

14 July 2023

Our Ref Planning Control Committee/27 July 2023
Contact. Committee Services
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To: Members of the Committee: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Steve Jarvis, Ian Mantle, Michael Muir and Dave Winstanley

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

On

THURSDAY, 27TH JULY, 2023 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. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p>2. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>3. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>4. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>5. 23/00555/FP LAND ON THE SOUTH OF OUGHTONHEAD LANE, HITCHIN, HERTFORDSHIRE, SG5 2NA REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Creation of access from Lower Innings to Land South of Oughtonhead Lane</p>	<p>(Pages 3 - 16)</p>
<p>6. PLANNING APPEALS REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p>	<p>(Pages 17 - 24)</p>

<u>Location:</u>	Land On The South Of Oughtonhead Lane Hitchin Hertfordshire SG5 2NA
<u>Applicant:</u>	Cala Homes Ltd
<u>Proposal:</u>	Creation of access from Lower Innings to Land south of Oughtonhead Lane
<u>Ref. No:</u>	23/00555/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 2nd May 2023

Extension of statutory period: 31st July 2023

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called in by Cllr Clare Billing and Cllr Nigel Mason. Their comments are included within the appendix section below.

1.0 **Site History**

- 1.1 23/00563/FP - Erection of 43 dwellings, access from Lower Innings, associated internal roads, parking, landscaping, amenity space and open space – Associated application under consideration.

2.0 **Policies**

2.1 **National Planning Policy Framework (2021)**

- Section 2 – Achieving sustainable development
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

2.2 **North Hertfordshire Local Plan (2011-2031)**

- SP1 Sustainable development in North Herts
- SP6 Sustainable transport
- SP7 Infrastructure requirements and developer contributions
- SP9 Sustainable design
- SP10 Healthy Communities
- SP12 Green Infrastructure, landscape and biodiversity
- HS1 Local Housing Allocations
- D1 Sustainable design

- D3 Protecting living conditions
- NE2 Landscape
- NE3 The Chilterns Area of Outstanding Natural Beauty
- T1 Assessment of transport matters
- HT3 – Land South of Oughtonhead Lane

3.0 **Representations**

- 3.1 **Site Notice, Advertisement, and Neighbour Consultation** – A total of 70 representations have been received from interested parties. 68 of which are objections and 2 are representations.

It should be noted that a large number of objections relate to the associated application 23/00563/FP for the development of 43 dwellings.

Comments are summarised below:

Representations:

- Access from Lower Innings most suitable.
- Any potential future access via Oughtonhead Way, Lavender Way, or Bowlers End would not be viable due to cars being parked on both sides of road resulting in one way traffic.
- Value of properties would not be affected.
- Hitchin required more housing.
- There would be greater risk to safety to users of Oughton Head Lane should that be the alternative to that proposed.

Objections:

- Concern relating to construction traffic and risk of accidents.
- Lower Innings is a quiet cul-de-sac.
- Development and access would result in rise in traffic and congestion.
- Increase in air and noise pollution.
- Risk to safe use of the Oughtonhead Lane byway, Lower Innings and nearby roads.
- Site notice was not displayed on time.
- Development would result in compromised public road safety.
- No traffic survey has been carried out.
- Lack of consultation.
- Public exhibition was of original layout with access via Bowlers End.
- Access would give vehicles priority going against Public Rights of Way Officer comments.
- Access would result in significant damage and clearing of hedgerow along Oughtonhead Lane impacting character of the lane.
- Lower Innings is congested and not designed for an increased number of vehicles using the road.
- Development would increase congestion at the Angel roundabout.
- Harm to wildlife, biodiversity, and local nature reserve.
- Harm to Green Belt.
- Concern relating to maintenance of hedgerows to ensure visibility remains as proposed.
- Oughtonhead Lane should be retained as existing for future generations.
- Impact on local amenities and community access to town.
- Reduce value of homes.

3.2 Hertfordshire Highways:

No objection to the proposed development subject to the inclusion of conditions and informatives.

3.3 Hertfordshire Rights of Way Officer:

No objection, a condition is recommended.

3.4 British Horse Society:

No objection but a number of concerns raised including to the suitability of the ingress and egress to the proposed development site, issues relating to construction and consequent estate traffic.

Request that should the application be approved that signage, road markings, and traffic calming measures be put in place to ensure vehicular traffic cross the byway with extreme caution.

