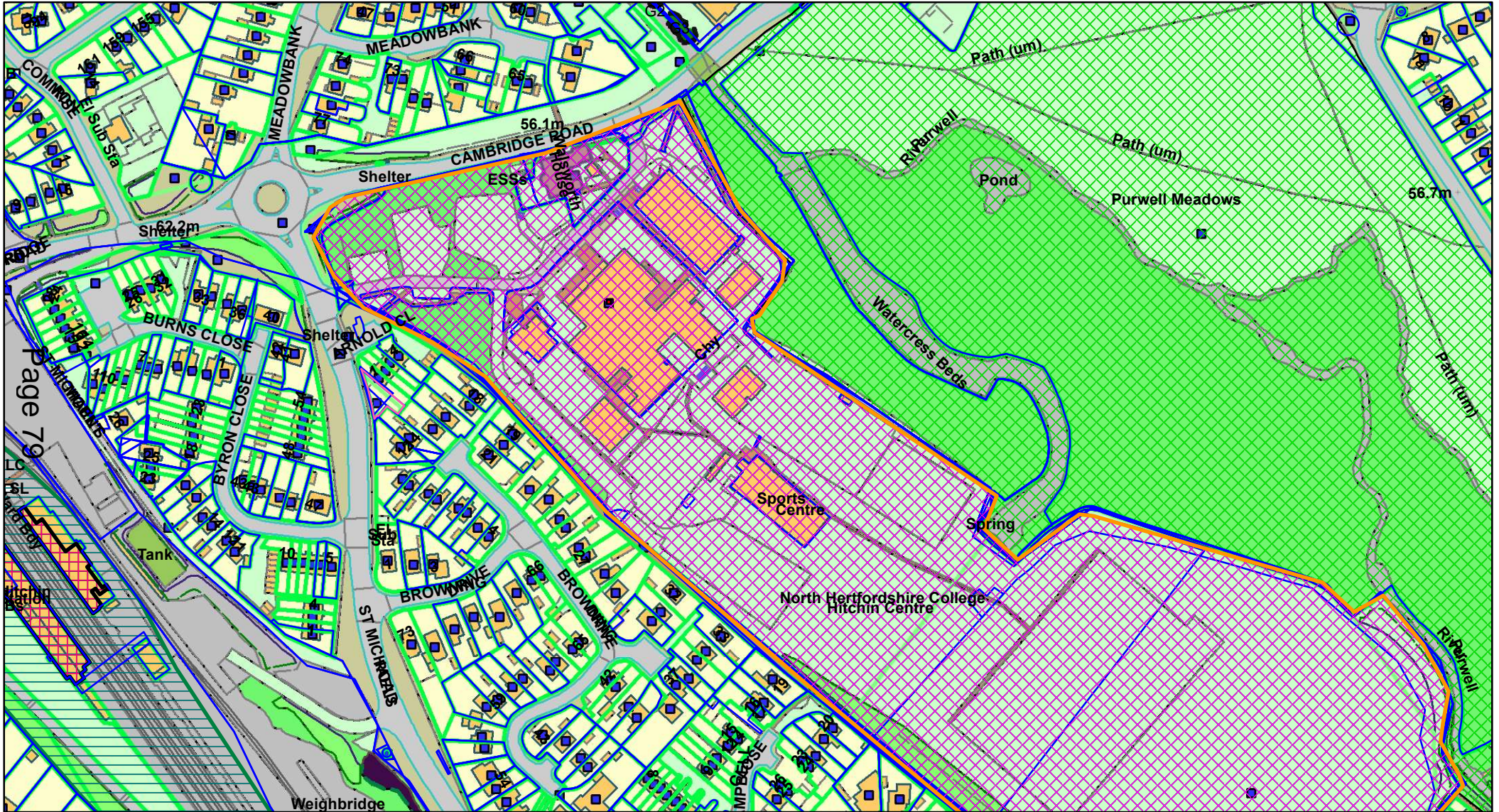
Proactive Statement:

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

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20/00073/FP North Hertfordshire College, Cambridge Road, Hitchin, Herts, SG4 0JD



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Date: 06/11/2020



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ITEM NO:	
<u>Location:</u>	Land Off Gernon Road Letchworth Garden City Hertfordshire
<u>Applicant:</u>	Mr C Evans
<u>Proposal:</u>	Erection of two detached 2-storey building comprising of 9 flats (5 x 2 bed and 4 x 1 bed) and one office building following demolition of existing buildings including No.29 Gernon Road. Creation of new vehicular access off Gernon Road, associated car parking and two cycle/bin stores (as amended by plans received 05.10.2020)
<u>Ref. No:</u>	19/02999/FP
<u>Officer:</u>	Melissa Tyler

Date of Expiry of statutory period: Extension of time agreed until 30 November 2020

Reason for Delay

Waiting on Historic England decision on listing, attempts to negotiate with the applicant and committee cycle and investigation into alternative options, Viability Assessments. And finally amendments to scheme and re-consultation.

Reason for Referral to Committee

This application is being reported to Committee because part of the site owned by North Hertfordshire District Council.

Submitted plans

DES/099/001; DES/099/100G; DES/099/101C; DES/099/102D; DES/099/103D;
DES/099/104D; DES/099/105D; DES/099/106D; DES/099/107C; DES/099/002;
DES/099/003; DES/099/200D; DES/099/201E; DES/055/200D; DES/055/201E;
DES/099/202A; DES/099/300D; CH008-001E

1.0 Policies

1.1 National Planning Policy Framework

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting sustainable transport
11. Making effective use of land

- 12. Achieving well-designed places
- 14. Meeting challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

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

- Policy 8 – Development in towns
- Policy 36 – Employment Provision
- Policy 37 – Business Uses (B1 Use Class)
- Policy 42 - Shopping
- Policy 55 – Car Parking Standards
- Policy 57 – Residential Guidelines and Standards
- Policy 58 – Letchworth Garden City Design Principles

1.3 **Supplementary Planning Document.**

- Letchworth Garden City Town Centre Strategy January 2007
- Vehicle Parking at New Developments November 2011
- Design SPD July 2011

1.4 **North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map**

- Policy SP1 Sustainable Development in North Hertfordshire
- Policy SP2 Settlement Hierarchy
- Policy SP4: Town Centres, Local Centres and Community Shops
- SP6: Sustainable Transport
- SP8: Housing
- Policy SP9 Design and Sustainability
- Policy SP13 Historic Environment
- Policy ETC2: Employment and development outside Employment Areas
- Policy T1: Assessment of transport matters
- Policy T2 Parking
- Policy D1 Sustainable Design
- Policy D3 Protecting living conditions
- Policy D4: Air quality
- Policy NE8: Sustainable Drainage Systems
- Policy NE11: Contaminated Land
- Policy HE1 Designated heritage assets
- Policy HE4: Archaeology
- Policy LG20 Gernon Road Allocated Site – Mixed Use

2.0 **Site History**

2.1 Various application linked to former uses.

2.2 **19/01838/PRE** Mixed Use : New office and 10 x 2 bedroom dwellings

The application site represents an opportunity to increase the amount of housing and employment in the town centre and this is a positive public benefit. The application site

represents an opportunity to improve the character and appearance of this site – an objective expressed clearly in the NPPF and Emerging Plan.

Given the detailed comments provided by the Listed Building and Conservation Officer and myself [case officer], I am generally supportive in the overall principle of the proposed scheme. Considerations and amendments to the scheme should be taken in line with the comments provided.

2.3 **Listing applications**

An application was submitted by a number of Letchworth residents to Historic England to consider the listing of Town Lodge. The application was denied. (The decision letter can be found on the website under supporting documents)

3.0 **Representations – All representations can be found in Full on the Council's website**

Below I have included representations to the original scheme submitted in December 2019 and any comments received following Addendum to DAS and after amendments were received on 5 October 2020 where the scheme has been modified to overcome some of the concerns raised by consultees and neighbours. All revisions can be found on the website.

Statutory Consultees

3.1 **Letchworth Heritage Foundation** – No objection - support new employment and residential into town centre. Was involved in the pre-application design.

3.2 **Hertfordshire Highways - Conditions recommended**

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

3.3 Hertfordshire Minerals and waste – Conditions recommended

Given the significance of the capacity gap for construction, demolition and excavation waste in Hertfordshire and in line with the requirements of Policy 12 of the adopted Waste Local Plan, I would recommend that a condition be attached, to ensure that waste is managed appropriately and minimised where possible, throughout the duration of the project.

3.4 Hertfordshire Historical Environment Team – Conditions recommended

The applicant has submitted a Heritage Impact Assessment (HIA) to support their application, as per pre-application advice from this office (Headland Archaeology 2019). This document recommends that a programme of historic building recording and an archaeological trial trenching evaluation take place prior to development commencing.

Town Lodge is an early municipal building within Letchworth's conservation area. It is not listed, but, as the HIA identifies, it may have some heritage significance as an example of a second phase of development within Letchworth's town centre.

The potential for below ground remains of archaeological significance is, however, low. The Neolithic and Palaeolithic remains listed by the HIA are flints most likely found in topsoil or subsoil over a century ago, of uncertain location, and unlikely to derive from sealed archaeological contexts or features. There are no known pre-modern archaeological remains, apart from isolated findspots, within circa 3-400m of the site, and the development area is insufficiently large to recommend below ground archaeological input based on favourable topographical location or the general archaeological potential of the region. Furthermore, past building activity on site, including the construction of I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets and I recommend that the following provisions be made, should you be minded to grant consent:

- 1. The rapid archaeological building recording of any structures of heritage value to be impacted by the proposed development, prior to development commencing. This should include Town Lodge itself, but an assessment should be made vis-a-vis the inclusion of 29 Gernon Road;*

2. *the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;*

3. *such other provisions as may be necessary to protect the archaeological interests of the site;*

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 199, etc.) of the National Planning Policy Framework. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

3.5 Hertfordshire Ecology - Informative recommended

Hertfordshire Environmental Records Centre has no records of any notable ecological features at this address or in the immediate vicinity. This is confirmed by the accompanying Preliminary Ecological Appraisal (PEA) (SES, October 2019) which describes habitats of minimal value and the likelihood of protected species being present as low, although, as demolition is proposed, it highlights that the potential for bats and breeding birds to be affected cannot be ruled out. Both are protected in law and, in general terms it can be an offence to kill, injure or disturb individuals or damage a nest, roost or place of shelter. I recommend that a precautionary approach is appropriate and would be satisfied with the addition of the following Informative to any consent.

