

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02967/FP	Partial change of use of existing car parking area to children's play area including installation of fences, gates, and replacement buggy store (development already commenced)	11 Highbury Road Hitchin Hertfordshire SG4 9RW

Submitted Plan Nos

500-35-2-700 - 500-35-2-710A 500-35-1-710A 500-35-2-601 500-35-2-602

1.0 Policies

D1 Sustainable design

D3 Protecting living conditions

T2	Parking
HE1	Designated heritage assets
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

2.1 23/00300/FP - Erection of timber bin storage enclosure. – Conditional Permission

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 **Ecology** – No Comment.

3.3 **Environmental Health** – Noise – No Objection. Established operation within the site and no noise complaints have arisen.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 11 comprises an existing childcare business off Highbury Road, Hitchin. The play area is to the rear of the unit, with access to the front and sides of the building.

4.2 **Proposal**

4.2.1 Partial change of use of existing car parking area to children's play area including installation of fences, gates, and replacement buggy store. The development has already commenced.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 4.3.2 The site is within the settlement boundary of Hitchin. Policy SP2 advises that 'general development' will be permitted where they are sited within the defined settlement boundary of Hitchin. Given that the site is within the settlement boundary, the proposed development would comply with Policy SP2. The use of the site would remain consistent. However, the existing car park is used as part of the recreational space for the children in the care of the existing business. The entire site has been used as part of the business, and therefore I do not consider that it is reasonable to oppose the proposed use expansion of the play area.

Sustainability:

- 4.3.3 The site is in the centre of Hitchin, with public transport available nearby. The use is unlikely to intensify the use of the business or require an uptick in vehicles visiting the site. I do not consider its location would make it unsustainable. Social benefits may arise given the benefits to the quality of care provided being improved by the enlarged play space. I do not consider that environmental sustainability would be harmed by the development. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.4 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. This policy is broadly consistent with Section 12 of the National Planning Policy Framework. Policy HE1 emphasises how permission will be refused where proposals would cause substantial harm or a loss of significance to a Heritage Asset, in this case, the Conservation Area, and permission should be refused unless it can be demonstrated that the proposal is necessary to deliver considerable public benefits to outweigh this harm or loss. Policy SP13 emphasises how great weight will be given to the potential harms to the significance of heritage assets, seeking their conservation and management of their setting. This policy is broadly consistent with Section 16 of the National Planning Policy Framework. Section 72 of the Planning (Listed Building and Conservation Areas) act 1990 emphasises that development should seek to the preservation or enhancement of the Conservation Area.
- 4.3.5 The changes to create the play area are predominantly changes to the enclosure by introducing a new 2m close boarded fence, a small sand pit area and a new buggy store. Hardstanding that was pre-existing would be retained, and it was noted that a layer of AstroTurf had been laid. I consider that these changes are consistent with the use of the building as childcare and would not be adverse for the surrounding Conservation Area. Harm to the public realm would not arise given the obscured nature of the changes to the play area, and the obscured nature of the location of the buggy store. The design and appearance and impact to the Conservation Area are therefore acceptable. Changes to the fencing to the front of the site are noted, however, given the existing presence of fencing and railings to this boundary, I do not consider that the introduction of new steel railings with fleur-de-lys spear finials would appear out of place.

- 4.3.6 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The potential impacts to the surrounding Conservation Area are considered to be acceptable, and the significance of this heritage asset will not be unacceptably harmed. Policies HE1 and SP13 of the Local Plan 2011-2031 and Section 16 of the NPPF are considered to be complied with. The development is considered to comply with Section 72 of the Planning (Listed Building and Conservation Areas) act 1990. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.7 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.8 The development results in a modest enlargement to the built bulk on-site, but this would be single storey in height and would be set against existing structures. Therefore, I do not consider that this would be adverse or harmful. The development is unlikely to result in overlooking or a new vantage point for overlooking of neighbouring curtilages. Environmental Health (noise) have not objected. The property is an established childrens' day nursery. Whilst a play area would generate more noise from children playing compared to a car park, I consider that the potential noise impacts of the development is unlikely to be significantly harmful. Given that no neighbour objections were received, and Environmental Health (Noise) has not advised of any concerns, I do not consider that neighbour impacts would be objectionable.
- 4.3.9 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Environmental Implications:

- 4.3.10 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF. The Ecologist has not objected to the proposal, raising no comments. It is noted that the works relate to land that was previously hardstanding, and was therefore not of ecological value. I do not consider that it is reasonable to seek enhancements required by Policy NE4.

Highways and Parking:

- 4.3.11 The development is unlikely to significantly intensify the use of the site. As existing, it benefits from on-street parking, and this part of the site was previously used for staff parking. Given its sustainable location, and the existing presence of on-street parking, I do not consider that it is likely to result in harm to local parking levels, and would be unlikely to impact upon the safe operation of the highway to this part of Hitchin. The development would therefore comply with Policies T1 and T2 of the Local Plan 2011-2031.

4.4 Conclusion and Planning Balance

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

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

1. 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.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

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

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 10 March 2026	