3.5 Hitchin Forum:

No objection but a number of concerns raised relating to traffic and air quality from additional vehicles. Comments relate to both the access and residential development scheme and can be viewed in full on the NHC website.

3.6 Hitchin Oughton Ward Cllr Clare Billing:

Objection. Comments included in the Appendix section below.

3.7 Hitchin Oughton Ward Cllr Nigel Mason:

Objection. Comments included in the Appendix section below.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site consists of a stretch of land that starts from Lower Innings, crosses Oughtonhead Lane and into a field identified within Policy HT3 of the North Hertfordshire Local Plan as 'Land south of Oughtonhead Lane'.

4.1.2 The application site is situated on the edge of a predominately residential area of Hitchin and close to the Hitchin Cricket Club to both the west and south of the site.

4.1.3 The application site is not situated within the Green Belt or within a Conservation Area. The Green Belt is immediately to the west of the allocated site HT3, and the edge of the Chilterns AONB is about 1.3km to the west.

4.2 Proposal

4.2.1 Planning permission is sought for the creation of a vehicle access that would provide access from Lower Innings to Land south of Oughtonhead Lane.

4.2.2 The access is intended to serve a 43 dwellings scheme currently under consideration to the site allocated for residential development in the adopted North Hertfordshire Local Plan site HT3 - Land South of Oughtonhead Lane for an estimated 46 homes.

4.3 Key Issues

4.3.1 The key issues for consideration include whether the principle of the development would be acceptable in this location, the impact of the proposal upon the character of the area, the impact upon neighbouring amenity, and the impact upon the safe operation of nearby public highways and Oughtonhead Lane.

4.3.2 The access, if approved, would serve a residential development for 43 dwellings proposed under application reference number 23/00563/FP. Matters relating to the principle of the associated residential development are not for consideration in this application and therefore not a matter for consideration within this report.

4.3.3 The matters under consideration are limited principally to the impacts of the proposed access only. It is reasonable to consider this application for the access on its merits in advance of the determination of the application for residential development (23/00563/FP), given that the site is allocated for residential development in a recently adopted local plan and therefore the principle of residential development is acceptable.

Principle of the Proposed Development:

4.3.4 The proposed access would provide vehicular, pedestrian, and cycle access from Lower Innings, across Oughtonhead Lane, and onto Land south of Oughtonhead Lane, which is land that has been allocated for housing development under Policy HT3 of the North Hertfordshire Local Plan.

4.3.5 The access would link to an established residential area within the town of Hitchin a specific site policy consideration set out within Policy HT3 of the Local Plan, which is:

- *“Access from Westbury Close or Lower Innings (referred to as Long Innings) whilst maintaining the general integrity and character of Oughtonhead Lane (Restricted Byway Hitchin 003).”*

4.3.6 Given that the proposed access would be in accordance with the site specific policy set out within Policy HT3 of the North Hertfordshire Local Plan, it is considered that the development would be acceptable in principle.

Highways Safety:

4.3.7 The Hertfordshire County Council Highways Authority (HCC Highways) have been consulted on the proposed scheme. No objection has been raised subject to the inclusion of conditions and informatives.

4.3.8 HCC Highways have assessed the data and supplementary information provided by the applicant and concluded their assessment with the following comment:

“The applicant has undertaken a stage 1 safety audit and resolved the issues raised by incorporating their recommendations in the design of the access off Lower Innings with measures to enhance safety for pedestrians, cyclists and horse riders and ensure vehicle speeds are low.”

- 4.3.9 HCC Highways have recommended the inclusion of a pre-commencement condition that would require the submission to the Local Planning Authority of a detailed technical plan for the access that would show the detailed engineering designs and construction of the access.
- 4.3.10 A second condition recommended by HCC Highways would require the development to be installed in accordance with the approved technical plans submitted as part of the pre-commencement condition and to be thereafter retained and maintained at all times.
- 4.3.11 Given the absence of any objection from HCC Highways, it is considered that the proposed development and its design would not result in any unacceptable harm to the safe use of nearby public highways.