3.6 Hertfordshire Obligations – Condition recommended Fire Hydrants

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

3.7 Lead Local Flood Authority – Conditions recommended

We note that the principles of the drainage strategy have remained the same. “The external paved car park will be constructed in permeable paving; allowing rainfall to infiltrate into the sub base – providing storage and treatment, then being conveyed through the site to the outfall through perforated pipes.” “The surface water will be discharged to the existing Anglian Water Surface Water Manhole (REF: 7451) located in Gernon Road. The discharge will be restricted to 5.0l/s”.

The drainage strategy is based on lined permeable paving with sub-base and restricted discharge into the Anglian Water surface water sewer at 5l/s. Attenuation is provided for the 1 in 100 year +40% for climate change event within the lined permeable paving sub-base. In order to secure the final detail of the drainage scheme, we recommend the following conditions to the LPA should planning permission be granted.

3.8 North Herts Listed Building and Conservation Officer – See full comments on website and section 4.3.40 for full discussion

First Consultation Comments:

*I raise an **OBJECTION** on the basis that the proposal would occasion less than substantial harm to the significance of Letchworth Lodge (grade II listed) and would fail to preserve or enhance the character or appearance of the Letchworth Conservation Area, therefore, would fail satisfy the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and the aims of Section 16 of the NPPF.*

Historic England's comments appear to direct Croudace towards a scheme based on facadism. Locally, the best (and possibly the only) example of such an approach is the former Kayser Bondor factory in Baldock. This giant art deco factory was built in 1924 and designed by architects PHS Burditt and was inspired by Howard Carter's explorations of Egypt. The facade (150m wide) now forms the frontage to Tesco which has been there since 1983. This is facadism on a grand scale and which has made a positive contribution to the townscape and the use of the building has contributed positively to the vitality of Baldock Town Centre. I am not, however, a supporter of facadism per say.

I appreciate that if a scheme were to be designed to maintain the frontage of Town Lodge (with improved fenestration) this may not only placate Historic England and concerns raised by some members of the public but would also ensure the building still contributes to the character & appearance of the area. However, the retention of this facade and the position of the building on site would make any mixed redevelopment a significant challenge and I note para 62 of the Addendum.

If the facade could be made to work as the frontispiece for Croudace offices with low, modern buildings behind i.e. dropping the Neo-Georgian design with a new vehicular access for the offices to the left (east), then I may well be prepared to consider a residential scheme between Town Lodge and the Library. Alternatively, if the facade became an entrance to residential, 10 flats may be achievable but the office building would potentially be much reduced. Therein lies the dilemma. In my opinion, I find Options 1, 2 and 4 objectionable. The benefits of Option 5 are outlined above whilst Option 3 still represents my preferred option if the implications behind Option 5 cannot be overcome. In light of Historic England's position, a facadism scheme is to be encouraged whereby the front of Town Lodge could make a positive contribution to the character and appearance of the conservation area.

Comments received following October 2020 amendments:

I have given great weight to the conservation of the Letchworth Conservation Area (para 193, NPPF). I have also attributed some significance to Town Lodge in line with Historic England's assessment of the building. Previously, I considered that the degree of less than substantial harm was towards the upper end of the continuum on the basis of not only the demolition of Town lodge but also due to the scheme's layout and building types (particularly the residential block). This latest scheme received on

29/10/2020 further addresses my concerns and the design of the residential block has been improved upon.

Although I maintain my **OBJECTION** on the basis of the demolition of Town Lodge the opportunity has been taken to introduce a development that would go some way towards making a positive contribution to local character and distinctiveness. Once again I leave this matter with the case officer to decide as to whether the scheme will meet the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and the aims of Section 16 of the NPPF and to decide whether any harms are ultimately outweighed by public benefits.

3.9 **North Herts Housing Officer** – No objection – falls under affordable thresholds

3.10 **North Herts Environmental Health – Noise Conditions and informatives recommended**

No objection

3.11 **North Herts Environmental Health – Air Quality – Conditions and informatives recommended**

No objection

3.12 **North Herts Environmental Health – Contamination Land – Conditions and informatives recommended**

No objection

3.13 **North Herts Planning Policy** – Policy context provided. In conclusion: *The proposed scheme is largely compliant with the policies in the emerging Local Plan on the basis the proposed office will encourage sustainable economic growth and contribute to the vitality of Letchworth Garden City's town centre.*

3.14 **North Herts Landscape and Urban Design**

First Consultation:

Comments outlining a number of concerns – request for revised layout and design to make the best use of the site; residential and commercial blocks should be swapped over; reduction in car park layout.

Second Consultation following DAS Addendum:

“It is unfortunate that the options only look at swapping the two buildings rather than using the opportunity to investigate how they could create a ‘...development of the highest quality to exceed expectations regarding design, service and to deliver top levels of performance for our users’ as stated as the applicant’s mission in the original DAS. Addressing the issues of relationship to surrounding uses, street frontage, sustainable transport, car parking, and the functioning of the site could achieve an improved scheme for the site.

Neither the original layout nor the four options shown in the DAS – Addendum are suitable schemes for this site. It’s not just that the buildings are in the wrong position the whole scheme is fundamentally flawed in terms of design and function. It is not just about the relative position and use of the buildings it is about how the whole site functions and relates to its surrounding, it’s about placemaking.

My concerns with the original layout are set out in my memo of 13th January 2020. They have not been addressed in any of the 5 options put forward.

Comments received following Oct 2020 Amendments:

My concerns about this proposal still remain:

- (i) The excessive amount of parking for the office block in a town centre location.*
- (ii) The lack of space for planting of trees and shrubs within the site to provide shade, improve biodiversity and address climate change issues.*
- (iii) The width of the space between the office block and the apartment block. Removing all the parking from the access road would allow the hard surfacing to be reduced to just the carriageway and footway and provide additional space for planting. It would also allow the footprint of the apartment block to be moved further away from the bungalow at 31 Gernon Road. This in turn may allow fenestration on the east elevation as presently it is a blank wall.*

(iv) The roofscape of the office building dominates the street scene. A flat roof would lower the height of the building, reduce its bulk and be more in keeping with the flat roof of the library.

(v) The office building has a vertical emphasis which accentuates its height while the library has horizontal detailing, with the pale coloured frieze, which creates a horizontal emphasis. The Town Lodge building also has a flat roof and horizontal emphasis.

I still feel this scheme just deals with two buildings on a site rather than the site informing the layout, scale and design of the development. The resulting scheme should make a positive contribution to Letchworth Garden City town centre in terms of its character and function. Sadly, this has not yet been achieved.

3.15 Historic England (note HE consulted because the District Council has a legal interest in the site and the proposal involves the demolition of the building)

First Consultation:

Historic England has concerns regarding the application on heritage grounds, in particular to the principle of the demolition of Town Lodge which is considered to be a non-designated heritage asset. We consider that the loss of the building would result in less than substantial harm, on the lower end of the scale, to the character and significance of the Letchworth Conservation Area.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 184, 192, 193, 194, 196, 197, 200 and 201 of the NPPF.

Second Consultation following DAS Addendum:

Historic England maintains concerns regarding the application on heritage grounds, in particular to the principle of the demolition of Town Lodge which is considered to be a non-designated heritage asset. We consider that the loss of the building would result in less than substantial harm, on the lower end of the scale, to the character and significance of the Letchworth Conservation Area as demonstrated in our letter dated 29th June 2020.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 184, 192, 193, 194, 196, 197, 200 and 201 of the NPPF.

Comments received following Oct 2020 Amendments:

See appendix 1

3.16 Anglian Water – Conditions recommended

No objection

3.17 North Hertfordshire Economic Development Officer – Supports the redevelopment

“The NH Economic Development Strategy currently states:

‘Strengthening the economic offer and function of our town centres is also important, ensuring that they are competitive and attractive for modern-day use. This will in turn make them desirable places to be and increase their vitality and viability.’

North Herts is viewed by the LEP as the remaining area in Herts for attraction and development of new businesses and commerce. The LEP and HCC are both keen to encourage business to establish and grow and will not welcome measures which are seen to restrict that. In terms of local public transport, North Herts is ideally placed on the main line railway and major trunk roads, but at present the car is a vital component of the efficient transport infrastructure.”

3.18 North Hertfordshire Transport Policy Officer – comments

“A question I would have is how the applicant will ensure that all of the EV parking spaces, be that for their own and public use will only be used by EV’s? What measures will they take to ensure that non EV cars don’t park in the EV car parking spaces which could happen should all the non EV car parking spaces be full?”

Our draft EV charging strategy is still in the process of being written, however it’s the intention that more off street EV charging units will be installed across the District to encourage the take up of EV’s. Whilst not wanting to encourage an ad-hoc approach to the roll-out of EV charging units in the District, as I believe Cllr’s want us to adopt a

strategic approach, theoretically, perhaps subject to more detail from the applicant and being consistent with our EV Charging Strategy then their proposal could have merit.

Neighbour Representations

3.19 We have received 21 objections from neighbour/residents and Save The World's First Garden City Action group

In summary the issues relate to the following:

- Demolition of Town Lodge – important building in the Garden City – historic value
- Need more social housing
- Loss of special character – facade should be retained
- Height of proposed is disproportionate to scale of surrounding buildings
- Use of car park should be for town users as well
- Poor design of proposed building
- Overlooking and loss of privacy, impact on amenity and wellbeing

Consultation responses following second consultation on DAS Addendum outlining a number of alternative options:

- We received representations in support of the original option over the other options presented.
- We also received representations reiterating previous objections to the scheme as above.

