

ITEM NO:

<u>Location:</u>	55 Harkness Court Franklin Gardens Hitchin Hertfordshire SG4 0BS
<u>Applicant:</u>	Mr Nafees Parker
<u>Proposal:</u>	Excavation of front grassed area and formation hardstanding and associated works to facilitate two parking spaces
<u>Ref. No:</u>	23/01198/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 4th August 2023

Extension of statutory period: 13th October 2023

Reason for Delay: Awaiting committee date.

Reason for Referral to Committee: Objections received to an application made by North Herts Council.

1.0 Site History

- 1.1 18/01402/FP - Replacement front dormer window and insertion of rear dormer window to facilitate the conversion of existing warden's office space to four one-bedroom flats. Single storey front extension to form bin store. Alterations to fenestration – Granted Conditional Permission on 08/08/2018.
- 1.2 19/02115/NMA - Erection of electrical mains enclosure (as Non-Material Amendment to Planning Permission 18/01402/FP granted 06/08/2019) – Agreed on 15/10/2019.
- 1.3 20/01397/NMA - Replacement front dormer window and insertion of rear dormer window to facilitate the conversion of existing warden's office space to four one-bedroom flats. Single storey front extension to form bin store. Alterations to fenestration (as non-material amendment to planning permission reference 18/01402/FP granted on 08.08.2018) – Agreed on 19/08/2020.

2.0 Policies

2.1 National Planning Policy Framework (2021)

Section 8 – Promoting healthy and safe communities
Section 12 – Achieving well-designed places

2.2 North Hertfordshire Local Plan (2011-2031)

SP1 – Sustainable development in North Herts
SP2 – Sustainable design

- D1 – Sustainable design
- D3 – Protecting living conditions
- T1 – Assessment of transport matters
- T2 – Parking

2.3 Supplementary Planning Documents

Vehicle Parking at New Developments SPD

3.0 Representations

3.1 Site Notice, Advertisement, and Neighbour Consultation

Representations have been received from six neighbouring properties all objecting to the proposed application. The objections are summarised below and can be viewed in full on the NHC website.

- Lack of details provided.
- Would remove a large part of the communal area.
- Loss of safe walkway to bin store.
- Fire engine access is already available.
- Development would replace three spaces with two.
- Would not benefit all residents.
- Alternative locations available.
- Would not want antisocial behaviour to start.
- Do not want vehicles parking close to flat due to health concerns.

3.2 Parish Council / Statutory Consultees

N/A

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site consists of an area of car parking and a communal garden to the rears of properties that form Harkness Court, Hitchin. The application site is accessed via Franklin Gardens to the west. The site is not situated within a Conservation Area.

4.2 Proposal

- 4.2.1 Planning permission is sought for the excavation of a grassed area to allow for the creation of two car parking spaces and the formation of an area of hardstanding.
- 4.2.2 The area of hardstanding is intended to allow for the positioning of a firefighting appliance within 45m from the furthest point within the flat block development. The works are required in order to comply with Building Regulations.

4.3 Key Issues

- 4.3.1 The key issues for consideration include the principle of the proposed development; the design and appearance of the development and its impact upon the character and appearance of the locality; the impact of the development upon the amenity of nearby neighbouring occupiers; and the impact of the development upon highways and car parking.

Principle of the Proposed Development:

- 4.3.2 The application site is situated within Hitchin where development of this nature is considered acceptable in principle. Furthermore, the site is not situated within a Conservation Area and is not in proximity to any Listed Buildings.
- 4.3.3 The development would be used in association with the existing use of the site and would not result in any change of use.
- 4.3.4 No objection is raised to the principle of the proposed development for the above reasons. The acceptability of the development is subject to the considerations set out in the report below.

Design and Appearance:

- 4.3.5 Policy D1 of the North Herts Local Plan sets out policies for achieving sustainable design and requires development to respond positively to the site's local context. The policy also seeks to enhance public realm and retain existing vegetation and minimise the visual impact of parking provision. This policy is in accordance with the objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Section 12 – Achieving well-designed places). Paragraph 126 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities”.
- 4.3.6 The application site is situated within a private off-street car parking area and is not clearly visible from any nearby public highways. Furthermore, the development would consist of ground level works that would not result in any unacceptable harm to the public street scene.
- 4.3.7 The development would consist of the creation of two car parking spaces to replace the two to be removed, and the creation of an area of hardstanding to accommodate a firefighting appliance, which would result in the loss of part of the grassed communal area that serves the groups of flats.
- 4.3.8 Whilst this would result in the loss of a grassed area and a tree, materials would include permeable block paving with wooden bollards bordering the two car parking spaces.
- 4.3.9 Given the modest scale of the proposal and the location of development within the existing car park serving the blocks of flats, it is considered that the proposed development would not result in any unacceptable harm to the character or appearance of the locality.