Oughtonhead Lane Restricted Byway:

- 4.3.12 The proposed access would result in the interruption and crossing of the Oughtonhead Lane Restricted Byway. Oughtonhead Lane is a narrow track that is used for a mixture of walking, cycling, and horse riding.
- 4.3.13 The development would cross the byway onto Lower Innings and would give priority to motorised vehicles crossing the lane. The Transport Statement, provided alongside the application, sets out that whilst giving priority to Oughtonhead Lane was considered, several issues were identified. The issues identified within the Transport Statement are set out below:

“Based on on-site observations, the use of the lane is generally light and car drivers that habitually use the lane will become familiar with this. Over time, this may lead to complacency amongst car drivers, with the assumption that there is no need to give way as there are rarely users on the lane. Giving that lane users will have priority, they may not feel the need to slow at this intersection, possibly leading to a risk of collision.”

“The visibility splays required by car drivers to see along the lane, particularly for an approaching cyclist or horse rider/carriage are significant and would rely on the clearing of hedgerow along the lane, potentially impacting on the character of the lane.”

- 4.3.14 It is considered that the reasoning provided for giving motorists priority is acceptable in the interests of public safety and given the lack of any objection or concern raised by the Highways Authority.
- 4.3.15 No objection has been raised by the Public Rights of Way Officer. Whilst it is noted that the Officer requests that the users of the access are subservient to users of Oughtonhead Lane, based on the evidence supplied by the applicant and comments submitted by HCC Highways, the proposal as submitted and subject to the submission of detailed technical plans, there is no objection raised to the impact of the proposed development upon the Oughtonhead Lane Restricted Byway.

Impact on Neighbouring Amenity:

- 4.3.16 This application relates primarily to the principle of the access in this location and the potential highways impacts.

- 4.3.17 The construction of the access is dependent upon the granting of permission for the 43 dwellings proposed under application reference 23/00563/FP. However, the determination of this application can reasonably be made in advance of that application or any other application, given that the site is allocated for housing in the recently adopted Local Plan.
- 4.3.18 Should the access be brought into use as a result of the residential development, there would be an increased intensity of vehicle and pedestrian movements within Lower Innings and the wider area.
- 4.3.19 Based on the submitted Transport Statement, it is predicted that there would be approximately 270 vehicle movements and 16 cycle movements per day should the residential development be granted.
- 4.3.20 Whilst traffic associated with the residential development would result in a marked increase in traffic movements in the immediate vicinity, such levels would not be unusually high within a residential area and the impact of the access would not result in unacceptable harm, taking account of the low profile design and traffic calming measures to be incorporated. No objection is raised on neighbouring amenity grounds.

Impact on the Character of the Area:

- 4.3.21 The access would include the provision of traffic calming measures intended to achieve low traffic speeds. These measures include changes in width, bollards, surface markings, and signs.
- 4.3.22 Whilst the development would result in the loss of a limited amount of hedgerow and vegetation to this specific part of the site, it's overall impact upon Oughtonhead Lane, Lower Innings and the surrounding area is considered limited. The access would be acceptable in design terms.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and would comply with the necessary provisions sets out within the North Herts Local Plan 2011-2031 and the National Planning Policy Framework (2021). Recommend granting conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with

the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

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

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

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

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

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

3. No access development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the access road with Lower Innings. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before commencement of work of the development.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users and in accordance with Policy T1 of the North Hertfordshire Local Plan 2011-2031.

4. Prior to the first occupation/use of the development hereby permitted the vehicular access shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. 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) and Policy T1 of the North Hertfordshire Local Plan 2011-2031.

5. Prior to first use of the access route across Oughtonhead Lane by any construction traffic, the surface of Oughtonhead Lane must be protected from any surface and side damage, and that any accidental damage must be repaired to the satisfaction of the area Rights of Way Officer.

Reason: In the interests of protecting the Oughtonhead Lane Restricted Byway (Hitchin 003) for users of the public right of way

Proactive Statement

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

7.0 Appendices

7.1 Clr Clare Billing Call-in:

"I am writing to formally request that Planning Application 23/00555/FP Creation of access from Lower Innings to Land south of Oughtonhead Lane is Called In and to submit my objection to the planning application for the construction of an access road across Oughtonhead Lane which is Restricted Byway Hitchin 003

The National Planning Policy Framework highlights the importance of any development having regard to protect and enhance our natural, built and historic environment; improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy the proposal does none of these for the people already living in and using the area.