Consultation responses following amendments received October 2020:

None received

4.0 **Planning Considerations**

Site and Surroundings

4.1.1 The application site is located on Gernon Road, located within the Conservation Area. The site includes the former NHDC Town Lodge building (built 1923), a vacant residential bungalow and NHDC document storage centre and print room with associated car parking. The site is a section of the allocated site in the Letchworth Town Centre Strategy as an opportunity site LTC4 and the Emerging Local Plan under LG20.

4.1.2 Gernon Road is predominately commercial at its western end becoming increasingly residential towards the eastern end. The traffic on Gernon Road is one way, travelling eastwards out of the town centre.

4.1.3 There are a number of larger buildings in the vicinity of the site, namely Letchworth Library, Broadway Cinema, RC Church of St Hugh of Lincoln and Letchworth Town Hall.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of two-detached 2 storey buildings. One building comprising 9 dwellings (5x2 bed and 4x1 bed flats) and one office building following demolition of existing vacant Town Lodge office building and NHDC Document and Print Centre including the vacant residential bungalow property of No. 29 Gernon Road. Creation of a new vehicular access off Gernon Road and associated car parking and two cycle/bin stores.

4.2.2 The amended scheme submitted in October 2020 shows the two-storey and part single storey residential block to sit alongside the residential bungalow of No. 31 Gernon Road and the rear gardens of the properties on the west side of Gernon Walk. 9 parking spaces have been allocated to the residential units, one is sited on the front boundary with access off Gernon Way, the remaining 8 spaces are located behind the residential block.

4.2.3 The Office building now sits alongside the Brotherhood Hall. It has a floor space of approximately 1413 sq metres with 57 parking spaces have been proposed for the use of the office building. Three of these spaces are disabled spaces and 39 of those spaces will have EV charging capability with the remaining spaces to have EV ducting in place if more charging points are required. The design and scale of the office block has not changed since the application was submitted.

4.2.4 **The original scheme submitted in December 2019 was the same scheme as presented at Pre-application stage. No significant changes had been made in response to the pre-application advice given by the Case Officer and**

Conservation and Listed Buildings Officer in October 2019. Only following a discussion to recommend refusal did the applicant make amendments which are before you now.

4.2.5 The following documents have been submitted in support of the application:

- Design and access Statement (DES/042/400D)
- Addendum to the DAS (July 2020)
- Pattern Book (DES/042/0401C)
- Statement of Community Involvement (DES/099/402)
- Planning Statement (DES099/403)
- Site Investigation (JN1171)
- Drainage Strategy JRM/099/110B)
- Transport Statement and Draft Travel Plan (1905-001B)
- Acoustic Report (15102019B)
- Sustainability Statement (LEC 3234 191031)
- Energy Statement (LEC 3234 191031)
- Addendum to Energy and Sustainability Statement (DES/099/405)
- Heritage Impact Assessment (P19-177 Rev 4)
- Preliminary Ecological Appraisal (102019 Rev B)
- Economic Forecast for Retail and Town Centre Trends
- Arboricultural Impact Assessment (21112019A)
- Tree Constraints Report (31052019)

4.3 **Key Issues**

4.3.1 The key planning considerations have been divided into the following sections:

- Policy background and principle of development
- Sustainability and five year land supply
- Planning issues – discussing the harm and benefit of each planning issue
- Planning balance and conclusion

Policy background and principle of the proposed development

4.3.2 The Council is required to determine all planning applications in accordance with the development plan, which currently consists of the Saved Local Plan - North Hertfordshire District Local Plan no.2 with Alterations (SLP). Some weight is also afforded to the emerging North Hertfordshire Local Plan 2011-2031 (ELP) and the National Planning Policy Framework (NPPF) is also a material planning consideration.

4.3.3 Starting with the current development plan, SLP, Policy 8 provides broad in principle support for development in Letchworth Garden City (and other towns) to meet the majority of development need of the District subject to the compliance with other relevant policies.

- 4.3.4 Policy 26 seeks to permit housing development if the proposal is in an acceptable location within the environment and character of the existing area. On the northern boundary of the site is Gernon Road which consists of a number of residential properties, including a recently built 3-storey apartment block that is situated adjacent to 29 Gernon Road. The site is considered to be a suitable environment for residential use given its proximity to the town centre facilities and transport links.
- 4.3.5 Policy 36 will permit development for employment uses outside of the identified Employment Areas on the basis that the proposal is an appropriate use of the land and appropriate to the settlement character.
- 4.3.6 The site is located within the Town Centre and the Conservation Area. It is a prominent gateway location opposite landmark buildings including the Broadway Cinema and in close proximity to a number of listed buildings including the museum building and former Town Hall. This area of the town centre has a strong defined street frontage with a variety of active frontages. The acceptability in principle of this site against the provisions of the current Development Plan will hinge upon the site's impact on the conservation area and surrounding Listed Buildings.
- 4.3.7 Given the inclusion of this site both with the Letchworth Town Centre Strategy as a opportunity Site (LTC4) and as a Land Allocation in the Emerging Local Plan (LG20) I would see no objection in the principle to the redevelopment of the site.
- 4.3.8 The Letchworth Town Centre Strategy (2007) promoted this site as an Opportunity Site for complete redevelopment states that both the Town Lodge building and the residential bungalow make a neutral contribution to the character and appearance of the conservation area.

“buildings, which make a neutral contribution to the character or appearance of the conservation area. In some cases the classification is finely balanced and will significantly affect the development of sites.”

and the print room and document centre have a negative contribution.

“buildings that make a negative contribution to the character or appearance of the conservation area. These buildings are not so protected although additional

design controls apply - Council Printing Services Building, Gernon Road. The building does not relate well to the other buildings in this road and is constructed of dark brown bricks that are not characteristic of the area.”

The allocation of the Town Lodge as a neutral building and the print room as negative was partly influenced by an earlier decision of Historic England (then English Heritage) not to list the Town Lodge building following an earlier request. They recently rejected another request to list Town Lodge. On 21 February 2007 pursuant to a request for listing, they considered the Town Lodge to be a

*“.... plain and unremarkable building in a modern style, with unimaginative decorative treatment. Although the Lodge contributes to the local townscape, it has been substantially altered **It has insufficient special interest to merit inclusion on the statutory list it does not have significant group value with other civic buildings in the area”.** (my emphasis in bold)*

4.3.9 The allocation LG20 in the Emerging Local Plan follows and builds upon the Opportunity Site designation set out the 2007 Letchworth Town Centre Strategy. It states the following:

- ***Redevelopment to provide 1,000 gross sq m of additional A1, A3, A4 and A5***
- ***town centre uses at ground floor level, subject to an up-to-date assessment of***
- ***retail capacity and supply.***
- ***Other Main Town Centre Uses at ground floor level where these can***
- ***additionally, be accommodated in design, layout and transport terms***
- ***Main Town Centre Uses and/or residential on upper or basement***
- ***floorspace where these can additionally be accommodated in design,***
- ***layout and transport terms***
- ***Development should seek to retain parts of the library that make a positive***
- ***contribution to the appearance and street-scene***
- ***Development should enhance the setting of Broadway Gardens***
- ***Preservation or enhancement of the setting of the Listed museum;***
- ***Sensitive design to respect Letchworth Conservation Area and Letchworth***
- ***Museum, Vasant Hall and Town Hall listed buildings;***
- ***Address existing surface water flood risk issues, including any run-off,***
- ***through SUDs or other appropriate solution***

4.3.10 Under paragraph 85 of the NPPF, Local Authorities should take a positive approach to planning decisions that provide growth in town centres and direct main town centre uses to these locations. The definition of Main Town Centre uses is provided under Annex 2 of the NPPF and it includes offices. Under this provision, the proposal for an

office building is considered an appropriate main town centre use for the town centre of Letchworth Garden City.

4.3.11 Under emerging Policy ETC3, the proposed application satisfies the sequential test on the basis that B1 uses can positively contribute to the vitality and viability of town centres by bringing in more custom to shops and services.

4.3.12 Furthermore, emerging Policy SP3 (g) seeks to encourage economic growth by supporting new and existing businesses by permitting B-class uses in appropriate locations outside of designated employment areas, including offices in town centres. The Applicant's Planning Statement identifies that an office building would be a suitable use of site LG20 as it would help facilitate the company's expected growth over the next five years.

4.3.13 The Planning Statement also addresses the concern of providing additional retail floorspace under the requirements of site LG20. Here, the applicant considers two other allocated sites to be more suitable for retail development in the emerging Local Plan. The Wynd (LG19) and the Arena Parade (LG21) have existing secondary frontages and would provide a total of 9,500 sq.metres retail floorspace. The Planning Statement acknowledges that these two sites would provide sufficient floorspace to meet the emerging Local Plan retail floor space projection. Furthermore, the applicant also acknowledges that additional retail floorspace could be met through the reoccupation of vacant units in the town centre.

4.3.14 The supporting information provided with the application notes that the property at 29 Gernon Road has been vacant since 2013 and the Town Lodge has been vacant since 2011 – with the exception of an 18-month period where the premises was used as a temporary office accommodate the North Hertfordshire District Council whilst refurbishment of the Council Offices took place.

4.3.15 In consideration to the arguments made in the Planning Statement, the town centre of Letchworth Garden City does have a high amount of unoccupied retail units. Therefore, as there is available retail space for businesses to use, I am on the view that in principle, there is no demand, at this present time, to create additional retail floor space outside of the allocated Shopping Area in the town centre. Site LG20 is considered a

suitable environment for residential units as Gernon Road sits on the boundary between the town centre and residential zones. It is in a sustainable location with access to local facilities and transport services. The planning application for an office building on site LG20 is considered a suitable main town centre use which will positively contribute to the vitality of the Town Centre.

