

ITEM NO:	<u>Location:</u>	Hitchin Boys School, Grammar School Walk, Hitchin, SG5 1JB
	<u>Applicant:</u>	Mrs Ivory-Webb On behalf of the Governors of Hitchin Boys' School
	<u>Proposal:</u>	Demolition of existing Cricket Pavilion in advanced state of disrepair to allow for a new two storey teaching and music block comprising of 10 general classrooms, 2 music classrooms and 6 practice rooms, and a multi-use auditorium with capacity for two hundred and twenty people. Provision of 18 additional car parking spaces in 3 differing locations. Reinstatement of bricked up windows in existing Music block.
	<u>Ref. No:</u>	17/01038/ 1
	<u>Officer:</u>	Tom Allington

Date of expiry of statutory period: 27 July 2017

Reason for Delay

N/A

Reason for Referral to Committee

The application has been called in for determination by the Planning Control Committee by Cllr Simon Harwood, on the basis of the scale of the proposed development and in the wider public interest. The application was also called in by Cllr Paul Clark, on the basis of the wider public interest and on the basis of the location and bulk of the proposed building and subsequent concerns with regard to the relationship to other buildings in the area.

1.0 Relevant History

The Hitchin Boys School has a long and detailed planning history. Below are some of the previous planning applications at the school which officers consider to be relevant to the current proposal.

- 1.1 95/00941/1: Detached building for Sports and Arts Centre following demolition of headmaster's house (all matters reserved) (amended by plan no 01A received 11.1.96 and HBS/02A received 28.2.96). Planning permission approved 29/02/1996.
- 1.2 97/00325/1: Detached building for Sports and Arts Centre following demolition of Headmaster's house (approval of design, external appearance, means of access and landscaping) pursuant to Outline Permission 95/0941/1 granted 29.02.96. Planning permission approved 19/06/1997.
- 1.3 04/00912/1CC: Single storey 6th form Teaching block. Letter sent to Hertfordshire County Council dated 29/07/2004 raising 'No objections'. Application approved by HCC on 26/08/2004.

1.4 06/00394/1: Single storey detached pavilion building to provide changing facilities, physiotherapy room and office, 6 parking spaces for the disabled with access as existing from Fishponds Road (as amended by drawing nos. P03 Rev A received on 19th April 2006 and P02 Rev B received on 5th May 2006). Planning permission approved 09/05/2006.

1.5 13/00907/1: Two storey detached building to provide educational music facilities comprising reception area, classrooms, practice rooms and auditorium (as amended by plan nos. 2013.2.SP1A; 2013.2.01PA and 2013.2.07P (Option 2) received 16/8/13). Planning permission approved 17/09/2013.

This planning permission expired on 17/09/2016 and has not been implemented. This permission was for a relatively substantial, part two storey and part three storey music teaching block located to the northern side of the main complex of school buildings and which would have included two music classrooms, multiple practice rooms and a large auditorium.

1.6 16/03243/1: Replacement two storey teaching block providing 9 general classrooms following demolition of existing part single/part two storey classroom block. Provision of 6 temporary mobile classrooms for duration of the contract works. Planning permission approved 24/03/2017.

This application was for a replacement 'L' shaped teaching block on land to the south-east of the existing Cricket pavilion and which would wrap around the north-east and east of the neighbouring building at Elmside. It is noted that no objections were received from neighbouring properties with regard to this approved building.

2.0 Policies

North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):

Policy 8 'Development in Towns'

Policy 16 'Areas of Archaeological Significance and Other Archaeological Areas'

Policy 21 'Landscape and Open Space Pattern'

Policy 55 'Car Parking Standards'

2.1 Submission North Hertfordshire Local Plan 2011-2031:

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Policies of the draft Local Plan therefore carry relative weight at this stage. The policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

Section 2: Strategic Policies-

- SP1: Sustainable development in North Hertfordshire;
- SP2: Settlement Hierarchy;
- SP9: Design and Sustainability;
- SP10: Healthy Communities.

Section 3 – Development Management Policies -

- T1: Sustainable Transport
- T2: Parking
- D1: Sustainable Design;
- D3: Protecting Living Conditions;
- HC1: Community Facilities; and
- NE1: Landscape.

