

**ITEM NO:**

Location: **Land At 25-35 John Baker Place And 1-36  
Freemans Close  
Hitchin  
Hertfordshire**

Applicant: **Mrs S Virji**

Proposal: **Development A - Full planning application comprising :  
Phase 1 - construction of a five storey block containing  
37 x one bedroom apartments (affordable retirement  
living tenure), ground floor supermarket (Class A1) and  
hot food takeaway unit (Class A5) and Phase - 2  
construction of two x four storey residential apartment  
blocks containing 24 x one bedroom apartments  
(affordable rent and affordable living tenure) and 6 x  
one bedroom and 16 x two bedroom apartments (open  
market housing) together with associated vehicular  
and pedestrian access, car parking, landscaping and  
ancillary works, following demolition of existing  
buildings.**

**Development B - Outline planning application  
comprising: Phase 3 - the erection of 32 x one and two  
bedroom apartments and 14 x three bedroom houses  
(open market housing) following demolition of existing  
buildings. Matters of appearance, landscaping, and  
scale are reserved.**

Ref. No: **19/01416/HYA**

Officer: **Tom Rea**

**Date of expiry of statutory period: 27<sup>th</sup> January 2020**

**Reason for Delay**

Negotiations regarding several issues including Highway, parking and transport matters, Surface Water Management, provision of play areas, other infrastructure matters and completion of a satisfactory legal agreement.

## **Reason for Referral to Committee**

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

### **1.0 Policies**

#### **1.1 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 26: Housing proposals  
Policy 29A: Affordable Housing for Urban Local Needs  
Policy 51: Development effects and planning gain  
Policy 55: Car Parking Standards  
Policy 57: Residential Guidelines and Standards

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

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

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong competitive economy  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment

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

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy  
Policy SP7: Infrastructure requirements and developer contributions  
Policy SP8: Housing  
Policy SP9: Design and sustainability  
Policy SP10: Healthy communities  
Policy SP11: Natural resources and sustainability  
Policy SP12: Green infrastructure, biodiversity and landscape  
Policy T1: Assessment of transport matters  
Policy T2: Parking  
Policy HS2: Affordable Housing  
Policy HS3: Housing Mix  
Policy HS5: Accessible and Adaptable Housing  
Policy D1: Sustainable design  
Policy D3: Protecting living conditions  
Policy D4: Air quality

Policy NE1: Landscape  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure

**1.4 Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

**1.5 National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

**1.6 NHDC Council Plan 2020 – 2025 (Approved 21/11/19)**

Objective 5: Support the delivery of good quality and affordable housing. Support development John Barker Place.

**1.7 NHDC Annual Monitoring Report 2018 - 2019**

Includes the Council's five year housing land supply figures as at 1<sup>st</sup> April 2019 and the list of Five-year supply sites in Appendix 2.

**2.0 Site History**

2.1 09/00134/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 28 one-bedroom flats, 6 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 3.04.09

2.2 09/01423/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 21.03.14

- 2.2 13/03021/1: Demolition of existing shops, flats and garages and redevelopment of site with housing retail and community facilities comprising: 15 x two-bed houses, 24 flats (22 x two-bed and 2 x one-bed flats), supermarket (Class A1) and takeaway (Class A5) on ground floor of flat block; associated landscaping, parking and new play area. Provision of new pedestrian crossing and visitor parking on John Barker Place. (as amended by plan nos. 11015 wd2.01 (Rev P1), 02 (Rev P1), 04 (Rev P1), 05 (Rev P1), 11(Rev P1), 13 (Rev P1) received 4/2/13). Granted 13.02.15

### 3.0 **Representations**

- 3.1 **Site Notice / Adjoining occupiers:** Letters received from residents raising the following matters:

#### Points raised in objection/ raising concerns:

- ☐ A children's play area should be an integral part of the development and of an increased / adequate size
- ☐ Elderly accommodation above shops is unsuitable due to noise
- ☐ Young families and elderly people living close together is not good mix
- ☐ Energy calculations required to show the energy efficiency of the scheme
- ☐ Electric vehicle charging points are required
- ☐ Design and appearance of the new building is overpowering and depressing
- ☐ Inadequate car parking leading to congestion
- ☐ Development needs to be DDA compliant
- ☐ Too many dwellings proposed
- ☐ Consider lifts, fire alarms/sprinklers, more gardens, seating and laundry areas, soundproofing between flats.
- ☐ Existing flats empty.
- ☐ Five stories too high.
- ☐ Existing tenants should be offered options for alternative accommodation
- ☐ Loss of light. A lighter brick should be used for Phase 1
- ☐ Concern at footpath onto Mattocke Road – should be secure
- ☐ Loss of privacy

#### Points raised in support

- ☐ The regeneration is supported and much needed
- ☐ JBP is very rundown and underused
- ☐ New development will provide much-needed new shops and new park
- ☐ New park will be welcomed
- ☐ Will attract more locals and boost the local businesses
- ☐ Older generation housing will be more apt with close access to local shops to help them maintain independence even if mobility is an issue

### 3.2 **NHDC Environmental Health (noise):**

Advises no objection following the receipt of further information and recommends a condition requiring the development to be carried out in accordance with the submitted Noise Assessment and Technical Note.