4.3.16 In the planning issues section below I will discuss the harm and benefits of the proposal in more detail. Paragraph 196 of the NPPF states that, where a proposal will lead to less than substantial harm to the significance of the designated heritage asset, the harm should be weighed against the public benefits of development. It could be argued that it is within the public's benefit to make use of the site that would otherwise be likely to remain vacant.

4.3.17 The redevelopment of the site to accommodate an office block and residential units is in principle supported.

Five year land supply

4.3.18 Following the publication of the revised NPPF, the Council's five-year land supply position has significantly deteriorated. The latest published monitoring report shows that, at 1 April 2020, North Hertfordshire cannot demonstrate a 5 year land supply for decision making purposes.

4.3.19 Further housing permissions have been granted since this time. However, any additional permissions granted since April 2020 do not detract from the fact there is an acute shortfall.

4.3.20 The provision of 9 dwellings would afford some weight in contributing to the shortfall and can be classed as a benefit in the planning balance.

Sustainability

4.3.21 The NPPF sets out three interrelated aspects of sustainability - the social, environmental and economic.

4.3.22 Economic role

The Letchworth Town centre commercial office space is concentrated in a small number of larger buildings and in offices above the shops. There are a number of other premises above retail which could have formerly been offices but now often seem to act as storage areas for the shops below or have been converted to residential or other uses.

From an economic development point of view, at town level, the Letchworth strategy has been to broaden the demographic of the footfall to encourage a range of retail and other leisure establishments to establish themselves in the town. It contains twin themes of the arts and crafts movement and as a medical hub. The future of many establishments may be in doubt now and so anything which brings daytime footfall to the town would be desirable. Historically LGC town centre has suffered a relative high vacancy rate especially of office space. To this end the applicant's office development would be welcome.

As previously discussed, the redevelopment of this vacant site would have economic benefits within Letchworth Town Centre. In that the proposal allows for the relocation and expansion of a local business, and to retain that business within North Herts. The additional office space and residential units would also support the local economy with increased footfall for local services within the town centre. This economy benefit can be given great weight.

4.3.23 Social role

The provision of 9 new dwellings and potential increase in footfall with the town centre would contribute to social sustainability. It is unfortunate that the scheme falls below the thresholds for affordable housing. If an element of affordable housing were offered this would increase the social benefits significantly.

4.3.24 Environmental role

As will be demonstrated in sections below in greater detail, the proposed development is considered to less than substantial harm to the setting to the character and appearance of the conservation area and would therefore be classified as harm in environmental sustainability terms. The development as presented would undoubtedly

change the character of Gernon Road. This would amount to some environmental harm in my view. The over provision of parking spaces causes harm in design terms, due to the sustainable location every effort should be sought to restrict the number of parking due to the availability of more sustainable modes of transport with the well-connected transport links within the town centre. Recent global events have also outlined the ability for office-based industries to work from home, which has had a significant effect on reduction of travel to and from workplaces. No amendments have been made in the proposed scheme for the reduction of the proposed office space or car parking spaces. Through of the application process I have constantly raised concerns to the level of parking. This is detailed below in **section 4.3.64**. Accordingly, the proposal would have some environmental impacts in my opinion. Through negotiations I have managed to secure a high number of EV charging points some of which can be used by the public out of office hours. There are a number of mitigating elements to the scheme through EV charging points and solar panels which help to balance the identified harm.

Planning issues

4.3.25 The following section discusses the planning issues that are relevant to this proposed scheme. I have separated the key issues into six sections, whereby I will discuss both the harm and benefits and conclude with a separate planning balance:

- Conservation and heritage– Impact on the surrounding Listed buildings and Conservation Area
- Scale, design and appearance - Proposed scale and position of development
- Impact on neighbouring properties and future living conditions
- Car parking provision
- Landscaping
- Environmental Issues - including noise, drainage and contamination and waste, ecology, archaeology
- Discussion, planning balance and conclusions.

4.3.26 It is incumbent on the Local Planning Authority to balance any identified harm against what can be considered the public benefits of a development scheme (NPPF para 196).

4.3.27 During pre-application and during the planning application process, the Senior Conservation Officer and the Case Officer have suggested that the scheme could be improved by making changes to the development scale, form and layout to reduce the harm that would be caused to designated heritage assets and improve the transition in

the street scene between the Library side of the application site and the bungalows located along this side of Gernon Road and Gernon Walk.

4.3.28 The applicant throughout pre-application process and the early application process were reluctant to amend the scheme following the representations received by Historic England, the Conservation Officer and the Landscape and Urban Design officer. However, following late negotiations the applicant submitted a new amended scheme in September 2020, which is the scheme presented to Members in this report and recommendation.

Conservation and Heritage

Loss of Town Lodge

4.3.29 The proposed development would seek the demolition of the existing buildings which include Town Lodge. There has been a number of local resident objections to the demolition and loss of Town Lodge in particular. A number of residents sought an application to Historic England to list Town Lodge.

4.3.30 Historic England issued a decision on 30th March to reject the application to list Town Lodge. They concluded:

“Based on all the available evidence, it is considered that while Town Lodge in Gernon Road, Letchworth, is unusual as an early example of a purpose-built nursery and as a school building with Art Deco features, it has been subject to a very heavy degree of alteration and is of insufficient architectural quality to fulfil the listing criteria for a building of this age and type. The architecture is relatively plain and unremarkable, though it does make a contribution to the surrounding townscape of buildings belonging to the first phases of the Garden City. Judged against the statutory criteria and the considerations outlined in our supplementary guidance, Town Lodge does not merit listing for the following principal reasons.

Architectural interest:

**** The building does not display a high degree of architectural quality or innovation in its design;***

**** The building has been altered and extended such that its original quality has been compromised.***

Town Lodge is of some interest for its former history as a school and nursery, and for its relationship with nearby contemporary buildings. This local significance, however, does not satisfy the level of architectural and historic interest required to meet the criteria for statutory listing in a national context.

4.3.31 Paragraph 197 of the NPPF states the following:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

4.3.32 Further to the above, Historic England had commented on the previous scheme (29 June 2020) and had put forward a case for retaining at least part of the building.

4.3.33 The Senior Conservation Officer in his earlier response, gave reasons as to why he would be minded to support the proposed demolition of Town Lodge subject to an acceptable replacement scheme being forthcoming, he took the view that the existing building had insufficient merit to be retained. Historic England’s latest comments which move away from a position where the Town Lodge was considered as not having significant group value with other civic buildings in the area to one where its loss is now considered as causing harm,

The Applicant has commented on the possibility of retaining Town Lodge:

The possibility of retaining all or part of Town Lodge was considered early on in the design process, but the condition of the building in terms of poor layout, poor quality fabric, lack of any surviving internal features of historic interest, difficulties of adapting it for modern office use, and the need to decontaminate the site all point to retention of Town Lodge as not being a viable option. The loss of Town Lodge, however, would facilitate a redevelopment of this site which comprises a draft Local Plan allocation, identified as one of the few opportunity sites within Letchworth Town Centre. The residential element would provide the value which facilitates the provision of new office space. The proposed buildings have been designed to preserve and enhance the conservation area

4.3.34 The Listed Building and Conservation Officer has concluded the following:

I have given great weight to the conservation of the Letchworth Conservation Area (para 193, NPPF). I have also attributed some significance to Town Lodge in line with Historic England's assessment of the building. Previously, I considered that the degree of less than substantial harm was towards the upper end of the continuum on the basis of not only the demolition of Town lodge but also due to the scheme's layout and building types (particularly the residential block). This latest scheme received on 29/10/2020 further addresses my concerns and the design of the residential block has been improved upon.

Although I maintain my OBJECTION on the basis of the demolition of Town Lodge the opportunity has been taken to introduce a development that would go some way towards making a positive contribution to local character and distinctiveness. Once again I leave this matter with the case officer to decide as to whether the scheme will meet the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and the aims of Section 16 of the NPPF and to decide whether any harms are ultimately outweighed by public benefits.

Scale, Form, Layout, Design and Appearance

4.3.35 The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.36 Scale can be defined as the height, width and length of a proposed building in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. Linked to scale is form which is the three-dimensional shape of buildings and spaces they define. Form should be influenced by the surrounding buildings and the wider context. Layout shows how access routes, parking areas and buildings are arranged and relate to one another.

4.3.37 Building design should pay due regard to the Letchworth Garden City Design Principles. I note that the Heritage Foundation have made detailed comments informing the previous and current design of the proposal. It is important that the design of the proposed scheme enhances the public realm in this key gateway location within the Town Centre and Conservation Area. This site is in an important location with direct views from a number of locations within the town centre.

4.3.38 The now amended scheme has a mix of two and single storey elements. The three-storey residential block has been reduced following consultation and negotiation with the applicant. The scale of the proposed buildings should fit comfortably within the

site so that they do not distract from or overwhelm the other landmark buildings including the cinema opposite and museum and Library as well as the single storey properties alongside the proposed site. Issues relating to the previously proposed scale were outlined at pre-application stage and throughout the application.

4.3.39 The NPPF at paragraph 130 states that permission should be refused for development of ***poor design and that which fails to take the opportunities for improving the character and quality of an area and the way it functions***; Emerging Policies SP9 and D1 align with this general objective whereas Saved Policy 57 has a degree of relevance although it is accepted that this Policy is largely out of date.

4.3.40 Moreover, paragraph 127c of the Framework states that proposals for new 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'***.

4.3.41 The previous proposal was to locate the office block next to existing residential properties and the residential block next to existing commercial buildings. At several times during pre-application and during the application The Conservation Officer, Urban Design and myself as Case Officer sought to hand the two buildings and reduce the massing to fit in with the neighbouring context.

4.3.42 It is my opinion that previously proposed scheme failed to complement the built context within which it would be seen. Its excessive height and mass was an area of concern in terms of how poorly this would relate to the scale of other single storey properties nearby. There were noted positives to the design, however, the excessive scale of the proposed buildings would have a prominent feature in Gernon Road and moreover the proposed buildings would be overly visible thus appearing as an incongruous addition within the collection of buildings that comprise this side of Gernon Road.