2.2 **National Planning Policy Framework:**

- Section 2: Ensuring the vitality of town centres
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 12: Conserving and enhancing the historic environment

3.0 Representations

- 3.1 **Cllr Simon Harwood** – I would like to call this application in to planning committee on the basis of the scale of the proposed development and I consider that this should be determined by the Planning Control Committee in the wider public interest. Also to allow residents of surrounding areas, who's comments are numerous, an ability to air their views on the development.
- 3.2 **Cllr Paul Clark** - I am aware of the large general interest this application has caused and believe it is in the best interest of the planning process for this to be decided by committee rather than under delegated powers. In addition due to the location and bulk of the proposed building I have concerns in regard to its relationship to other buildings in the area.
- 3.3 **Neighbours** - Application consulted on via neighbour notification and the display of two site notices. A total of **131** responses have been received, both in support and objecting to the proposed development.

Objections

In terms of objections, **70** responses have been received.

Most objections have been received from the residents of Archers Court and from relations of residents of Archers Court, who have written on behalf of their parents/ relations (some of the responses have been received from residents in Hitchin, however some have been received from as far afield as Glasgow, Kent and Devon, for example).

In some instances, multiple responses have been received from each flat/ unit Of the responses tallied above, two matching letters have been received from the residents of Archers Court which include petitions, one including 9 signatures and another including 14 signatures.

Of the 70 objection responses, this also includes a petition letter from the residents of Elmside, which includes a total of 33 signatures.

The comments objecting to the application are summarised at Appendix 1 of this report.

Support

A total of **61** responses in support of the application have also been received. These have largely been received from residents of various parts of Hitchin and surrounding areas, mostly of whom are parents of students attending or have previously attended Hitchin Boys School. The comments in support of the application are summarised at Appendix 2 of this report.

Councillors should note that comments on the application are still being received by the Council and this summary is provided at the time of writing this report (30th June 2017). Any further responses which are received after this report is finalised will be acknowledge as part of an update at the meeting.

- 3.4 **NHDC Environmental Health (Noise)** – No objections, following the submission of a noise survey and subject to conditions regarding noise levels and hours of use, particularly for the use of teaching, practising and playing/ performing music. The building is to be constructed in accordance with the recommendations of the report, in terms of building materials used and their sound insulation properties.

- 3.5 **Hertfordshire County Council Highway Officer** – No objections, subject to a condition requiring the submission and approval of a Construction Management Plan. Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the nearest highway.
- 3.6 **Hertfordshire Ecology** – No objection, subject to conditions. A preliminary Roost Assessment (bat survey) has been carried out by ELMAW Consulting and no bats or evidence of bats was found. However, as potential roost features were identified in the roof (many missing tiles), the building was assessed to have *low* bat roosting potential. Following Bat Conservation Trust best practice guidelines, 1 dusk emergence / dawn re-entry survey is recommended to determine whether bats are present or (likely) absent, and to provide mitigation to safeguard them if required.
- 3.7 **Hertfordshire County Council Historic Environment** – No objections, subject to conditions. I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and so suitable conditions are recommended.
- 3.8 **Sport England** – No objection. While the proposal would encroach onto part of the school's playing fields that are currently marked out for playing pitches and would not technically accord with the exceptions in our policy, I am mindful of the following characteristics: the rugby pitch and running track would be realigned and retained and the development would not adversely affect the current use of the playing field and; the proposed block includes some facilities that would support the use of the playing field, including toilets and showers/changing and the first floor makes provision for a viewing balcony for spectating activities on the playing field.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises various parts of Hitchin Boys School, which is located within the town centre of Hitchin and which is accessed from Bedford Road to the south, via Grammar School Walk. The Hitchin Boys' School is a high achieving, Ofsted 'Outstanding' single sex, all ability secondary school, with Academy status and has 828 students and 227 in the sixth form. The 'main' site subject of this application is located at the southern side of the school playing fields, located to the west of the main complex of school buildings and which is to the east of Elmside Walk. This site is adjacent to the southern boundary which is shared with Archers Court, a block of 24 assisted living retirement apartments and Elmside, a care home with 63 places and which specialises in care for those with dementia.
- 4.1.2 Other sites within the school grounds which are subject of the proposals include a parcel of land to the north of the main complex of school buildings, which is part play ground and part woodland, another smaller parcel immediately to the eastern side of the school buildings, the existing art block which is located towards the eastern side of the school grounds and lastly, an existing car park in the far southern corner of the school grounds.
- 4.1.3 The school is not located within any land designations, although it sits between two Conservation Areas immediately to the east and west of the school grounds.