As a concerned member of the community and as a local Councillor representing the views of my constituents I have several reasons for objecting to this proposal. They are as follows:

Safety Concerns: The Oughtonhead Lane is an important pathway that is well-utilised by cyclists, equestrians, and walkers as a gateway access to Oughtonhead Common Nature Reserve. Many users are children, elderly individuals, and individuals with disabilities. The construction of a road access into Lower Innings would pose serious safety risks to lane users, as it would introduce vehicular traffic into an area that is currently free from motorised vehicles. This could result in accidents and injuries to vulnerable people, and I strongly believe that the safety of pedestrians and other footpath users should be a priority in any development proposal.

In the Transport Statement 4.2.3 During the pre-application for the development, the Public Rights Officer requested that the intersection of the access and the lane be designed with priority for non-motorised users (pedestrians, cyclists and equestrians, both riders and carriages) using Oughton Head Lane. This has not been included in the final proposal.

Environmental Impact: Whilst it is understood and appreciated that new homes have to be built this should not be happening to the detriment of existing residents or the natural environment. The construction of an access road across Oughtonhead Lane would require the removal of trees, vegetation, and other natural features, which would have a detrimental impact on biodiversity. It will also lead to increased air and noise pollution from extra vehicular traffic, further degrading the quality of the surrounding environment.

Oughtonhead Common Nature Reserve: there are areas of the hedgerow in the immediate area which are clearly a special and important habitat. Further down the lane they are actually designated a Site of Special Scientific Interest due to the geology lying under the surface of the path. The Lane is bordered by hedgerows which provide

an important habitat for plants and wildlife. Except for a tree survey I have seen no evidence of any detailed ecological survey and as a regular user of the areas around Oughtonhead Common and the Lanes leading to it I regularly see animals and birds such as bats, owls, deer, hedgehogs, squirrels, foxes and mice as well as a whole host of other birds and insects. Im aware that some of these are protected.

Detrimental impact on neighbouring amenity: the negative impact on Lower Innings and surrounding streets with the construction of an access road across Oughtonhead Lane is significant. It would forever change what is currently a safe cul-de-sac with minimal traffic to a busy though road. I note that although 43 new homes are proposed there is actually 126 spaces for parking which means considerable extra daily car movements and additional service traffic to the new homes. Lower Innings, Westbury Close, Friday Furlong and Spellbrooke were not built for this increased level of daily traffic their width is not appropriate and the bends and curves into Lower Inning and the roads leading to it are also not appropriate. In addition, the construction traffic that such a development would require would pose a significant threat to pedestrians and also other parked vehicles in the area.

Redhill Road: at the Redhill Road junction with Bedford Road is a very busy row of shops including a convenience store, Post Office, pub, bakery, butcher, betting shop, chemist, and food takeaways. There are pedestrians crossing the road to use the shops and cars parking in the shop laybys and parking along the normal road. Other vehicles double park in the road adjacent to the shop laybys and also double park on the normal road. Increased traffic and the construction traffic to the new development via this area of Redhill Road would exacerbate the issues here. It would also be a serious safety concern.

In addition, on Redhill Road opposite the junction with Westbury Close is one of the entrances to Oughton Primary School. There is no pedestrian crossing for children to get to school and therefore the increased traffic to the new development and the construction traffic would be another serious threat to safety. There are already significant concerns about road safety in the area caused by inappropriate parking, speeding and the lack of safe places to cross this road. This will exacerbate these issues.

Lack of alternative sustainable means of transport: At 4.4.3 of the Transport Statement it states "LTN 1/20 states that most people will not feel comfortable cycling on carriageways with more than 2,500 vehicles per day and at flows above 5,000 vehicles per day few people will be prepared to cycle on-street." However at 1.5.4 the Transport Statement asserts that "It can be seen from the figure above, that there is a range of facilities available within a 15-minute walk and cycle isochrones of the site, including the majority of facilities within Hitchin town centre. It can also be seen that Hitchin Industrial Estate and Hitchin train station are accessible within a 15-minute cycle journey." Several of the roads' cyclists need to travel to get to the Industrial Estate or the train station include Grove Road, Bedford Road and Nightingale Road they are extremely busy thoroughfares with significantly higher traffic levels that 5,000 per day including heavy goods vehicles scrap metal HGVs and buses. There is no consideration in the plan to ensure people living in the new development can cycle to work places safely once they leave Lower Innings.

In light of the above reasons, I respectfully request that the planning application for the construction of a road across the footpath be denied. I urge the planning authorities to carefully consider the concerns raised in this objection and take appropriate action to protect the safety, environment, aesthetics, and overall well-being of the community.