4.3.43 In light of the previous concerns regarding the layout and scale by myself and the other Officers, I believe that the amended scheme has gone so far as to overcome some of the previous objections.

4.3.44 The new proposal has swapped the location of the buildings so that the apartment building relates more with the existing residential properties and the larger office building relates closer with the town centre buildings. The reduced scale and massing of the residential block which has a maximum of 2 storey high with a single storey

element adjacent to the existing bungalow. The new proposed apartment building is now designed in an Arts & Craft style which would sit more comfortably in the Letchworth Garden City context.

4.3.45 Therefore, it is my opinion that the amended scheme would not cause significant harm to the character and quality of the area and would thus comply with the provisions of Section 12 of the Framework and Emerging Policies SP9 and D1, and Saved Policy 57.

Relationship with adjacent dwellings

4.3.46 In this regard, I would draw attention to Policy 57 of the North Hertfordshire District Local Plan No. 2 which sets out the residential guidelines and standards for new residential development and alterations and Policy D3 (Protecting living conditions) of the ELP. Policy D3 states that “***planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions***”.

4.3.47 The residential properties along Gernon Road and Gernon Walk will have a mix of single storey, two storey buildings in close proximity to the shared boundaries. The now relocated apartment building, although single storey adjacent the shared boundary, there will still be an element of a dominant effect on the neighbouring bungalows in my view given that previously there was a small bungalow sited next to them. The residential properties here do have relatively small rear gardens which has the potential to have overlooking and loss of privacy, however the residential block has been designed to have no windows on the flank elevation therefore reducing the impact on privacy and overlooking. Some of the neighbouring properties on Gernon Walk had previously objected to the scale and massing of the proposed office buildings along their boundaries. I had not received any responses following the amended scheme. With the demolition of the existing bungalow the new proposed buildings will be a lot closer to the shared boundaries. Given the reduction of scale and massing of the residential block in the new location and the fact that no windows on the side elevation have been proposed I conclude that the development would have a limited effect on the living conditions of these occupiers.

Residential amenity of future occupiers

4.3.48 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.

4.3.49 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.

4.3.50 The development would provide 5 x 2 bed and 4 x 1 dwellings. The flats, would provide a sufficient living space for future occupiers, with sufficient access to daylight in all habitable rooms.

4.3.51 The development would be in compliance with both local and national planning policies by providing a sufficient level of amenity and standard of accommodation for future occupiers. It is considered that the residential development would provide a satisfactory living environment and would be in line with the residential guidelines and standards as set out in Saved Local Plan Policy 57.

Landscaping

4.3.52 The site is heavily dominated by hard surfaces including the proposed buildings and the access and car parking areas. A very small area next to the office space has been shown as a breakout area for staff. Also a small area of landscaping has been provided for the residential scheme along the eastern boundary. It is noted that the site is in close proximity to Broadway Gardens and Howard Park for future residents and staff to use. The scheme also proposes to retain an existing tree located on the boundary of No 4 Gernon Walk. This tree currently offers a screen between the houses and the existing Town Lodge Building. The inclusion of low height hedges along the front boundary and within other areas of the scheme are a positive contribution the inclusion of 2 metres fencing along the rear boundary will offer some screening from the properties along Pixmore Avenue. The proposal also includes a number of small trees in the car park.

4.3.53 The excessive hard landscaping due to the 57 car parking spaces limits the potential to create a better landscaping scheme in my view. A good landscaping scheme will help mitigate the conflicts with the surrounding properties and be seen as good design practice.

4.3.54 If Members are minded to grant planning permission I have recommend a detailed landscape condition be included and a condition to offer some protection to any natural feature to be retained and proposed to be protected.

Parking provision and access

4.3.55 The site has an existing access that is situated in between Town Lodge and the Document centre. A new access is proposed off Gernon Road, in a similar location. The Highways Authority were consulted and raised no objection to the proposed access, they have recommended a number of conditions.

4.3.56 The Parking Strategy Plan (DES/099/104D) clearly shows a shared vehicular access to the office and residential car parks from Gernon Road. The office car park will provide 57 spaces, 39 of these will be electric charging spaces and 3 disabled spaces. The residents will have one allocated space for parking that will have electric vehicle charging points. These spaces are located in a courtyard configuration separate from the office car park.

4.3.57 Using the Council's Supplementary Planning Document '*Vehicle Parking Provision at New Development*', the minimum standards would be for residential – for 2 bedrooms a minimum of 2 spaces per property and 1 cycle space per dwelling. Also there is a requirement for visitor spaces to be provided for residential properties. As stated in Appendix 4 of the ELP, reductions can be made for developments that demonstrate accessibility and availability of public transport.

4.3.58 I acknowledge the point raised in the applicant's supporting documents that the flats will be located within the town centre and therefore in a sustainable location. There are a number of sustainable transport options for the future residents, with a number of bus stops serving a number of routes in the town centre and the railway station only 5 minute walk away. Being close to the town, the application site can be considered to occupy a sustainable location - a short walk from schools, the health centre, open spaces and the facilities and shops in the town centre. I am of the view that more

housing in such a sustainable location could help to reduce reliance on the car for day to day needs. The inclusion of EV charging for each property also is a valued mitigation to the current climate change emergency.

4.3.59 The Vehicle Parking at New Development SPD section 5 provides guidance on non-residential parking requirements. Under this provision, new B1 office use development is required to provide a maximum of 1 space per 30 m² gross floor space. The planning application proposes 1413 sqm office which would equate to 47 required office car parking spaces. Looking to the Parking Strategy Plan (DES/099/104D) it is clear the application exceeds this requirement by providing 57 parking spaces. The SPD in section 5.6 outlines Accessibility Zones. These are ***'non residential accessibility zones have been identified in the Districts main towns based access to key services including GPs, schools, retail centres by public transport is considered'*** Appendix 3 of the SPD outlines the zones with Letchworth Town centre. These zones represent the degree of restraint to be applied to new development within each zone type. The site is situated within the centre of the red Zone – stating that 0-10 mins to all services. This Zone requires a 25% -50% reduction in parking provision. Therefore the maximum requirement for parking spaces for a B1a use within the town centres is 24 spaces.

4.3.60 The applicant states in their planning statement that currently they have 35 employees and within the next 5 years their plan is to expand and increase this number. They have stated that the business requires 57 spaces. Approximately 1 space per employee.

4.3.61 The applicant has clearly identified the development site to be located in a sustainable location, specifically for the residential proposal. However, they have not applied this to the commercial element of the development. The parking space reductions have been made for the residents on the basis that the site demonstrates accessibility and availability of public transport, it would be considered unnecessary to provide additional car parking spaces for the commercial element in my view. The town centre has a number of public car parks in which staff and clients could park. This application is for a B1 use and not a personal permission. These standards should be applied to future proof the development and any future occupier. It could be said that from the recent Covid-19 - lockdown that home working and the use of increased technology may well reduce the need for the oversubscribed parking arrangements.

4.3.62 I also raise concerns that these parking spaces will be redundant out of office hours and during weekends. I welcome the gesture of allowing 12 spaces to be shared (*available for public use Monday – Friday between 6pm and 11 pm and Saturday and Sunday between 8am and 11pm. No overnight parking. No parking of Commercial vehicles and/or vans. Pay as you go electric charging station will be available for public use on 5 of the spaces*). However, in order to safeguard this offer a Condition has been proposed.

4.3.63 The NPPF supports effective use of land and combating climate change and promoting sustainable transport. Paragraph 102e states that transport issues should be considered whereby ***“patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places”***. The parking area of the site takes up a relatively large area within the context of the scheme and would be heavily hard landscaped. Given the issues as raised under the conservation sections above, in regard to the proposed siting and scale of the development the reduction of car parking spaces would allow for better use of the land which could allow for better design and potentially increasing the overall building footprint to allow similar numbers for residential and office space in order to make better use of the land available for future use.

Air Quality

4.3.64 Following comments from our Environmental Health Officer, there is no objection to the proposal in terms of local air quality, however the following issues require consideration based upon the location of the site, close to the town centre and nearby residential streets. Under the terms of the Vehicle Parking and New Development SPD, the area of the proposed development falls within a Red Accessibility Zone which requires reductions in the allowable parking provision.

4.3.65 Chapter 9 of the NPPF, *‘Promoting sustainable development’*, acknowledges the relationship between planning and transport issues and by consequence air quality. It includes among other things reference to transport issues being considered to identify, assess and consider environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains (DCLG 2018). And the need for planning policies to provide support sustainable transport including pedestrian and cycle movements, and facilities

for charging plug-in and other ultra-low emission vehicles (DCLG 2018).

4.3.66 A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) ‘incorporate facilities for charging plug-in and other ultra-low emission vehicles’, therefore, an electric vehicle recharging provision rate is also expected.

4.3.67 During both pre-application stage and throughout the duration of the planning application before you, The LPA have tried to negotiate these issues and come to an agreement that will overcome the conflicts in policy requirements. The applicant has amended the proposal to increase the number of EV charging bays. The revised details of the proposed parking allocations for the new office (1413m²) and 9 flats outlined all residential spaces to have EV charging capacity and 39 EV spaces for the office use.

4.3.68 In order to safeguard any EV charging for the duration of the development, if a recommendation for approval were sought, conditions would need to be imposed. I have also sought to agree with the applicant to monitor the use of the car parking spaces and levels of EV charging uptake. The condition seeks to monitor the use of the spaces and if following a period of 5 years these spaces are underutilised that some of the parking areas are converted into landscaping or provided towards alternative measures, e.g. car clubs in a manner to be submitted to and agreed by the Local Planning Authority.(See condition 15).