4.2 Proposal

- 4.2.1 Planning permission is sought for various proposals at different parts of the school site. First and foremost, permission is sought for the demolition of the existing cricket pavilion at the southern end of the school playing fields and the erection of a new detached, two storey teaching and music building comprising the following

elements:

- 10no. general classrooms
- 2no. music classrooms
- 6no. practice rooms
- A performance Auditorium
- Circular, glazed entrance lobby with viewing platform at the first floor level
- Various ancillary rooms such as storage rooms, offices, kitchen, WCs and showers

4.2.2 The proposed teaching and music building would be a substantial building measuring approximately 61m in length by a depth of 26m. The building would have a shallow, aluminium sheet roof and which would be of various forms but which would have a maximum height of approximately 9m at a raised central section, over the auditorium and a section over the circular lobby to the eastern side of the building. The remainder of the roof would have a maximum height of approximately 7.5m.

4.2.3 The other, relatively minor aspects to the proposed development consist of the reinstatement of four windows to the existing art block, which are currently bricked-up and the provision of a total of 18 additional car parking spaces. The additional parking would be provided in three locations, with 14 to be provided on land north of the main complex of school buildings, 3 spaces north of an existing car park at the north-eastern corner of the school buildings and one space in the corner of the existing main car park at the southern corner of the school, on the west side of Grammar School Walk.

4.3 **Key Issues**

4.3.1 Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, members should be aware that given the location and scale of the proposed teaching and music building, the key issue in this instance is whether or not the proposal would respect and retain the living conditions and amenities of neighbouring properties at Archers Court and Elmside.

4.3.2 Whilst it is acknowledged that the proposed building would likely result in some degree/ form of impact on neighbouring residents, this report will outline the key factors in this assessment and will recommend whether the impact on residents is so significant so as to warrant a reason for refusal. Any adverse impact on neighbouring properties, which would weigh against the proposed development, would need to then be balanced as part of a decision making process along with all other material considerations (which are also outlined and discussed as part of this report), in particular the need for the school to expand and to provide increased and improved teaching facilities for current and future pupils.

4.3.3 Principle of the proposed development within this location

The Design and Access Statement (DAS) accompanying this application outlines that Hitchin Boys School needs to expand the capacity at the school at the request of Hertfordshire County Council. The DAS states as follows:

"In 2016 Hertfordshire County Council identified the need for additional permanent secondary school places in Hitchin from September 2018 in order to meet demand from the local area. The County Council has a statutory duty to ensure sufficient school places across its area and has been working closely with the three secondary schools in Hitchin to understand future demand and explore possible options for meeting this. Expansion of Hitchin Boys' School together with Hitchin Girls' School is part of a town-wide strategy to ensure sufficient secondary places are available for Hitchin for the future. The Governing Body of Hitchin Boys' School has consulted on the proposal to enlarge the school by 1.5 forms of entry from September 2018 and following this consultation the Governors have agreed to

proceed with the proposal. Capital funding for the expansion has been agreed with the County Council."

- 4.3.4 The site is within a sustainable location, within the town centre of Hitchin, and which is highly accessible from most parts of the town. With increased pressures on school places and the need for increased school provision, it is my view that the proposed extension and improvement to this valuable community facility within Hitchin should be supported and so broadly speaking, the proposal is acceptable in principle.
- 4.3.5 As mentioned, the site is within the confines of the town of Hitchin and is within a sustainable location, with various options by which to travel to the site, including public transport. In addition to this, it is considered that given the circumstances of the site, the location of the proposed music teaching block is also suitable, bearing in mind the limited options or alternatives within this enclosed school premises.
- 4.3.6 Much of the school grounds are used for sports and playing pitches. The proposed teaching/ music block is proposed to be located along the southern boundary of the sports/ playing fields and whilst the proposal would partially impinge on these, the rugby pitch, cricket pitch and running track are to be realigned and retained and so there would not be any loss of sports playing space at the school. For this reason, Sport England have not raised any objections. Nearly all of the remaining open land at HBS is not available for development, as it would result in the loss of sports playing pitches. Whilst other sites around the edges/ periphery of the school have been investigated by the school, these have not been found to be suitable (for example, the site to the north of the existing school buildings, where a previous, much smaller music building was approved but not implemented, would require the loss of a substantial number of trees, and would have adverse impacts on ecology and protected species, as bats were found to be roosting in this area. Furthermore, this site is closer to existing residential properties to the east of the boundary grounds).
- 4.3.7 In light of the above, it is officer opinion that the proposal is acceptable in principle, however this is in broad terms and is of course on the basis that the proposal would also need to satisfy all other material planning considerations.
- 4.3.8 Impact on the character and appearance of the existing site and the adjacent Hitchin Conservation Area
Hitchin Boys School is located between two conservation areas. Furthermore, the open playing fields of the school are considered as urban open space under Policy 21 of the Local Plan. By siting the proposed music teaching block along the southern boundary of the sports fields, the building would not significantly encroach into the sports fields and this urban open space would be sufficiently retained in my view. Furthermore, the location of the building would mean that it would sit alongside and would relate well to the existing main complex of school buildings, within easy access of the remainder of the school and would sit against a backdrop of existing built development. The proposed building would also be well enclosed by tall trees along both the southern and the western boundaries of the site which would help to partially screen, soften and break-up the appearance of the building when viewed from outside the site.
- 4.3.9 The building itself would be of a contemporary design with a render finish and a shallow, curved roof which would be of multiple sections and would be finished with grey aluminium sheeting. The design approach is continued with a proposed circular glazed entrance at the north-eastern corner of the building, which is the direction from which students and teachers etc. would approach the building, from the existing complex of school buildings. Officers consider that this design approach is acceptable and is in keeping with modern, contemporary design, which was found to be acceptable for the previously approved building to the north of the site (but which was not implemented) and the sports pavilion located towards the northern side of the sports fields.

