

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

**Date of expiry of statutory period :** 21.09.2020

**Reason for Delay**

Research and Committee cycle

**Reason for Referral to Committee**

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

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

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

**1.0 Background**

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

## RESOLVED:

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

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

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

## 2.0 Policies

2.1 See original report at **Appendix A**

## 3.0 Representations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Policy 21 - Review of Existing Controlled Parking Zones*

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

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

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

#### 4.0 **Discussion**

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

4.2.1 The reason for the deferral of the application was:

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

4.3 Comments by the committee relating to this included:

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

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

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

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

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

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

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

## 5.0 **Conclusion**

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

## 5.2 **Alternative Options**

None.

## 5.3 **Pre-Commencement Conditions**

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

## 6.0 **Legal Implications**

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

## 7.0 **Recommendation**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **6. Land Contamination Condition**

- (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - (ii) The results from the application of an appropriate risk assessment methodology**

- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**
- (d) This site shall not be occupied, or brought into use, until:**
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

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

- 7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

**The Construction Management Plan shall consist of:**

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

**Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).**

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

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

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved drawing number 20049 PL03. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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

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

#### Proactive Statement

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