Thank you for considering my objection. I would appreciate being kept informed of any further developments or decisions related to this planning application.

*Regards
Clare Billing*

7.2 Cllr Nigel Mason Call-in:

“Dear Ian/Ben

Just to confirm, further to previous correspondence, that as an Oughton Ward Councillor I wish in to 'call in' the above planning application (23/00555/FP) i.e. Creation of access from Lower Innings to land south of Oughtonhead Lane and to object to this proposal and to the related application 23/00563/FP.

My objections are based on serious concerns around both public safety and highway safety;

- 1. Lower Innings, and the neighbouring Westbury Close, Spellbrooke, and Friday Furlong were all designed and built as cul de sacs, none are suitable as through roads for large amounts of traffic. Furthermore, the design and location of Lower Innings make it dangerously ill-suited to through traffic on the scale that the construction and habitation of the proposed 43 houses on the Worbey's Field site will create. A vehicle travelling to the proposed new development would have to undertake the very sharp right-hand turn into Lower Innings, completely unsuitable for construction traffic and a significant public and highway safety hazard with any traffic, particularly delivery vans and the like. Lower Innings is a quiet cul de sac and completely ill-suited to through traffic.*
- 2. Traffic heading to or from the proposed new development via Lower Innings would necessarily travel up or down Redhill Road, an already busy route through the Westmill Estate. There are already significant issues with traffic volume, and in particular speed on Redhill Road, a route that includes both busy local shops and a local Primary School. There is already local campaigning to reduce the speed of traffic in this immediate area and the proposal to open up this proposed route via Lower Innings can only seriously exacerbate the problem. Furthermore, there would be a serious highway safety issue created by increased traffic turning into and out of Westbury Close from Redhill Road and travelling up and down Westbury Close past the entrances to both Friday Furlong and Spellbrooke.*
- 3. a further significant reason why this proposal should be rejected is that large amounts of vehicular traffic, both in the construction phase and in the longer term, must cross the popular and very busy bridal way Oughtonhead Lane. This is a public right of way and restricted byway, in constant use by pedestrians, many with small children on foot or in buggies, cyclists (adults and children), horse riders, dog walkers, hikers, and so on. It should be noted that Oughtonhead Lane is a commonly used route for children to and from school (Samuel Lucas and Oughton Primary Schools are at each end), to visitors to the nearby Oughtonhead Common Nature Reserve, and to local residents using a safe and environmentally friendly route to and from Hitchin Town Centre. It is impossible to believe that Oughtonhead Lane can be crossed as proposed from Lower Innings into the new housing development without creating a significant risk to public and highway safety.*