Impact of Neighbouring Amenity:

- 4.3.10 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 D3 of the Local Plan.
- 4.3.11 Several objections to the proposed development have been received and have been summarised in the report above.

- 4.3.12 The development would result in the creation of two new car parking spaces (to replace two existing car parking spaces) on a grassed area that currently serves as a communal garden used for the hanging of washing.
- 4.3.13 Furthermore, it is noted that the development would result in the creation of two car parking spaces that would be in closer proximity to the occupiers of primarily No. 50 to 53 Harkness Court.
- 4.3.14 The applicant's agent has confirmed that rotary washing lines will be provided within the remaining communal garden area along with the provision of a new bench and landscaping. These works would be subject to agreement with Settle who own the land.
- 4.3.15 The proposed use and number of vehicles making use of the site would remain the same as existing. It is therefore considered that there would be limited material impact upon noise and amenity.
- 4.3.16 Given the above and the proposed improvements to the communal garden area, it is considered that the proposed development would not result in unacceptable harm to the amenity of neighbouring occupiers. The proposal would comply with local and national planning policies.

Highways and Parking:

- 4.3.17 The proposed development would not impact the use of nearby public highways with the works being situated within a private car park away from the entrance to the site. It is considered that the development would not result in harm to the safe operation of nearby public highways.
- 4.3.18 The development would result in the relocation of two car parking spaces however, the number of parking spaces would remain the same as existing. It is therefore considered that the development would not result in unacceptable harm to the existing car parking situation.

Environmental Implications:

- 4.3.19 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle. In addition, Local Plan Policy NE4 indicates that all development should deliver measurable net gains, which could be achieved by a suitable landscaping scheme.
- 4.3.20 Whilst the proposed development would result in the loss of a tree, a condition is recommended that requires a landscaping scheme to be submitted to and approved in writing which would mitigate the impacts of the proposed development. The proposal is in a sustainable urban location and would not have any significant implications for the local environment in terms of carbon emissions. Therefore, subject to landscaping to mitigate the impact of the proposal it is considered that there would be no conflict with Local Plan Policy NE4 and that the proposal would be generally in compliance with Section 14 of the NPPF and Policy D1.

Other Issues:

- 4.3.21 The objections and concerns raised to the proposed development have been carefully considered. The proposal would result in the loss of a communal area. However, a functional communal area would remain. Access to bins should not be impeded by the proposal. The parking area should not have a material impact upon the health and wellbeing of occupiers of the flats. The proposal is in an area of existing parking and there would be landscaping between the parking spaces and existing flats. Other relevant material planning considerations are addressed in the report above.

Planning balance

- 4.3.22 The proposal would result in the loss of part of an existing communal area and a small tree. There would be a very small loss in biodiversity arising from the loss of the existing tree. However, this could be mitigated by additional landscaping. The scheme is modest and would not result in significant harm to the character and appearance of the area and the living conditions of occupiers of nearby flats. The proposal is required by Building Regulations in order that a fire appliance may be positioned within 45m of the existing flats. This is important for the safety of occupants of the flats. In addition, Local Plan Policy D1 seeks to maximise accessibility. Therefore, it is considered that the modest impacts of the development that have been identified in this report are outweighed by the need to ensure compliance with Building Regulations and protect occupiers in the event of a fire.

4.4 Conclusion

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

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

5.0 Legal Implications

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

6.0 **Recommendation**

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

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

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

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

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

3. Prior to commencement, landscape details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following:
 - a) which, if any, of the existing vegetation is to be removed and which is to be retained;
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
 - d) details of any earthworks proposed.
 - e) the location of any new or repositioned outdoor paraphernalia including benches and washing lines

Reason: To ensure a satisfactory appearance to the completed development in accordance with Policy NE2 of the North Hertfordshire Local Plan and achieve biodiversity net gains in accordance with Policy NE4.

Proactive Statement

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