

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

Date of expiry of statutory period: 19th June 2020

Reason for Delay:

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

Reason for referral to Committee:

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

1.0 **Planning Policy**

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

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

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

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

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

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

Policy 1: Transport User Hierarchy

Policy 2: Influencing land use planning

Policy 5: Development Management

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

Stage 3 Interventions Paper (Consultation Draft)

1.6 NHDC Annual Monitoring Report 2018 - 2019

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

2.0 Relevant Site History

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

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

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

3.0 Representations

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

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

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

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

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

3.6 **Site Notice / Adjoining occupiers:**

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

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

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

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

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

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

4.2 Proposal

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

4.3 Key Issues

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

4.3.2 Principle of the use

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

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

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

4.3.4 **Impact on the character and appearance of the area**

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

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

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

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

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

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

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

4.3.10 **Impact on living conditions**

Proposed residents

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

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

4.3.11 Existing residents

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

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

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

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

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

4.3.13 **Environmental matters**

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

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

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

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

4.3.14 Highway and parking issues

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

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

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

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

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

4.3.15 The Planning Balance

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

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

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

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

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

4.4 Conclusion

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

5.0 Legal Implications

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

5.2 Pre-Commencement Conditions

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

6.0 Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) Construction vehicle numbers, type and routing;

b) Access arrangements to the site;

c) Traffic Management requirements;

d) Construction and storage compounds

e) Siting and details of wheel washing facilities;

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

g) Timing of construction activities

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

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

Reason: In order to protect highway safety and amenity

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

Reason: In order to protect highway safety and amenity

Proactive Statement:

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

Informative/s:

Environmental Informatives

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

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

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

Highway Informatives:

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of

the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

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