4.3.10 It is understood that the existing cricket pavilion was originally built as a memorial to those who died during World War II. As such, the demolition and subsequent loss of this building is regrettable. However, the building is of relatively limited architectural interest and is in a poor state of repair. Therefore, it is considered that the loss of this building would not warrant a reason for refusal of this planning application.

4.3.11 The existing main school building, the Dining Hall and the Assembly Hall are Grade II listed and date back to 1889. However, these are located on the eastern side of the school and so the proposed music teaching block would be set well away from this listed building and would be separated by existing buildings around the main school complex. As such, it is considered that there would be little or no impact on the setting of the listed building.

4.3.12 The proposed car parking would have minimal impact on the character of the site and the surrounding area and is considered acceptable in this instance. Furthermore, the proposal to reinstate 4 blocked up windows to the existing arts block is also considered acceptable, as these would be within an internal courtyard and would not be visible from the wider area.

4.3.13 In conclusion, I am of the view that the proposed development would not harm the character and appearance of the site or the surrounding conservation area and so would be acceptable in this regard.

4.3.14 Neighbour amenity

As noted in this report above, the impact on the residential amenity and living conditions of the residents of Archers Court (a block of 24 assisted living retirement apartments) and Elmside (a care home of 63 places and which specialises in care for those with dementia) is the most prominent, key consideration in this instance. The application has generated a significant number of responses from neighbours, relations of neighbours and from the general public of Hitchin, with a total of 131 public consultation responses received (70 objections received and 61 responses in support), including several petitions.

4.3.15 When considering the impact on neighbour amenity, I consider that this can be broken down into four key aspects, which I will go through in turn as part of this report. These aspects are

1. Whether the proposal would be 'overbearing';
2. Whether it would result in a loss of ambient daylight and direct sunlight;
3. Whether it would result in a loss of privacy/ overlooking and;
4. Owing to the nature of the proposed building, whether the proposal would have an adverse impact in terms of noise.

4.3.16 Whilst most of the 70 objections refer to these four broad considerations, I wish to clarify that some of the grounds for objection do not constitute a material planning consideration. Of these, officers wish to make it clear that a 'view' is not a material planning consideration, as this has been raised in a significant number of the objections. Likewise, the impact of a proposal on the value of a property is also not a material consideration.

4.3.17 **Whether the proposed building would be significantly overbearing**

It is acknowledged that the proposed building would be of a substantial scale and would certainly be visible and prominent when viewed from Archers Court and the grounds of Elmside. However, just because something is visible, does not necessarily result in it being overbearing. As to whether something is overbearing is usually a balance between the general height and mass of a building and its proximity and relationship to the affected neighbouring building/ property and any intervening/ screening features. In this regard, following officer requests, additional sectional drawings have been provided as part of the application to show the relationship between the proposed building and the neighbouring properties and an

amended southern elevation drawing has also been provided.