- 3.3 **NHDC Environmental Health (Land contamination/ air quality):** Recommends a Phase II Environmental Risk Assessment condition and an EV charging point in each town house and EV charging points for every 10 apartments or car club provider for the flat blocks through a scheme to be agreed with the LPA.
- 3.4 **Hertfordshire Highways:** Raises no objections to the development subject to a Planning Agreement to secure various contributions and works and planning conditions.
- 3.5 **NHDC Waste Manager:** Recommends a refuse collection strategy condition for phases 2 and 3 and various requirements for bin storage and collection.
- 3.6 **Hertfordshire Constabulary Crime Prevention Advisor:** Advises that the development should be built to Secured by Design standard. Prefers play area to be located within the development site where there is better natural surveillance.
- 3.7 **Lead Local Flood Authority:** Confirm that they are not in a position to remove their objections. The LLFA seek confirmation of no increased risk in flooding through a flood map and seek further clarity over run-off rates and confirmation from Anglian Water that they will accept the proposed run-off rates discharging from the site.
- 3.8 **NHDC Community Engagement officer:** Supports the application.
- 3.9 **NHS East and North Herts Clinical Commissioning Group:** Recommends contributions towards GP services and Community and METAL Health care services.
- 3.10 **Anglian Water:** Recommends that the development be carried out in accordance with an agreed surface water strategy.
- 3.11 **Environment Agency:** Advises no objections. Recommends advice to the developer with regard to several matters including risk assessment, site investigation, SuDs and contamination.
- 3.12 **HCC Fire & Rescue Service:** Seeks fire hydrants in accordance with HCC Planning Obligations toolkit
- 3.13 **HCC Growth & Infrastructure Unit:** Requests contributions towards Primary and Secondary Education and libraries
- 3.14 **HCC Minerals and Waste Policy team:** Recommends that the development has regard to the advice in the NPPF and the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. Recommends the submission of a Site Waste Management Plan.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.2 The application site comprises 1.45 hectares (3.6 acres) of land sited within the heart of the Westmill housing estate located on the North West side of Hitchin.

4.3 The site has a frontage to John Barker Place, Mattocke Road and Westmill Road and includes the whole of Freemans Close, a residential cul-de-sac of terraces comprising 36 apartments. The southern boundary of the site adjoins The Crescent and the northeast boundary adjoins Michael Muir House. The John Barker Place frontage consists of a three storey building with shop units on the ground floor and six apartments at first and second storey level. At the rear is a parking area, service yard and garages. The site also includes a children's play area (800sqm) and hardsurfaced area formally a Multi-Use Games Area now re-provided adjacent to the Westmill Community Centre.

4.4 The area is characterised by three and four storey flatted development along John Barker Place with the area south of the site along Mattocke Road and within Freemans Close being dominated by two storey terraced housing.

##### 4.5 **Proposal**

4.6 The proposals involve a hybrid planning application seeking part full and part outline planning permission for an extensive and comprehensive redevelopment of the site above involving the re-provision of housing (both flats and houses), shops and play area facilities together with associated infrastructure including access roads, parking facilities and landscaping. Overall 129 residential units would be provided although 6 of these units would replace the flats above the shops and the 36 apartments in Freemans Close.

4.7 The detail of the redevelopment can be summarised as follows:

###### Full application

###### Phase 1

Phase 1 proposes an L-shaped block of between 3 – 5 stories in height comprising retail units on the ground floor facing John Barker Place (supermarket and takeaway) and 37 x 1 bedroom retirement flats with assisted living facilities including associated office and reception, salon, scooter storage and residents lounge and garden. The block would be of a contemporary design with the fifth floor recessed from all main elevations. The fourth floor would contain a further residents lounge and roof garden. All the flats within this block would have access to a terrace or balcony.

The Phase 1 block would be sited at the junction of John Barker Place and Mattocke Road. The main entrance to the apartments would be off Mattocke Road and the shops would be accessed off John Barker Place. Both frontages would have a new 4 metre wide public footpath separated from John Barker Place by a 3m wide landscaped buffer with new tree planting. Street trees are proposed as part of the footway on Mattocke Road which will also receive a new footpath link into the centre of the redevelopment site. A service yard / access is proposed at the rear of the shop units.