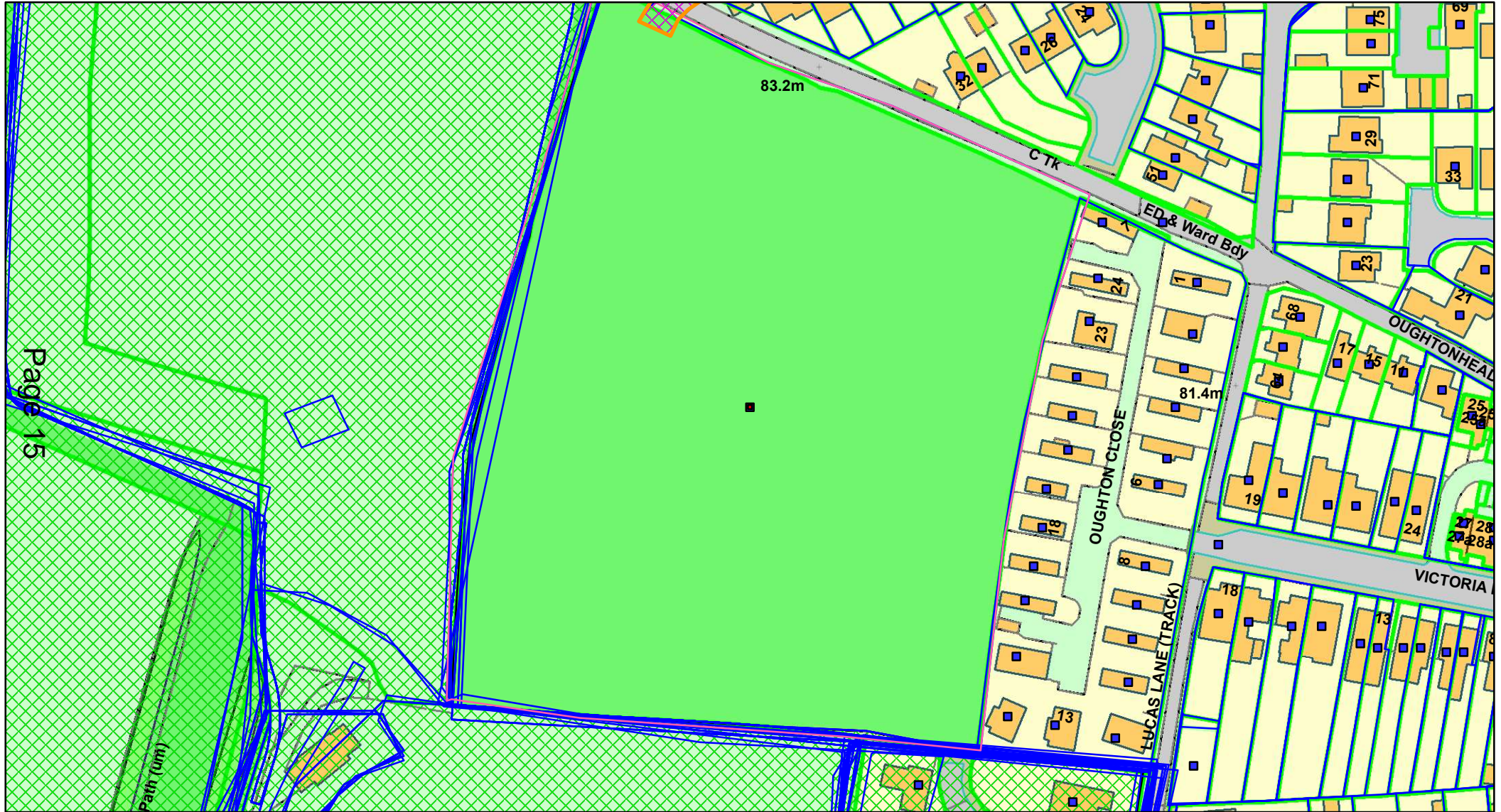
4. Finally, para 100 of the National Planning Policy Framework states 'Planning policies and decisions should protect and enhance public rights of way and access. This planning application is clearly in breach of that and for all these reasons should be rejected.'

*Nigel Mason
Councillor for Hitchin Oughton Ward*

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/00555/FP Land on the South of Oughtonhead Lane, Hitchin, Hertfordshire, SG5 2NA



Scale 1:1,250
Date: 13/07/2023

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PLANNING CONTROL COMMITTEE

DATE: 27 July 2023

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Ben Leete	11/7/23	Erection of one 2-bed detached bungalow with parking and garden following demolition of existing detached garage (as amended by plans received 10th January 2023).	6 Sparhawke Letchworth Garden City Hertfordshire SG6 4PX	22/03008/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 27 July 2023

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
MBNL	Replace existing monopoles and installation of one additional monopole and cabinets.	Telecommunic ation Masts Near Priory Lane Royston Hertfordshire SG8 9JT	22/02547/TD	Appeal Allowed On 26 June 2023	Delegated	The Inspector concluded that the proposal would not cause harm to the heritage significance of the Conservation Area. The proposal satisfactorily accords with Policies D1 (Sustainable Design) and HE1 (Designated heritage assets) of the North Hertfordshire Local Plan 2011-2031 (adopted November 2022) and the Framework in so far as these policies promote the desirability of sustaining and enhancing the significance of heritage assets. The Inspector also stated that he was satisfied that the equipment could be installed and thereafter suitably maintained without prejudice to the safety of highway users.