- 4.3.18 The southern boundary of the school is raised up as part of a steep bank. The proposed music teaching building would be set into this bank (requiring excavation) and so would be set at a ground level approximately 1.9m below the ground level at Archers Court and Elmside (although this does vary). In addition, the boundary between the school and the care homes comprises a metal fence measuring approximately 1.7m along the top of the bank and there is vegetation and trees along the boundary.
- 4.3.19 As mentioned, three sectional drawings have been provided, as the proposed building would not run parallel with Archers Court and tappers away towards the eastern end. At its closest, at the western end, the proposed building would be approximately 14.25m from the northern elevation of Archers Court. However, the proposed building has been designed and laid out to seek to reduce the impact on neighbouring properties. As such, at the closer western end of the building, the first floor is set back and so although the building is within 14.25m of Archers Court, this aspect is only single storey, which is largely screened below the bank, boundary fence and vegetation. The first floor is set back and would be approximately 22m from Archers Court and would be of a similar first floor height relative to Archers Court. Given the height of the building and the distances of this part of the building relative to Archers Court, it is officer opinion that the proposal would not be overbearing.
- 4.3.20 The second, 'middle' sectional drawing shows the relationship of the tallest central part of the proposed building, which would accommodate the auditorium, with the eastern end of Archers Court. At this location, the building would be a full two storeys in height and would be set in from the boundary fence by approximately 6m and would be approximately 18.2m from this part of Archers Court. This part of the building would have an eaves height of approximately 7.5m which is reduced to approximately 5.2m when viewed from Archers Court, when taking account of the change in ground levels. The ground floor of the building would be largely screened behind the bank and fence and it is noted that this part of the boundary features two trees, which would help to soften and partially screen the proposed building, when viewed from Archers Court. Again, taking account of the height of this part of the building and the distance from Archers Court, it is officer opinion that the building would not, on balance, be overly or excessively overbearing.
- 4.3.21 Lastly, a third sectional drawing has been provided showing the relationship of the eastern end of the proposed building with the northern end of Elmside. At this location the building is set in from the boundary fence by approximately 7.75m and is approximately 14.2m from the north end/ elevation of Elmside. Although this is relatively close, at this part of the building the eaves height is lower, at approximately 5.8m in height which again is lowered to approximately 4m relative to the ground level at Elmside. In addition, it is noted that the vegetation and trees are particularly tall and dense at this part of the boundary and so the building would be almost entirely screened from this part of Elmside. Elmside is orientated so that the main elevation faces west, towards the communal gardens and towards Archers Court. During a site visit to both Archers Court and to Elmside, it was pointed out to officers that the northern end of Elmside only features two windows/ openings, which serve the end of a corridor at first floor and which provide a fire escape at ground floor and so no windows serve habitable accommodation.
- 4.3.22 Taking all of the above into account and whilst it is acknowledged that the proposed building would be prominent and would be highly visible from Archers Court and from the communal gardens of Elmside, given the height of the building relative to these neighbouring properties (which has been reduced via the shallow roof), the distance from the neighbouring properties and the partial screening and softening provided by fencing, vegetation and trees, Officers are of the view that the proposal would not result in a significantly overbearing impact.

4.3.23 **Whether the proposed building would result in a significant loss of light**

A further key consideration and one of the main concerns of objectors to the proposed development is the impact the proposed building would have in terms of loss of light, at Archers Court in particular. A criticism of the application by objectors is also that the application does not include daylight/ sunlight plans/ diagrams. However, officers note that the proposed building would be located directly north of Archers Court and so would not interrupt any part of the path of the sun in either in winter or in summer months. Therefore, there would not be any loss of direct sunlight and so officers are satisfied that a sunlight/ shadowing diagram is not required in this instance.

4.3.24 With regard to general, ambient day light, the proposed development may result in a small reduction of light compared to that currently enjoyed at Archers Court. I refer to the Building Research Establishment (BRE) '*Site Layout planning for daylight and sunlight: A guide to good practice*' document (a document often used by the Council regarding such matters and understood to be the leading document regarding the assessment of sunlight and daylight). This document states, when referring to section diagrams, "*If, for any part of the new development, this angle is more than 25^o, a more detailed check is needed to find the loss of skylight to the existing building*". This refers to taking a 25^o angle from the middle of the lowest window of the neighbouring property (so the middle of the ground floor windows at Archers Court) and if any part of the building is above this 25^o line, then further checks are needed, with regard to an assessment of the 'vertical sky component'. Officers have carried out this exercise on all three of the submitted section drawings and the proposed building is well below this line on all three drawings (ranging between 2.5m and 5m below the 25^o line at its point nearest to Archers Court).