Phase 1 would be predominantly red brick with some grey brick and facing panels and the top floor would be light grey cladding.

Phase 1 would be for affordable retirement living accommodation.

### Phase 2

Phase 2 proposes two apartment blocks. Phase 2A is sited off the John Barker Place frontage and Phase 2B is sited immediately behind separated by a courtyard garden and walkway. Phase 2 will accommodate 46 one and two bedroom apartments with a mix of affordable and open market units. Phase 2 would be four stories. Phase 2A block would be separated from the carriageway by a 5.5 metre wide footpath and landscaped buffer and set back from the pavement by a 2.5m wide amenity area. The ground floor of both blocks would include refuse and cycle storage areas with block 2A including scooter storage.

Phase 2 will be predominantly buff facing brick with grey facing brick panels. As with phase 1 all of the phase 2 flats will have access to a terrace or balcony.

The tenure of Phase 2A will be split between 12 retirement apartments and 12 affordable apartments for people with general needs. Phase 2B will consist of 22 open market apartments.

### Outline application

#### Phase 3

Phase 3 is the largest part of the redevelopment scheme involving the replacement of the whole of Freemans Close with a combination of 32 one and two bed apartments in one block and 14 three bedroom houses. This area will also feature a children's play area of over 1000sqm. All matters of scale, appearance and landscaping are reserved for further consideration by way of a reserved matters application.

### Access and parking

The existing two vehicular access points off John Barker Place will be retained as part of a circulatory vehicular access through the development site which will allow refuse vehicle access to all parts of the site. A two way access off Westmill Road is retained. Footpath access is provided throughout the site linking Westmill Road, John Barker Place and Mattocke Road. Overall, 117 parking spaces are proposed including 12 disabled spaces.

## 4.8 Key Issues

### 4.9 Principle of the development

- 4.10 The application site is located within the urban area of Hitchin and an area designated for housing in the Local Plan (Policy 26, site HR 16 Westmill). In the Emerging Local Plan part of the site (i.e. that excluding Freeman's Close) is identified as the Westmill (John Barker Place) Neighbourhood Centre. As such the ELP protects the centre under policies SP4 (Town Centres, Local Centres and Community Shops) and ETC6 (Local Centres). The mixed use development proposed, including shops, would be consistent with the above adopted plan and emerging plan policies.
- 4.11 In the past few years the Council has consistently supported the regeneration of John Barker Place and this has seen the delivery of a new Community Centre and re-provided Multi-Use Games Area nearby and planning permission granted in 2009 for a similar redevelopment proposal.
- 4.12 More recently the Council has approved in November 2019 its Council Plan (2020 – 2025). A key objective (Objective 5) in the Plan is to support the delivery of good quality and affordable housing including the provision of sustainable and suitable play provision as part of all larger housing developments and to seek partnerships with Registered Social Landlords (RSL's) to build more social homes. The Objective also seeks to ensure that new developments are designed to integrate them into existing communities and provide a full range of housing including social rented, for families and single people, for young and old. Importantly, the Objective specifically refers to the aim of supporting the John Barker Place development.
- 4.13 It is considered that the proposed development is consistent with planning policy for the area and in line with the Council's aspirations to achieve a fit for purpose, regeneration scheme for John Barker Place that delivers affordable housing of the type and tenure that the local community needs.

### 4.14 Character and Appearance

- 4.15 The application site is at the centre of the Westmill estate and the prevailing form of development here is relatively high density flatted development of between 3 and 4 stories and terraced housing. Many of the flat blocks have flat roofs particularly in John Barker Place and at the junction with Westmill Road. The high density character of the area continues along Bingen Road and into Moss Way where Dugdale Court consists of many three and four storey blocks of flats. The older part of the estate to the south comprises of two storey terraced housing.
- 4.16 Given the central location within the estate of the application site and the prevailing forms of development described above it is considered that a high density mixed use development, particularly along the John Barker Place frontage as proposed with Phases 1 and 2 would not be out of keeping. The Phase 1 block is of particularly significant scale and is, arguably, at the upper limit of what would be appropriate.



However, the Phase 1 block has been designed to address its prominent corner location and fulfil the requirement of accommodating the retail floorspace necessary to maintain the vitality and viability of this neighbourhood centre. The block reduces in scale to 3 stories along the Mattocke Road frontage to mark a transition in scale down to the two storey housing further south. The fourth (top) floor is recessed in from the main elevations and clad in a contrasting material in order to minimise the bulk and scale of the building. The projecting staircase feature along the John Barker Place frontage together with its grey brickwork breaks up the façade of the building assisted by a suitable proportion of openings to brickwork. The many balconies on all elevations also help in reducing the perceived scale of the building as well as providing relief and interest to the elevations.