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Appeal Decision

Site visit made on 19 June 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2023

Appeal Ref: APP/X1925/W/22/3312947

Priory Lane, Royston, Hertfordshire SG8 7DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by MBNL.
 - The application Ref 22/02547/TD, dated 16 September 2022, was refused by notice dated 8 November 2022.
 - The telecommunications installation proposed is upgrade to the existing 10.0m High EE/H3G Streetworks Monopole on root foundation. Proposed 17.5m High EE/H3G Phase 7 Monopole complete with wrapround cabinet to be installed on root foundation and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO for the siting and appearance of an upgrade to the existing 10.0m High EE/H3G Streetworks Monopole on root foundation involving a proposed 17.5m High EE/H3G Phase 7 Monopole complete with wrapround cabinet to be installed on root foundation and associated ancillary works at Priory Lane, Royston, Hertfordshire SG8 7DA in accordance with the terms of the application, Ref 22/02547/TD, dated 16 September 2022, and the plans¹ submitted with it: 002 Site Location Plan; 003 Access Plan; 005 Cherry Picker and Crane Location; 006 Services Plan; 100 Existing Site Plan; 150 Existing Site Elevation; 215 Max Configuration Site Plan; 265 Max Configuration Elevation.

Preliminary Matters

2. As the site is in a conservation area, I have had regard to the statutory duty set out under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the relevant conservation area's character or appearance.
3. The principle of development is established by the GPDO. Even so, Schedule 2, Part 16, Class A, Subsection A.3 requires, amongst other provisions, a developer to apply for a determination as to whether prior approval will be required as to the siting and appearance of the development. I shall have regard to the policies of the development plan and the National Planning Policy Framework (July 2021) (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

¹ each referenced 1206239_NHE111_17041_SG0380_M001 A

Main Issue

4. Whether or not the siting and appearance of the proposed development is acceptable, having particular regard to its effect upon the character or appearance of the Royston Conservation (the CA).

Reasons

5. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its high concentration of fine historic buildings and its wide mix of residential and commercial uses. This significance and special interest is further underpinned by an abundance of green features and the presence of well-vegetated open spaces, which include Priory Memorial Gardens (the Gardens) situated to the immediate west of the site.
6. The proposed equipment would occupy a visible location upon a strip of grassed land that abuts a footpath that runs alongside Priory Lane and that sits adjacent to the Gardens in a busy part of Royston. It is also relevant that the proposed replacement monopole, would be tall, rising to 17.5 metres in height.
7. Nevertheless, the monopole's intended positioning in proximity to established planting would assist in providing a degree of partial screening from a range of potential vantage points, including from locations within the Gardens. Furthermore, the equipment would be viewed in the context of various items of modern street furniture, including signage, cabinet boxes, and vertical streetlighting columns. Thus, particularly when factoring in the somewhat slimline specification of the proposed monopole (which I have considered based on it being of dark/neutral colour, consistent with the existing monopole to be replaced) and the ancillary small-scale nature of the proposed cabinets, the equipment would not appear as incongruous in the particular location in question and would not be experienced as unacceptably prominent.
8. I also note that the equipment would be setback a not insignificant distance from the Town Hall, which is situated to the opposite northern side of Melbourn Street and identified in a Register of Buildings of Local Interest. Moreover, I do not accept any suggestion made that the slimline replacement monopole that is proposed would be highly visible in long distance views, nor that it would have a material adverse effect upon the setting of the Town Hall. Indeed, the positioning of the proposed equipment appears logical and well thought out in the context of constrained and densely populated urban wider surroundings.
9. For the above reasons, having particular regard to the proposal's effect upon the character or appearance of the CA, the siting and appearance of the proposed development is acceptable. Thus, the proposal would not cause harm to the heritage significance of the CA. The proposal satisfactorily accords with Policies D1 and HE1 of the North Hertfordshire Local Plan 2011-2031 (adopted November 2022) and the Framework in so far as these policies promote the desirability of sustaining and enhancing the significance of heritage assets.

Other Matters

10. For the avoidance of doubt, notwithstanding the relative proximity of the site to the carriageway of Priory Lane and records of accidents nearby, I am satisfied, having visited the site, that the equipment could be installed and thereafter suitably maintained without prejudice to the safety of highway users.

11. A recent appeal decision² makes up part of the submitted evidence. This relates to a different site situated elsewhere within Royston, where the Inspector found that a proposed monopole would significantly detract from the character and appearance of the area. Nevertheless, a replacement pole was not proposed in that case. Furthermore, I must consider the proposal that is before me upon its own individual merits and in the context of the site-specific circumstances that avail. As such, this other appeal decision is of limited relevance to my considerations.

Conditions

12. Any planning permission granted for electronic communications apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
13. For the avoidance of doubt, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators as referenced in the preceding paragraph.

Conclusion

14. For the above reasons, the appeal is allowed and prior approval is granted.

Andrew Smith

INSPECTOR

² APP/X1925/W/21/3284014

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