Other Matters

4.3.69 **No technical objections are raised to this development by the relevant statutory and non-statutory consultees. Conditions have been recommended by a number of these consultees if permission is to be granted.**

Planning balance

4.3.70 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows: **d) where there are no relevant development plan policies, or the policies which are most**

important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

4.3.71 The key test in this instance is where paragraph 11 refers to '***the application of policies in this framework that protect areas of particular importance***', namely in this instance paragraph 196 of the NPPF which refers to development affecting a heritage asset.

4.3.72 Paragraph 196 of the NPPF states that "***Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal***".

4.3.73 As is clear from the contents of this report, the proposal is considered to cause less than substantial harm to the setting of designated heritage assets by the loss of Town Lodge and its impact on the conservation area. As such, paragraph 11(d) footnote 6 is applicable and the proposal should be considered without the 'tilted balance'.

4.3.74 The proposal would occasion less than substantial harm to the loss of Town Lodge as a non-designated heritage asset and as stated by the Conservation Officer that the scheme has been amended and the applicant has gone so far as to designing a development that makes a positive contribution to the local character and distinctiveness.

4.3.75 I consider that the now amended scheme makes material public benefits providing a development that would secure economic and social benefits in redeveloping the vacant site and offer benefits to local businesses and increasing footfall for the town centre and the provision of 9 dwellings. Any harm to the conservation area can be argued to be on the lower continuum of the scale of harm.

4.3.76 I also consider that the public benefits which would follow from the proposed redevelopment of this site must also be seen in the context of how long this site has been underused as an important site within the town centre, the condition of the building and its practical use at this time and how realistic it would be to retain part of the Town Lodge building in any alternative scheme (See advice from Historic England)

and the prospects for this site were Members minded to refuse planning permission. Any refusal of planning permission would risk the proposed investment in the town centre put forward by the applicant and risk any future investment for this site. A refusal based on the concept that any proposed development must include the retention of part of Town Lodge would in my view seriously limit any redevelopment potential and set a barrier for realistic modern office, residential or retail development on this site. This in my view would undermine the need to ensure the economic and social vitality of Letchworth Town Centre.

4.3.77 Moreover, following careful negotiations between officers and the applicant, over the course of pre-application and detailed negotiations during the determination process the scheme has been improved considerably. Members will note from Appendix 1 that English Heritage do note these improvements to the scheme through amendments in their final comments. And whilst they go onto argue that they would prefer to see a scheme which retains the front section of the Town Lodge Building this must in my view be balanced against the adopted Town Centre Strategy and Policy LGT20 of the emerging Local Plan sets out a clear strategy of seeking the complete redevelopment of this site, based on the neutral classification of the Town Lodge as an unlisted building within the town centre in 2007 when the Town Centre Strategy was devised. Throughout discussions on this site over many years officers have always expressed a view that the Council would support the complete redevelopment of the Town Lodge, with an appropriate and high quality scheme, as is reflected in the 2007 SPD and emerging Local Plan designation. In my view the amended proposal represents a high quality scheme.

4.3.78 As such I am of the opinion that on balance, the public benefits of the scheme and the mitigation provided in terms of EV charging and a shared public spaces out of offices hours on a number of car parking spaces along with the monitoring on uptake of the EV car parking would outweigh any identified harm to designated heritage assets. On this basis the proposal complies with the requirements of paragraph 196 of the NPPF which requires the local planning authority to balance less than substantial harm to designated heritage assets (in this case the Conservation Area and setting of Listed Buildings) against the public benefits of the scheme. If the public benefits outweigh the harm it is appropriate to grant planning permission and I recommend this below.

4.4 **Conclusion**

4.4.1 Taking into account the above analysis of this application I consider that on balance there would be less than substantial harm arising from this development proposal which is outweighed by the public benefits of the redevelopment of the site and the potential positive impact this will bring on the town centre and local businesses. Therefore I recommend approval subject to the proposed conditions.

4.5 **Alternative Options**

See discussion above on alternative outcomes as part of the recommendation analysis.

4.6 **Pre-Commencement Conditions**

4.6.1 No pre-commencement conditions are proposed due to recommendation for refusal.

4.7 **Climate Change Mitigation**

4.7.1 The site is not within a flood risk area and the site is unlikely to contain contaminants that would prevent the grant of planning permission.

4.7.2 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. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste.

4.7.3 The applicant has proposed a number of PV on the roof slopes of both the office and residential blocks.

4.7.4 The Provision of EV charging for the majority of the car parking spaces and the offer of 12 shared spaces out of office hours for the public with 5 EV pay as you go charging facilities out of office hours and the mechanism to secure this provision has been agreed.

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 that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Materials

As noted on the Materials Key on drawing no. DES/099/101C, the roofs of both the residential and office buildings shall be covered with Edilians Phalempin Val De Seine Clay Roof Tile unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. In accordance with drawing no. DES/099/101C, the bricks for the office building hereby approved shall be faced with brick type 'Wienerberger - Terca Cassandra' and stone detailing and the facing brickwork to the residential building shall be 'Freshfield Lane First Quality Multi' unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Notwithstanding the materials key on drawing no. DES/099/101C, a sample panel of 'Traditional Roughcast Render' shall be made available for inspection on site and the panel approved in writing by the Local Planning Authority prior to the commencement of the rendering works and thereafter, the render shall be undertaken in accordance with the approved panel.

Reason: To ensure that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. All windows and doors shall be manufactured in timber unless otherwise agreed and approved in writing by the Local Planning Authority. In addition, where the windows appear to be side-hung casements these shall be flush casements and where the windows appear to be vertically sliding sashes these shall be true sliding sashes unless otherwise agreed and approved in writing by the Local Planning Authority.
Reason: To ensure that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. The joinery details (including glazing bar profile) for all new windows and external doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the window and external door joinery shall be undertaken in accordance with the approved details.

Reason: To ensure that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the rainwater goods shall be installed in accordance with the approved panels.

Reason: To ensure that special regard is paid to the character and appearance of the Letchworth Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Details and/or samples of boundary treatment to be used on all boundaries of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced excluding commencement of demolition 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.

10. Submitted to and approved in writing by the Local Planning Authority before the development is commenced excluding commencement of demolition 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.

11. Landscaping

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

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

12. None of the trees or hedgerows to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

13. Any tree or hedgerows felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

14. Before the commencement of any other works on the site, trees and hedgerows to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree or hedge. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

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

15. Parking

Notwithstanding the plans submitted, the parking provision shall be reviewed annually from first occupation for a period of 5 years through monitoring of use and car ownership. Monitoring shall include:

- i) The use of parking spaces using data from weekdays;
- ii) Car ownership/staff car usage;
- iii) The provision of active and passive electric vehicle charging;
- iv) Travel plan initiatives.

Car parking provision that is used less than 40% of weekdays throughout that year shall be converted into landscaping or provided towards alternative measures, e.g. car clubs in a manner to be submitted to and agreed by the Local Planning Authority.

Reason: to ensure that the parking provision is being utilised to capacity

16. Prior to the first occupation of the hereby approved development the provision of 12 shared parking spaces as shown on Plan DES-099-104D Parking Strategy shall be made available for public use "Monday to Friday between 6pm & 11pm and Saturday to Sunday between 8am & 11pm. No overnight parking. No parking of commercial vehicles and/or vans. 5 spaces with Pay as you go electric charging stations will be available for public use" and shall be retained unless otherwise agreed and approved in writing by the Local Planning Authority.
Reason: to provide EV charging for public use outside of office hours within the town centre.

17. Bin and cycle stores

Prior to the occupation of the development hereby approved, details including materials, elevations and access of the cycle and bin stores shall be submitted to and approved in writing by the Local Planning Authority.

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

18. HCC Fire Hydrants

No development excluding commencement of demolition shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

19. LLFA:

The development permitted by this planning permission shall be carried out in accordance with the Drainage Statement, Ref: JRM/099/110B, dated September 2020 and the following mitigation measures;

1. Limiting the surface water run-off rates to a maximum of 5l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Anglian Water surface water sewer.
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 utilising lined permeable paving with sub-base storage and a flow control.

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

20. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement, Ref: JRM/099/110B, dated September 2020. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any

connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.

2. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as lined permeable paving.

3. Provision of half drain down times within 24 hours

4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

21. Upon completion of the drainage works for the site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.

2. Maintenance and operational activities.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

22. ENVIRONMENTAL HEALTH

Land Contamination

(a) No development excluding commencement of demolition approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Site Investigation (Phase II environmental risk assessment) report which includes:

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

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

Methodology.

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

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

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (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.

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

23. 24. Prior to the first occupation of the dwelling, the noise mitigation measures (acoustic glazing and non acoustic trickle vents) detailed in Section 4.2 of "Acoustic Report, Gernon Road", Version B, dated 21st September 2020 by Energist UK Ltd shall be implemented. The measures shall be maintained in accordance with the approved details thereafter.

Reason: To protect the residential amenity of future residents

24. Prior to the installation and operation of any fixed external plant, a scheme including noise control measures shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development shall not exceed the Plant Noise limits at nearest noise sensitive premises detailed in Table 5.1 of "Acoustic Report, Gernon Road", Version B, dated 21st September 2020 by Energist UK Ltd inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Once implemented, the measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect residential amenity of existing and future residents

25. Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction, demolition or enabling works). The construction and demolition project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- i) hours of construction operations including times of deliveries and removal of waste;
- ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

26. Air Quality

Prior to occupation, there should be 39 EV charge bays for office use, and 9 EV charge bays for residential use. Consideration should be given to a range of slow, fast and rapid charge points.

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.

27. HIGHWAYS

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 plan drawing number 1905-001 PL01 Revision A, the existing vehicle access to each side of the existing building shall be stopped up to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. 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).

28. The gradient of the access shall not be steeper than 1 in 20 for the first 12 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway and 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).

29. Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 8.0 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

30. 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 Traffic Management Plan shall include details 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).

31. MINERALS AND WASTE

The development shall not commence until a SMWP (or similar) has been submitted and approved by the county council, as Waste Planning Authority.