- 4.17 The flat blocks on Phase 2 are four storey and again signal the drop in scale away from the main feature, mixed use building on Phase 1 setting an intermediate scale towards the three storey flats at Michael Muir House at the junction with Westmill Road. Phase 2 is, nevertheless, of the same storey height as the existing flats opposite.
- 4.18 The street scene drawing (AEL 300) demonstrates how the wide frontage that is John Barker Place can comfortably accommodate the scale of the blocks on Phase 1 & 2. Significant gaps are maintained between the two phases and Michael Muir House on the south side of the carriageway and the 25m distance between the blocks and flats opposite is not dissimilar to the existing pattern of development along John Barker Place.
- 4.19 Red brickwork is the predominant material used on existing buildings in this part of John Barker Place which then gives way to lighter coloured brickwork and other materials such as render towards the periphery of the centre. The proposal red and buff coloured brickwork for Phases 1 and 2 provides a contrast between the two buildings and introduces some degree of variety into the street scene. The use of brickwork as the main external material is consistent with the widespread use of brick work in this part of the estate and is a material known for its longevity, superior weathering characteristics and low maintenance.
- 4.20 There are several key areas of public realm throughout this development. Firstly, the wide public footpath along John Barker Place is maintained and enhanced with soft landscaping and planting. In particular the footway around Phase 1 is of a significant width (between 4 and 5 metres) which allows for ease of circulation and access into the retail units as well as parking for cycles, buggies and scooters. Secondly, there are two courtyard gardens to Phases 1 & 2 and the internal footpaths with crossing points provide for a legible, pedestrian friendly environment. Finally, a children's play area comprising of two parcels of land is set aside within Phase 3. The whole of the site is extremely permeable and well integrated with adjoining roads in the estate with the pedestrian access points on Westmill Road and Mattocke Road, a footway link maintained to The Crescent in addition to the two access points onto John Barker Place.

- 4.21 The proposed development is without question of significant scale and density however by and large this is reflective of the surrounding pattern of development and commensurate with the site's location at the centre of the estate close to the community centre and school and as a local shopping destination. The development will establish a strong sense of place, has the potential to function well with its permeable layout and will add to the overall quality of the area in the longer term.
- 4.22 In view of all of the above it is considered that the development would not be harmful to the character and appearance of the area.
- 4.23 **Impact on the living conditions of existing and future residents**
- 4.24 With regard to the impact of the development on existing residents I consider that the redevelopment of the existing shops and play area with better quality and larger facilities would benefit existing residents and help to reduce crime and anti-social behaviour in the locality, improving the pedestrian access and landscaping in the area, providing play areas for children that have natural surveillance from housing and generally contributing to an enhanced living environment. It is not anticipated that the re-provision of the shopping facilities will involve any greater levels of noise and disturbance than the existing use particularly with the benefit of up to date building fabric including high performance glazing. The submitted noise survey concludes that the pattern of usage of the proposed retail unit and takeaway are expected to be the same as the current situation and that no mitigation is considered necessary and I would agree with this view. It is recommended however that full details of the fume extraction system for the A5 takeaway unit is secured by condition.
- 4.25 Whilst the siting of the blocks on Phases 1 & 2 will affect the outlook from the nearest properties in Mattocke Road the distances are such that residential amenity is unlikely to be affected. In terms of the direct impact of the block on Phase 1 the Mattocke Road properties are to the south of Phase 1 and therefore there would be no loss of daylight / sunlight and the separation gap with the intervening footpath does provide some buffer space. Furthermore the rearwards projection of Phase 1 does not breach a 45 degree angle of view from the rear elevation of No. 45 Mattocke Road.
- 4.26 The properties in Westmill Road and The Crescent will experience a different outlook however again the distances are such that residential amenity is unlikely to be adversely affected.
- 4.27 In terms of living conditions of the proposed residents there has been some concern that noise from the shops units would affect occupiers of the retirement accommodation and that young families and elderly residents living in close proximity to each other is *'not a good mix'*.
- 4.28 In terms of the shop units noise, the submitted Noise Assessment and its Technical Note Addendum (November 2019) sets out the various sound performance requirements for the blocks on Phase 1 and Phase 2 analysing each façade and every floor in the blocks and assessing the required glazing and ventilation mitigation necessary. It also assesses the performance requirements for the residential accommodation on Phase 3 (all floors).