4.3.25 As such, having carried out the suitable/ relevant test, it is found that owing to the height of the building relative to Archers Court and the corresponding distances between the two buildings, combined with the orientation of the building to the north of Archers Court, Officers are satisfied that any reduction in daylight would be limited and would not be of an extent to warrant a reason to refuse this application.

4.3.26 A specific concern has been raised with regard to the loss of light and view from the communal lounge at Archers Court (which again complies with the '25^o' rule as outlined above), which faces and is orientated to face north, towards the existing sports fields of Hitchin Boys School. During a visit to Archer Court the Officer viewed the communal lounge and the view toward the school. Again, whilst it is noted that the building would be visible from this room, the loss of light caused by the new building would be minimal and any loss would be of an extent which is considered acceptable in accordance with BRE guidance. The main reduction of light within this room is as a result of the existing canopy/ overhang which projects outside of this communal lounge (providing a covered outdoor seating area outside of the lounge). Compared to this, the impact the proposed building would have would be relatively minimal.

4.3.27 **Whether the proposed building would result in significantly adverse overlooking and a loss of privacy**

Firstly, owing to the location of the proposed building set at the bottom of a steep bank, together with the screening provided by the boundary fence, vegetation and trees, the windows at ground floor level on the south elevation of the proposed building would not result in any direct overlooking of Archers Court. Several windows, however, are proposed at first floor level.

- 4.3.28 Of the first floor windows, a long row of high level windows would serve the auditorium and being a significant height above the internal floor level and above the raised audience seating, these windows would not allow for any direct overlooking. Two classroom windows are proposed to the south elevation and which would face directly towards the first floor windows of Archers Court. However, amended plans have sought to address and mitigate any potential overlooking, as it is now proposed to have the lower row of window panes obscured glazed and whilst the upper panes would remain clear glazed, these would measure at least 1.8m above the internal floor level and so would not allow for any direct views or any overlooking towards Archers Court. In order to further screen and break-up any potential perception of being overlooked, when viewing these windows from Archers Court, two additional trees are proposed to be planted along the boundary.
- 4.3.29 The remaining first floor windows would be located towards the eastern end of the building and would comprise two office windows and a toilet window. These would face towards the northern end of Elmside, which as noted above does not include any windows serving habitable space. However, two office windows would have views over the communal gardens of Elmside. Concerns and objections have been received from the residents of Elmside with regard to a loss of their privacy in what is their only outdoor amenity space. Officers have taken these concerns on board and so in order to ensure that this space remains private, for the enjoyment of the residents of Elmside, the office windows are to be required to be obscure glazed and fixed shut below a level of 1.7m from the internal floor level.
- 4.3.30 In light of the above and subject to suitable conditions, it is the officer's view that the proposed development would not result in any harmful overlooking or loss of privacy at Archers Court and Elmside.
- 4.3.31 **Whether the building would result in a significant amount of disturbance as a result of excessive noise levels at neighbouring properties**
Given the nature of the proposed building and its intended use for the teaching, practising, playing and performing of music, a significant number of concerns and objections have been raised with regard to potential noise and disturbance to the residences of Archers Court and Elmside. In addition, an initial holding objection was also lodged by the Council's Environmental Health Officer, on the basis of a lack of information. Indeed, it is perhaps unfortunate that the layout of the building locates the two music classrooms and the auditorium on the southern side of the building, rather than on the northern side where they would be set away from neighbouring properties.
- 4.3.32 Following objections, a noise survey and a subsequent Noise impact Assessment Report by 'Paceconsult' and which is dated 29th June 2017 has been carried out and submitted. This has included the measuring and the assessment of existing background noise levels at this location and predicts the likely noise levels generated from the music classrooms and from the auditorium on the basis of similar/ matching uses. The report then goes on to recommend that should the proposed building be finished with suitable materials, in terms of the walls, roof and fenestration, that noise could be adequately retained and insulated so that noise levels experienced at neighbouring properties, namely Archers Court and Elmside, would not be significant and would not be to an extent whereby it would cause disturbance or a nuisance.
- 4.3.33 The Council's Environmental Health Officer (EHO) has carefully considered this report, liaising with the consultants in order to clarify certain matters and has confirmed agreement with the findings and recommendations of the report. Therefore, the previous holding objection has been overcome, as the Council's EHO is satisfied that the proposed building would not result in any significant harm to the amenity of neighbouring properties by way of noise. This is on the basis that several suitable and reasonable conditions be imposed. Firstly, a condition is

to be included which will require that the building be constructed to the specification as outlined/ recommended within the Noise Impact Assessment (section 6), in order to adequately insulate and retain sound. In addition, the assessment report and its findings are on the basis that windows be kept shut. Therefore, this is to be required via a condition and a further condition will require that all music classrooms and the auditorium be served by mechanical ventilation (to provide air conditioning during summer months so that windows are not opened while these rooms are being used).

