

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.*

Second Consultation following DAS Addendum:

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 Designer**

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

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:

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 sewers. 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>