The Noise Assessment has been carried out by professional noise consultants and has had regard to British Standards (BS) 8233: 2014, & (BS) 4142 : 2014 + A1: 2019, World Health Organisation (WHO) Guidelines for Community Noise and other noise standards, legislation and guidance. Sound surveys were undertaken to establish typical sound levels at the site including traffic noise. The assessment has taken into account the expected delivery times for the retail units and the opening hours of both the shop and takeaway. The noise survey readings suggest that a maximum required sound reduction performance for Phase 1 & 2 would be 32dB which can be achieved with a high performance glazing unit such as a Pilkington Insulight unit. Standard thermal double glazing is sufficient for any other location requiring a sound reduction performance of 25dB or less. Standard background ventilation such as trickle ventilation can be used to allow residents to open windows and control heating. The noise assessment concludes that with use of appropriate glazing and ventilation specification noise will not pose a constraint to the development. The Council's Environmental Health officer has advised that the noise report is acceptable and proposes a condition that the development is carried out in accordance with the suggested mitigation.

4.29 The accommodation provided in Phases 1 and 2 meet the minimum space standards as set out in the Government's published document 'Technical housing standards – nationally described space standard (as amended May 2016).

4.30 In terms of the concern regarding retirement accommodation and family accommodation being in close proximity to each other it is important to have regard to the following:

Existing demographics – this part of the Westmill estate is characterised by its variety of accommodation types and wide population age range. The juxtaposition of elderly, family houses and young persons accommodation in close proximity to each other is a strong feature of the existing community.

Westmill Lawns – the proposal is to re-provide the retirement accommodation at Westmill Lawns into Phases 1 and 2A. Westmill Lawns is already part of the estate and a short distance from the site and the community consultation carried out by the applicants identified that the current occupiers wished to stay in the locality and remain part of the community. Indeed the development is entirely appropriate for retirement living as it provides access to the facilities necessary and / or desirable for this type of accommodation.

Planning policy guidance - national planning policy advice requires planning decisions to achieve healthy, inclusive and safe places for people to live and which promotes social interaction through, for example, mixed use developments and strong neighbourhood centres that are easily accessible.

4.31 The John Barker Place development provides for an inclusive environment that meets the needs of the local community. The design meets the needs of a range of users including disabled people, older people and families with children. It includes shops and a play area, is close to the primary school and community centre and a short walk from a large area of public open space (Swinburne Recreation Ground).

Phases 1 & 2 are focussed on meeting the needs of older people providing accommodation that is suited to their requirements helping them to live independently for longer and more connected to their communities helping to reduce costs to the social care and health systems. Phase 3 is more family orientated accommodation separated from the first two phases but still an integral part of the development and the community as a whole. In short I consider this development to be inclusive and accessible to all enabling people from all parts of the community to benefit without discrimination and disadvantage in housing.

4.32 In summary it is considered that the development will achieve acceptable living conditions for existing and prospective residents.

4.33 **Highway, access and parking matters**

4.34 Access

The application is supported by a detailed Transport Assessment which sets out the existing highway and accessibility conditions that affect the site, assesses what the trip generation and distribution of traffic is likely to be, analyses the impact of the development on existing key junctions and their capacity to absorb the development and assesses car parking requirements.

4.35 The site is currently considered to be highly accessible. There are 4 bus stops within several minutes walk of the site (Swinburne Avenue, Moss Way, Westmill Road and Milestone Road and there is a continuous network of generally wide footpaths in the area providing routes to several destinations and a range of services including nearby schools, Oughtonhead Common, the Redhill Road neighbourhood centre and Hitchin Town Centre. The topography of the area is generally flat and the roads and pavements well lit. As such the location of the site is conducive to the use of public transport, mobility scooters and cycling as well as generally being a pedestrian friendly environment. The redevelopment of the site would generally be in accordance with Hertfordshire County Council's Local Transport Plan (LTP4) policies aimed at providing developments in locations which support and encourage the greater and safer use of sustainable transport modes and generally reduce travel demand (Policies 1, 2, 3 & 5).

4.36 The development envisages the re-use of the existing vehicular access points off John Barker Place and Westmill Road and maintains a pedestrian access off Mattocke Road. The access roads and footpaths are proposed at a standard considered acceptable by the Highway Authority. The layout can satisfactorily accommodate refuse vehicles and refuse storage areas are within recommended pull distances. In addition, the tracking diagram confirms satisfactory access for emergency and other service vehicles.

4.37 Pedestrian and cycle linkages to and from this development have been well considered. There are several routes through the site – two into John Barker Place, two leading onto The Crescent, and one each onto Westmill Lane and Mattocke Road. New footways will be at least 2m wide widening in places to achieve greater shared space improving permeability and connectivity.