4.3.34 In addition, the officers have liaised with the EHO and with the school in negotiating suitable hours of use for the building, which will take the form of a further condition. A balance needs to be found between both the needs of the school to make best use of the new building but also the needs and rights of the nearby residents to the quiet and peaceful enjoyment of their home. Taking this into account, the following hours of use have been agreed with the school:

- Weekdays: 0800 – 1800
- Saturdays: For the playing of live or recorded music 0900 – 1200 and for general teaching purposes 0900 – 1600
- Sundays and Bank Holidays: Closed

- On no more than 8 occasions in any one calendar year, the auditorium may be used for the playing of live and/ or recorded music 0900 – 2230 (to allow for school performances and so that the school can lease out the space for a limited number of occasions for additional revenue)
- On no more than 8 occasions in any one calendar year, the building may be used for general teaching and ancillary purposes 0800 – 2000 (to allow for the use of the building for end of term parent evenings)

4.3.35 Subject to conditions, it is the officer view that the proposed building would not result in significant or excessive levels of noise at neighbouring properties and so the proposal is considered acceptable in this regard.

4.3.36 Summary of impact on neighbouring properties

Officers are aware that the proposed music teaching building would be of a substantial size and which would be prominent and highly visible when viewed from Archers Court and from parts of Elmside and to this extent officers can sympathise. In addition, it is noted that these residents are elderly and vulnerable and that this proposed development is very emotive for them. However, in taking a professional and objective view, this report has outlined and discussed the key considerations in terms of the impact on neighbouring properties and it is considered that the under each of these considerations, the proposed development would not result in significant or demonstrable harm so as to justify the refusal of this application.

4.3.37 Members of the planning Control Committee should be aware that this is an 'on balance' consideration. However, should members consider that significant harm would be caused, this would need to be weighed against the wider benefits of the proposed development, that being the much needed expansion of an Ofsted 'Outstanding' school by 1.5 forms of entry and the provision of the school with increased and improved facilities.

4.3.38 Highway safety, access and parking

The Herts highway Officer has not raised any objections in this instance as the proposed development is not likely result in any harm or adverse impacts on highway safety. However, it is not clear at this stage how the site for the proposed building would be accessed during construction works. Accordingly, in order to clarify this matter and so that no harm is caused to highway safety and to pedestrians, a condition is to be included which will require the submission and agreement of a Construction Management Plan prior to the commencement of

works.

4.3.39 In terms of the proposed additional parking provision, no objections are raised with regard to this as this is a relatively modest aspect of the proposals and would provide additional parking for staff etc. which would be required as a result of the increased capacity of the school. It is also noted that the school is within a highly sustainable location within Hitchin Town Centre whereby staff and pupils/ students have various options by which to travel to the school, including walking, cycling and by public transport.

4.3.40 Further matters

Archaeology

Although the school and the site for the proposal music teaching building is outside of the designated Area of Archaeological Significance, the HCC Historic Advisor has stated that the site is within an historical part of Hitchin whereby findings may be possible and so a cautionary approach should be taken. As such, three conditions are recommended which would require the submission and agreement of a 'Written Scheme of Investigation' (WSI), the implementation of the WSI and the recording/ suitable treatment of any finds. Although a 'Project Design Report' by consultants 'Heritage Network' has been provided by the applicants, in seeking to address the first requirement, this is not considered adequate/ sufficiently complete by the HCC Historic Environment Advisor and so all three conditions as originally recommended are to be included.

4.3.41 Ecology

Hertfordshire Ecology have been consulted on this application and although initial concerns were raised with regard to a lack of information (regarding potential of Bats roosting within the cricket pavilion), a roost assessment has now taken place. Although no bats or evidence of bats was found, as potential roost features were identified in the roof (many missing tiles), the building was assessed to have *low* bat roosting potential. Therefore, further dusk/ down emergence surveys are required and the mitigation report will need amending accordingly. These are to be required via a suitable condition.