Reason: In order to reduce the amount of waste produced on site in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Policies document.

32. HCC HISTORIC ENVIRONMENT

A submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

33. B The 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 (A)

34. C 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 (A) and the provision made for analysis and publication where appropriate

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

Informative/s:

1. Land Contamination Informative

Please ensure that all due care and attention is taken during demolition of the above-mentioned building. Particular care should be taken during removal of any material considered likely to represent a hazard to human health or the environment, in particular any asbestos-containing material.

The Environmental Protection Team has a webpage that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land, and I would be grateful if this information could be passed onto the applicants.

2. Noise Informative

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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

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

3. Anglian Water Informative

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

1 - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewer. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building

over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087

4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

4. Ecology Informative

Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England).

5. Highway Informatives

HCC recommends the inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in

a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN5) Highway to remain private: The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

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

6. Waste Informative

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy. The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited. For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Further advice on waste provision for developments is available on our website:
<http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

7. EV Charging Point Specification:

A 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 termination 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.

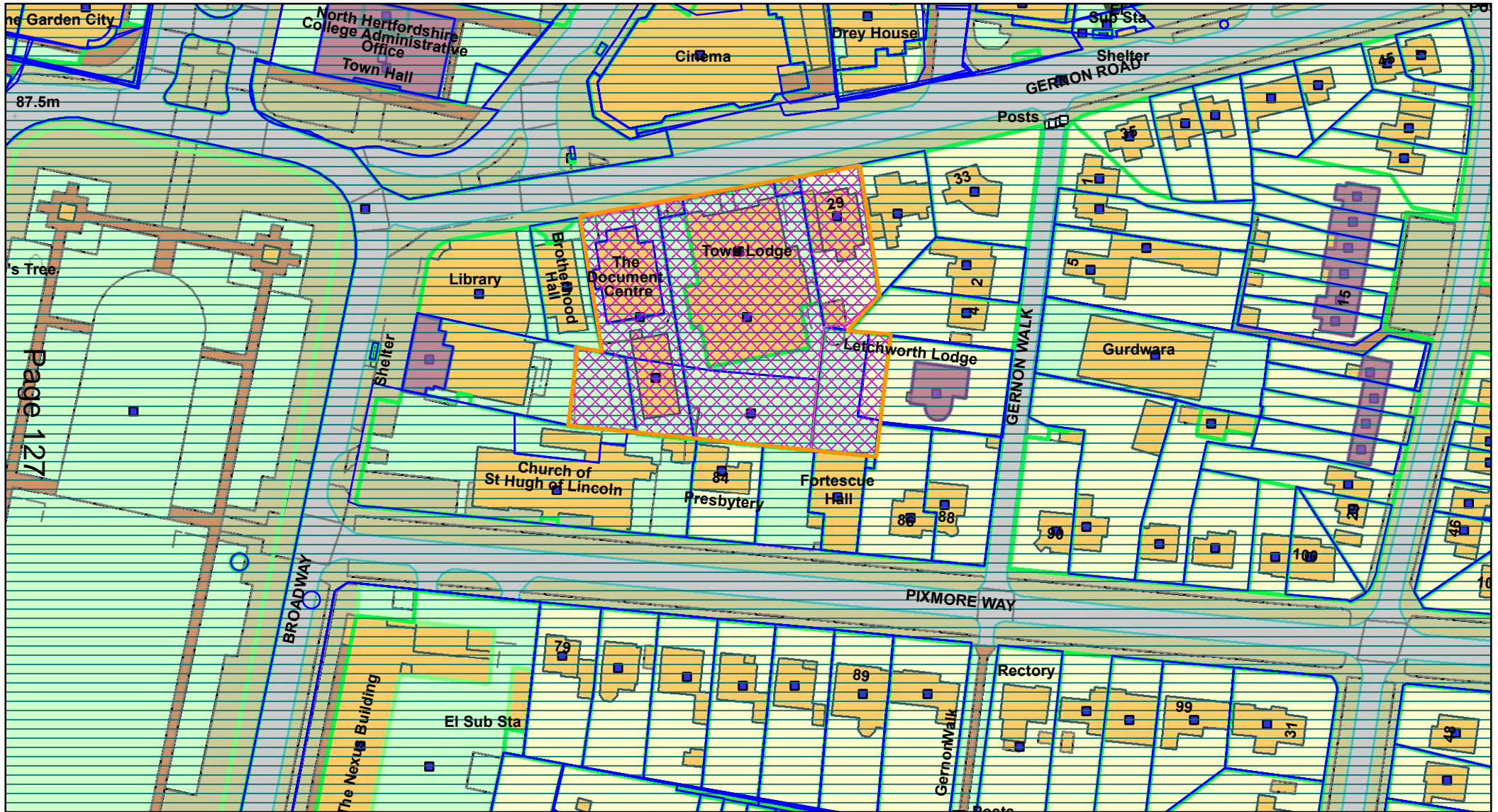
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

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19/02999/FP Land off Gernon Road, Letchworth Garden City, Herts



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Date: 06/11/2020



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ITEM NO:	
<u>Location:</u>	6 Cubitt Close Hitchin Hertfordshire SG4 0EL
<u>Applicant:</u>	Mr K Haer
<u>Proposal:</u>	First floor rear extension, and erection of additional rear conservatory following demolition of existing detached rear garden conservatory (amended by plans received 03.10.20)
<u>Ref. No:</u>	20/01692/FPH
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

28 September 2020

Submitted Plan Nos.:

Location Plan, Site Plan Rev A, 24720/01, 24720/02, 24720/03, 24720/04, 24720/05, 24720/06 A, 24720/07 A, 24720/08 A.

Extension of statutory period:

Not agreed at the time of writing.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of a call-in request by Councillor Elizabeth Dennis-Harburg if the recommendation was to grant. The reasons given for the call-in are:

I'm minded to call this application in. I believe this property has been extended multiple times in recent years. This has caused some distress to neighbours in Stirling Close whose garden has been overlooked by some of these works, and claim they've lost natural light as a result. I'm therefore very worried about the impact a further extension could have and query whether this is a necessary and appropriate addition to the property.

1.0 Site History

1.1 19/03065/NMA - Reduction of ground floor side elevation windows, insertion of two velux roof windows in single storey pitched roof and two additional high level windows in side elevation at first floor (as Non-Material Amendment of Planning Permission 18/00219/FPH granted 13.04.2018) – Agreed 24/01/20.

1.2 19/01866/NMA - Relocation of flank windows and adjustment to garage and roof line (as non material amendment to planning permission reference 18/00219/FPH granted 13/04/2018) – Not Agreed 27/08/19.

1.3 19/00666/FPH - First floor front extension and part first floor, part single storey side extension (variation to previously approved Planning permission 18/00219/FPH granted 13/04/2018) – Refused 24/04/19 for

1. *The proposed first floor side extension by reason of its size, siting, and design would fail to be subordinate to the host dwelling and would be harmful to its character and appearance and that of the street scene. The proposal would be contrary to the provision of Saved Policies 28 and 57 of the North Herts District Local Plan 1996, Policies D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.*
2. *The proposed side extensions by reason of their size, siting and design will result in overbearing impacts and loss of light which will be detrimental to the amenity of No. 7 Stirling Close. The proposal would be contrary to the provision of Saved Policies 28 and 57 of the North Herts District Local Plan 1996, Policies D1, D2 and D3 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.*

Appeal dismissed 27/08/19.

1.4 18/00219/FPH - First floor front extension and part first floor, part single storey side extension (as amended by drawings HAE/17/03A, 04A, 05A received 09/03/2018) – Approved 13/04/18.

1.5 12/02146/1HH - First floor side and rear extension – Withdrawn 15/11/12.

1.6 09/00588/1PUD - Greenhouse in rear garden – Approved 02/06/09.

1.7 08/01762/1HH - Retention of greenhouse (as amended by plans received 2nd October 2008) – Approved 02/10/08.

1.8 07/02530/1HH - Front entrance porch – Approved 21/12/07.

1.9 05/00812/1HH - First floor front extension to existing bay window, rear conservatory and side conservatory and store to existing residential annex (as amended by drawing PDP-1096/4B received 2 September 2005) – Approved 28/10/05.

1.10 03/01712/1HH - First floor rear extension – Refused 22/12/03 for:

1. *The proposed extensions at first floor level by reason of their close proximity to adjoining dwellings to the south (rear) and east (side) would be likely to detract from the privacy and enjoyment by the occupants and would have a detrimental impact upon the amenities they currently enjoy.*

Appeal dismissed 10/08/04.

1.11 03/01362/1HH - First floor rear and side extensions – Refused 16/10/03 for:

1. *The size, bulk, scale and design of the proposed rear extensions would be unsatisfactory and would present an incongruous appearance including a flat roof and valley feature to the main dwelling. Consequently the extensions in the view of the local Planning Authority would be contrary to Policy 28 of the North Hertfordshire District Local Plan No 2. with Alterations.*
2. *The proposed extensions at first floor level by reason of their close proximity to adjoining dwellings to the south (rear) and east (side) would be likely to detract*

from the privacy and enjoyment by the occupants and would have a detrimental impact upon the amenities they currently enjoy.

1.12 02/01148/1HH - First floor rear extension and single storey side extension – Refused (Split decision) 17/09/02 for:

1. *The proposed first floor extension by reason of its relationship and close proximity to the adjoining property to the south (rear) would be likely to detract from the privacy and enjoyment of that dwelling by the occupants.*

Appeal allowed 24/06/03.

1.13 01/01425/1HH - Single storey rear extension (as amended by drawing no PDP 1096/2A received 24.9.01) – Approved 16/10/01.

1.14 00/00624/1HH - Single storey side extension to provide residential annex to dwelling – Approved 04/08/00.

1.15 87/00552/1 - Change of use to retirement/nursing home for the elderly and retention of annexe for staff accommodation – Approved 21/05/87.