4.38 A number of highway mitigation measures are proposed through consultation with the Highway Authority. These provisions and any associated works will be secured through the legal agreement, planning conditions and a Section 278 Highway Agreement. They include:

- ☐ Funding towards the provision of a dedicated on-carriageway cycle route along Bedford Road linking Hitchin town centre and northern Hitchin serving local schools
- ☐ Local bus stop improvements (including shelters and information screens)
- ☐ New pedestrian crossing facility in John Barker Place
- ☐ Widening of exiting footways
- ☐ Pedestrian dropped kerbs and tactile paving across Westmill Road to access bus stops
- ☐ Travel information and vouchers as part of Travel Plan

4.39 Traffic generation

The TA has assessed the traffic generation of this development using the recognised TRICS database method. The Highway Authority advises that the traffic generation would not present an unacceptable impact on local highway conditions and would not constitute a 'severe' increase in traffic. In terms of existing junction capacity to accommodate the development (taking into account traffic growth forecast) the Highway Authority is satisfied that all of the affected junctions would operate well within capacity. The authority will monitor the submitted Framework Travel Plan for the Residential and Retail elements of the scheme which are designed to encourage non-car modes of travel to and from the development in accordance with Hertfordshire County Council's Local Transport Plan (LTP4) policies.

4.40 Construction Traffic Management

A Construction Traffic Management Plan is required by a planning condition and will be agreed in consultation with the Highway Authority. This is a phased development and the programme of works will be managed in order to minimise the impact of Construction traffic on the local highway network. A condition is recommended concerning the provision for Traffic Regulation Orders if required both during the construction phase and the operational phase of the development.

4.41 Parking

The parking assessment and provision for this development has been informed by a parking survey (existing on-street occupancy), the requirements of the Council's parking standards SPD document and the type and tenure of the accommodation proposed, the location of the site and access to various modes of transport and the submitted Travel Plan.

4.42 The mix of uses on this development include Class A1, A5, C2 (Residential Institutions) and Class C3 (General residential). The Class A1 and A5 uses are already operational and parking for these uses has been included in the parking survey which reveals that there is a maximum on-street parking demand of 60% (97 parking spaces occupied out of 161 spaces). The sustainable location of the site allows for a reduction in parking demand in accordance with the SPD guidance and it has been calculated that the maximum parking demand for this development, taking into account all of the above factors would be 149 spaces.

The proposed development is to provide 117 spaces. Taking into account the relatively low levels of car ownership in the Hitchin Oughton ward together with the capacity of the existing highway to accommodate on-street parking, in addition to all of the sustainable transport measures referred to above, it is considered that the on-site car parking provision is appropriate for this development.

4.43 Cycles and mobility scooters

Secure mobility scooter storage is provided for in Phases 1 and Phase 2. Secure cycle parking is provided in Phase 2. In addition there is external rack cycle storage provided in various locations convenient for the various land uses (shop, takeaway and retirement living apartments). Phase 3 cycling and scooter storage will be provided at the reserved matters stage when more detailed proposals of the design, appearance, scale and landscaping of the development will be submitted. The Highway Authority have expressed some reservations over the amount of short stay cycle provision and the type (e.g. the vertically hanged cycle spaces are not child friendly and difficult to use for some cycle types) and therefore a planning condition securing further details and provision overall is recommended.

4.44 In summary, taking into account the accessible location of the site and the alternative options for transport other than the private car, the package of measures to mitigate the highway impact of the development and the fact there is no objection to this scheme from the Highway Authority, it is considered that the proposals are acceptable in highway and transport terms. In reaching this conclusion I am also mindful of the advice at Paragraph 109 of the NPPF which states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

4.45 **Affordable housing and housing mix**

4.46 Previous proposals for the redevelopment of John Barker Place have been largely dominated by provision of affordable housing comprising a range of tenures and household sizes. The proposed scheme is also a primarily affordable housing scheme when considering that a significant part of Phases 1 and 2 would secure the re-provision of existing affordable accommodation at Freemans Close and nearby Westmill Lawns. Whilst part of Phase 2 and Phase 3 propose open market accommodation, the Council will expect 40% of these as affordable units to achieve a policy compliant level of affordable housing consistent with emerging local plan Policy HS2. A condition is recommended to ensure the open market element of the scheme, including phase 3, delivers affordable housing in line with the local plan.

4.47 Emerging Local Plan policy HS3 ('Housing Mix') seeks a target of 60% larger (3+ bed) and 40 % smaller (1 or 2 bed) homes to ensure an overall mix is achieved. Setting aside the re-provision element, phase 2B and Phase 3 would provide 20.6% larger and 79.4% smaller units. The policy does allow flexibility of housing mix taking into account the location of the site and prevailing density. The local affordable housing need, which is for smaller units, is also a key consideration.

4.48 The development will secure a significant amount of affordable housing in excess of planning policy requirements when considered as a whole. In addition the development will enable improved standard of accommodation for existing tenants on the site and those nearby in Westmill Lawns. The housing mix is in accordance with Policy HS3 which takes into account the density, scale and character of development appropriate to its location and surroundings.