4.4 **Conclusion**

I recognise the concerns expressed by nearby residents in relation to this development proposal. However, on balance, and taking account of the technical advice from the Council's environmental health team, I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below.

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

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

4. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

5. The building hereby approved will be constructed and completed in accordance with the sound reduction values of building construction materials, as detailed in Section 6 of "Hitchin Boys School (Music and Teaching Block) Grammar School Walk, Hitchin – Noise Impact Report" Report reference PC-17-0114-RP1 Rev.B dated 29 June 2017 by Paceconsult. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: In order to protect the residential amenities of existing residents.

6. Mechanical plant noise shall be such as to not exceed rating noise levels detailed in Section 4 of "Hitchin Boys School (Music and Teaching Block) Grammar School Walk, Hitchin – Noise Impact Report" Report reference PC-17-0114-RP1 Rev B dated 29 June 2017 by Paceconsult.

Reason: In order to protect the residential amenities of existing residents.

7. The building hereby approved will only be used within the following hours:

(a) On weekdays, Monday to Friday inclusive, for teaching and for the playing of live and recorded music between 0800 and 1800;

(b) On Saturdays, for the purposes of teaching, between 0900 and 1600;

(c) On Saturdays, for the purposes of playing live and recorded music, between 0900 and 1200 noon

(d) On no more than 8 (eight) occasions in any one calendar year the auditorium as shown on the plans hereby approved may be used for the teaching, practising and performing of live and recorded music between 0900 and 2230;

(e) On no more than 8 (eight) occasions in any one calendar year the building hereby approved may be used for general teaching and purposes ancillary to teaching between 0800 and 2000.

Reason: In order to protect the residential amenity of existing residents.

8. All windows in the building hereby permitted facing south towards residential properties at Archers Court and Elmside will be kept closed during the playing, teaching, practising and performing of live and recorded music.

Reason: In order to protect the residential amenities of existing residents.

9. The classroom, office and WC windows at first floor level on the south elevation of the development hereby permitted will be permanently glazed with obscure glass and fixed shut below a level of at least 1.7m when measured from the internal finished floor level.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

10. The exit doors to the south elevation of the building hereby approved and as shown on the approved plans will only be used in the event of an emergency and will not be used to exit the building at any other time.

Reason: In order to protect the residential amenities of existing residents.

11. Mechanical ventilation will be provided to the music classrooms and the auditorium hereby approved and as shown on the approved plans and this will be installed so as to accord with the requirements of Condition 6 of this permission. The development will be retained as such thereafter

Reason: In order to protect the residential amenities of existing residents.

12. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

13. The development hereby approved will take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 12 of this permission.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

14. 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 12 and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

15. None of the trees 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.

16. Full details of hard and soft landscaping of the site and the areas surrounding the building hereby approved, will be submitted to and approved in writing by the Local Planning Authority, before the development is commenced and the approved details will be implemented in full prior to the first occupation of the development hereby permitted.

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

17. Full details as to the type, positioning and hours of use of any external lighting to be installed on the teaching building (located towards the northern boundary of the school site) hereby permitted will be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of this aspect of the development hereby permitted. The development will then be completed and retained thereafter in accordance with the approved details.

Reason: To ensure that the development will not have any adverse impacts on the living conditions and residential amenity of neighbouring properties.

18. Prior to commencement of the development (including demolition), hereby approved, 1 follow-up dusk emergence / dawn re-entry survey of the Cricket Pavilion should be undertaken during May - September (inclusive) to determine whether bats are roosting and, should this be the case, the outline bat mitigation strategy as outlined within the 'Preliminary Bat Roosting Assessment' by ELMAW Consulting, June 2017 should be modified as appropriate based on the results and then be submitted to the Local Planning Authority for written approval. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and National legislation.

19. Prior to the commencement of the development, (including demolition, ground works and vegetation clearance), hereby approved, a written Landscape and Biodiversity Management Plan should be prepared and submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, describe any native species that will be used, and how the habitats within the site boundary will be managed to maintain long term biodiversity objectives.

Reason: To ensure that biodiversity objectives and long term maintenance are realised.

Environmental Health 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 demolition and construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing building, 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.

Highways Informative

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> or by telephoning 0300 1234047.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Ecology – Birds and external lighting

- The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season or until the birds have fledged.

- Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.