2.0 **Policies**

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

Policy 28 – House extensions

Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

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

SP9 – Design and sustainability

D1 – Sustainable Design

D2 – House extensions, replacement dwellings and outbuildings

D3 – Protecting Living Conditions

3.0 **Representations**

3.1 **Site Notice:**

Start Date: N/A

Expiry Date: N/A

3.2 **Press Notice:**

Start Date: N/A

Expiry Date: N/A

3.3 **Neighbouring Properties:**

The following objections were received from No. 7 Stirling Close:

- Overlooking from conservatory into dining room windows.
- Noise from conservatory
- Loss of light.

- The 'existing conservatory' to be demolished is a greenhouse, not a conservatory.
- The house has a conservatory. Why is there a need for another.
- Over-massing of original dwelling by previous extensions.
- Previous damage to our land, fence and gravel boards.
- The majority of the plot to the left of us will be built on.
- First floor extension was refused by application.
- Previous construction noise has been excessive.
- This is the 16th planning application from the owner.

The following comments were received from No. 7 Cubitt Close:

- No objection to the first floor extension.
- Conditional on no window being installed.
- Any window would be detrimental to our privacy.
- It would be appreciated if a caveat could be incorporated if permission was to be granted.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a two storey detached dwelling with pitched roofs. Rear party boundaries with neighbouring properties are comprised of 1.8m high fences. The site is an area of residential character, of detached dwellings in Cubitt Close and terraced and detached dwellings in Stirling Close.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a rear conservatory with a pitched roof and the associated demolition of an existing garden outbuilding, and a first floor rear extension with a pitched roof. The number of bedrooms would not be increased.

4.3 **Key Issues**

4.3.1 The assessment of this application was made from the documents submitted with the application, photos of the site and surroundings taken by the applicant, knowledge and photos of the site and surroundings from previous recent applications, information relating to the planning history of the site, and images from Google Maps and Street View (a site visit in person by the case officer was not permitted during the course of the application due to restrictions in movement during the Corona Virus crisis).

4.3.2 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.

Character and appearance:

4.3.3 There are no objections to the removal of the garden building. The proposed conservatory would be a subordinate addition to the dwelling, would appear lightweight, would be of an acceptable and typical design for a conservatory, and would have limited visibility and impacts on the character of the street scene. The conservatory is considered of an acceptable design.

- 4.3.4 The first floor rear extension would also be a small and subordinate addition to the dwelling; and would have an appropriate pitched roof, design and detailing. The rear location of this extension would mean it would have limited and acceptable impacts on the character and appearance of the street scene and locality.
- 4.3.5 Cumulatively the proposed extensions would further enlarge a dwelling that has been enlarged a number of times from its original size, particularly on the ground floor. I however consider the extensions proposed for this application relatively small and they would be smaller than extensions refused previously, an existing garden building will be removed for the conservatory, and they will be at the rear of the site where they won't be prominent in or affect the street scene and character of the locality. I therefore consider the character and appearance of the proposals acceptable.

Impact on Neighbouring Properties:

- 4.3.6 The conservatory could only potentially affect No. 7 Stirling Close due to its location and size. The conservatory would be approx. 3m in depth, 2m from the boundary, and 2.3m to its eaves with a hipped roof sloping away from No. 7.
- 4.3.7 No. 7 has two dining room windows that would face the conservatory (one directly and one obliquely), however these windows are narrow, face onto a 1.8m high close-boarded fence, and have obscure glazed top halves. These characteristics reduce the amount of outlook and light they receive. Given this, and the small depth and height of the conservatory and its distance from the boundary, I do not consider that the conservatory would cause overbearing impacts and harmful loss of light. Noise generation would be considered limited and domestic in scale, and not unreasonable and harmful in this location. The impacts of the conservatory on the amenity of No. 7 and other nearby dwellings are considered acceptable.
- 4.3.8 The first floor extension could only physically affect No. 7 Cubitt Close. This extension would be set away from the boundary by a minimum of approx. 4m and further from No. 7 itself, and would taper away from No. 7 due to the siting and orientation of it and the application property. I do not therefore consider that the extension would appear harmfully overbearing or result in loss of light to No. 7.
- 4.3.9 The first floor extension would not include any side windows, and its rear window would face down the rear garden not causing loss of privacy to No. 7. Present permitted development rights can allow for new upper floor side windows being inserted without needing planning permission, on condition that they are obscure glazed, and non-opening below 1.7m. These restrictions are considered sufficient to avoid the requirement for a condition to prevent side new windows being inserted, should permission be granted.
- 4.3.10 The rear window of the first floor extension would be approx. 9m from the rear boundary of the site, and 3m closer to that boundary than the existing rear window of the bedroom that would be extended. The proposed window would be further from the rear boundary than the three other first floor rear windows of the host dwelling.
- 4.3.11 No. 7 Stirling Close referred to a first floor rear extension being refused under planning application 12/02146/1HH, however this was withdrawn rather than refused. Previous applications 03/01712/1HH and 03/01362/1HH were refused planning permission, with concerns raised over loss of privacy to the rear garden of No. 6 Stirling Close to the south-west, with the later application dismissed at appeal.

4.3.12 The depth of the extension of 03/01712/1HH dismissed at appeal and earlier application 03/01362/1HH were approx. 3.6m, with the windows of those refused extensions approx. 0.6m further towards the boundary with No. 6 Stirling Close.

4.3.13 The window of the first floor extension would be further from the boundary with No. 6 Stirling Close than the two refused 2003 applications referred to above. The 3m depth of the extension would be 3m from the original rear wall of the dwelling, which is permitted by Policy 28 of the adopted Local Plan. As the proposal is Policy compliant and clearly smaller than extensions previously refused in 2003, I consider that harmful loss of privacy will not occur to No. 6 Stirling Close. Impacts on neighbour amenity are therefore considered acceptable.

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. The external materials of the approved development shall be of similar appearance to

those of the existing building, unless otherwise agreed in writing with the Local Planning Authority.

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

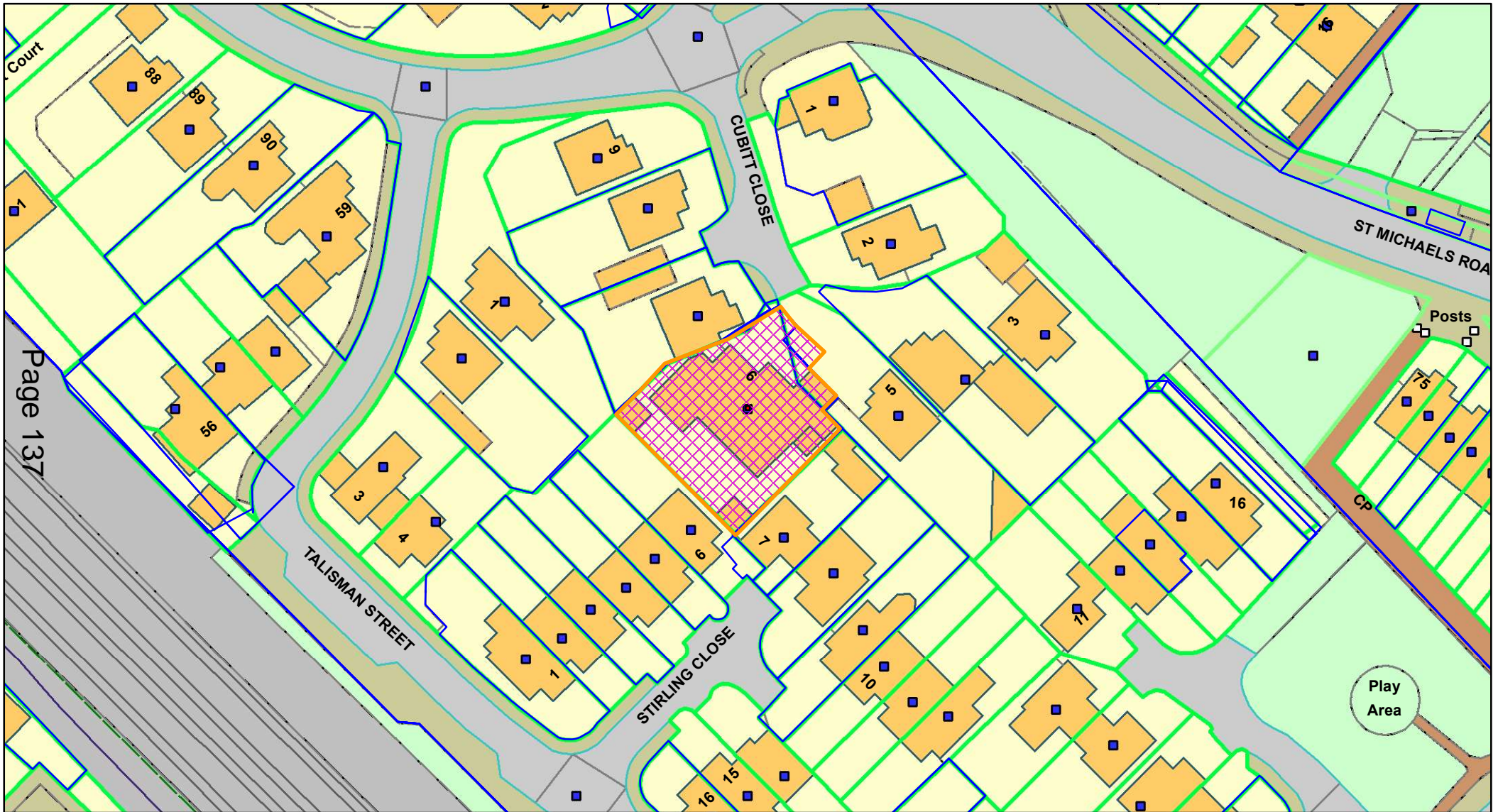
Proactive Statement:

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.

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20/01692/FPH 6 Cubitt Close, Hitchin, Herts, SG4 0EL



Page 137

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