#### 4.49 **Environmental mitigation**

4.50 The environment is one of the three elements of sustainable development as defined by the National Planning Policy Framework. The relevant environmental implications have been considered within this report and balanced against the other two elements namely the social and economic impacts. However, the recommendation below is offered on the basis that the following measures will help to offset the schemes impact in relation to climate change:

- ☐ Requirement for Electric Vehicle charging points
- ☐ Fewer parking spaces and a requirement to operate the scheme in accordance with a travel plan in order to encourage walking and cycling rather than carbon based transport
- ☐ Provision of retail uses as part of the scheme and proximity to other services and facilities
- ☐ High performance external envelopes to the buildings to include robust thermal insulation and high performance glazing and windows.

4.51 Although an energy assessment document has been submitted as an addendum to the Sustainability section of the Design and Access statement a condition is recommended to secure full and specific details of energy reduction and efficiency measures following a fuller assessment prior to the construction phase.

#### 4.52 **Planning Obligations**

4.53 In considering Planning obligations in relation to this development the Framework (paragraph 56) advises that:

‘Planning Obligations should only be sought where they meet all of the following tests:

- ☐ necessary to make the development acceptable in planning terms;
- ☐ directly related to the development; and
- ☐ fairly and reasonably related in scale and kind to the development.

The Community Infrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.

4.54 The applicant has submitted a Unilateral Undertaking which offers the following infrastructure contributions:

- ☐ Health Care - General Medical Services GP provision in Hitchin (£48,130.61)
- ☐ Libraries - enhancement of Hitchin library (£9,739.00)
- ☐ Primary education – expansion of Oughton Primary School (£69,036.00)

- ② Secondary Education – expansion of The Priory School, Hitchin (£54,440.00)
- ② Sustainable Transport - £60,125.00 (bus stop enhancements and cycle route)
- ② Travel Plan monitoring (£6,000)
- ② NHDC Waste collection and recycling (£3,984.00)
- ② Youth services – capacity improvements to Nightingale House, Hitchin (£1,247.00)

4.55 It is considered that the above contributions, as negotiated by the Local Planning Authority and agreed by the applicant, meet the tests set out in paragraph 56 of the NPPF and mitigate the impact of the development to an acceptable degree.

#### 4.56 **Other matters**

4.57 At the time of writing this report there remains an objection from the Lead Local Flood Authority on technical matters relating to the surface water run-off discharge rates and the capacity of the existing infrastructure. Further information has been received from the applicants to address the concerns raised and the LLFA has been reconsulted. An update will be available at the Committee meeting. At present however any recommendation to grant permission for this development will be subject to the resolution of the objection of the LLFA.

#### 4.58 **Planning Balance**

4.59 The Council is currently unable to demonstrate a 5 year supply of housing land and in these circumstance permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits of the development.

4.60 The proposed development will provide 129 units of residential, accommodation, a significant proportion of which would be affordable housing. The accommodation includes a substantial element of elderly accommodation at a time when it is well known that the number and proportion of older residents in the community is growing. The re-provision of accommodation from Westmill Lawns is likely to free up that site for further housing need. This development also includes 14 family sized homes within Phase 3. A new supermarket approximately one third larger than the existing shop is proposed. These are social and economic benefits of some significance in the planning balance.

4.61 The scheme will introduce significant form and scale of buildings into the aspect currently enjoyed by some residents and the play area moved to an arguably less central location. The re-provided play area will also not be available until the latter stages of the development. That said, I do not consider that nearby occupiers will suffer undue harm to their residential amenity and the play area proposed will be larger than the existing facility and under close natural surveillance close to family homes.

4.62 The scheme would underprovide car parking against current standards. However, the available evidence suggests that this will not result in any significant harm. Furthermore, the scheme promotes a switch from the private car to sustainable transport modes in line with Local Transport Plan policies and there is no objection raised by the Highway Authority.



4.63 In environmental terms, there will be some negative impact as a consequence of high density development e.g. traffic generation, noise and CO2 emissions. That said the scheme seeks to include on-site renewable and low carbon technologies to minimise energy use (for example EV charging points) and contribute positively to environmental sustainability. Ultimately however, the application site is previously developed land and the development would be in step with NPPF advice which encourages the re-use of such land within settlements to meet identified housing need where land supply is constrained and where available sites could be used more effectively. The NPPF states that substantial weight should be given to the value of using brownfield land.

4.64 Lastly, the new Council Plan 2020 – 2025 expressly supports the development of John Barker Place.

4.65 In summary, I am of the view that the adverse impacts of this development would not significantly and demonstrably outweigh the benefits. As a consequence, the presumption in favour of sustainable development and the granting of planning permission applies, as directed by paragraph 11 of the National Planning Policy Framework.

#### 4.66 **Conclusion**

4.67 The proposal is acceptable in planning, environmental and highway terms.

#### 4.68 **Alternative Options**

None applicable

#### 4.69 **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:

A) A satisfactory resolution to the objection raised by the Lead Local Flood Authority and the applicant agreeing to an extension of time to the statutory period as required;

B) The submitted Unilateral Undertaking and the following conditions:

## **Development A**

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. Notwithstanding the submitted details and prior to the commencement of the relevant phase precise details of the external materials, including windows, for phases 1 and 2, shall be submitted to and approved in writing by the Local Planning Authority.

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 a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- the numbers, type and tenure on the site of the affordable housing provision to be made;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition shall not be binding on :- a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee

under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

5. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31<sup>st</sup> October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin – Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

6. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

7. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to works commencing to implement this permission. The landscaping details shall include:

- Details of all hard landscape surfaces
- Details of all new trees and shrubs including species, size and planting densities
- Details of all trees and shrubs to be removed
- Landscape maintenance arrangements

Reason: To safeguard the appearance of the completed scheme

8. 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.

9.

- (a) No development (excluding demolition) approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), 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 (b) 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) 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.

10.

- (a) Prior to occupation, each apartment block, shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.
- OR**
- (b) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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.

11. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phases 1 and 2 of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

12. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

13. Prior to its installation and operation full details of the fume extraction equipment for the proposed Class A5 takeaway unit proposed within Phase I shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

14. The opening hours of the retail uses within the development shall be restricted to between 0630 hours and 23.00 hours on any day.

Reason: In the interests of residential amenity

15. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

17. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

18. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. No gate / door / ground floor window if installed shall open outwards over the highway.

Reason: In the interests of highway safety.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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).

21. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

22. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded 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.

Reason: to protect the residential amenities of existing and future residents

23. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

24. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved further details of residential and visitors cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the North Hertfordshire's parking standards.

### **Development B**

1. Before the development hereby permitted is commenced, approval of the details of the design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

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, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

3. The development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- the numbers, type and tenure on the site of the affordable housing provision to be made;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The 40% housing shall include units within phase 3 from the development in view of the re-provided accommodation on phases 1 and 2a from Westmill Lawns and Freeman's Close. .

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition shall not be binding on :- a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver OR any of the affordable housing units of which a registered provider shall be required to dispose pursuant to a right to acquire under Part V of the Housing Act 1985 or Section 16 of the Housing Act 1996 or any similar or substitute right applicable or shall be required to sell to a tenant with the benefit of a voluntary purchaser grant provided under Sections 20 and 21 of the Housing Act 1996 (or any similar provision in any subsequent legislation) or any voluntary disposal to a tenant OR bind any service supplier that purchases or leases or takes a transfer of any part of the Affordable Housing Units or any voluntary disposal to a tenant OR apply to any affordable housing unit demised by way of a shared ownership lease where the lessee or any assignee of such lease has staircased his her or their interest in that unit such that he she or they acquire one hundred per cent (100%) of the equity in that unit. These obligations shall not be binding on a mortgagee or chargee or a receiver appointed by mortgagee or chargee or any successors in title to such mortgagee chargee or receiver in relation to a shared ownership lease.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

4. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31<sup>st</sup> October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin – Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.



5. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

6.

(a) No development (excluding demolition) 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:

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

(iv) 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 (a), above; has been submitted to and approved by the Local Planning Authority.

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

(iii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) 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.

(iv) 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) 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.

- (a) Prior to occupation, each of the 14 town-houses, shall incorporate one Electric Vehicle (EV) ready domestic charging point.
- (b) Prior to occupation the apartment block in Phase 3 shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.

**OR**

- (c) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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.

8. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phase 3 of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

9. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

10. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

12. The existing pedestrian access points from the application site leading to The Crescent shall be permanently maintained as part of the approved development unless otherwise approved in writing by the Local Planning Authority

Reason: In the interests of maintaining pedestrian permeability and integration with the surrounding residential environment

13. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

14. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

15. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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).

16. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded 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.

Reason: to protect the residential amenities of existing and future residents

18. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

## **Informatives:**

### **Environmental Informatives**

#### 1) EV Charging Point Specification:

Each 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).

- 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.
- 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).
- 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.
- 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>

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. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

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.

### **Highway Informatives:**

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The requirement as part of the offsite s278 works is to: • Upgrades to three access junctions in John Barker Place; • Provision of tactile paving at the junction of John Barker Place and Westmill Road; • new pedestrian crossing facility in John Barker Place; • Widening of the footway to a minimum of 2.5m or 3m along the John Barker Place and Matocke Road site's frontage; • Removal of any proposed lay-by parking • Pedestrian dropped kerbs and tactile paving across Westmill Road to access Milestone Road bus stop The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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.

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/business-and-developer-information/business-licences/business-licences.aspx> by telephoning 0300 1234047

**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.