

Our Ref: JM/KN0153/24

19 August 2024

Ms Anne McDonald
Development and Conservation
North Hertfordshire District Council
PO Box 10613
Nottingham
NG6 6DW

Via email

Dear Ms McDonald,

**Letter of Objection to Application 24/01426/FP
9 – 10 High Street, Hitchin**

We are instructed by our client, T + P Investment, to object to planning application 24/01426/FP.

The application seeks planning permission for the following development at the site of 9 – 10 High Street, Hitchin:

“Demolition and redevelopment to provide 44 residential apartments (in four part 4 storey / part 5 storey linked blocks) 325 sqms of Class E floorspace at ground floor fronting the High Street, landscaping, amenity and associated parking.”

Our client is the owner of Jackson’s Yard Car Park, which adjoins the application site to the south. Our client has significant concerns regarding the proposed development, which we set out below.

Jackson’s Yard Car Park

The car park is the subject of implemented planning permissions for:

“Erection of three storey office building, provision of semi basement parking and alterations to existing vehicular access following demolition of the existing building”.

The permissions were granted by the Council on 7th February 1985 under reference numbers 1/1214/84 and 1/1216/84. A copy of the Decision Notice for planning permission 1/1214/84 is contained at **Annex I** alongside the approved planning drawings.



The permissions were implemented by the construction of the road access, as approved. This is confirmed by way of a letter from the Council's Director of Planning, dated 6th March 1990, which states:

"I am able to confirm that the road construction that was carried out before the 7th February 1990 satisfactorily meets, in my opinion, the requirements of Section 43 of the 1971 Planning Act insofar as the two planning permissions LA ref. 1/1214/84 and 1/1216/84 are concerned."

A copy of the letter is enclosed at **Annex 2**.

The extant permission authorises the development of a large, three storey office building and associated car park adjacent to the application site. This is capable of being built out at any point in time, and must be regarded as a key material consideration in the assessment of the proposed development.

From our review of planning application 24/01426/FP, it is obvious that the scheme has been designed with no awareness of the implemented permissions. The office building, as approved, abuts the application site boundary and features extensive areas of glazing and brickwork to all of its elevations.

The proposed development comprises multiple residential units with windows and balconies in close proximity to and overlooking our client's land. Specifically, the habitable room windows and balconies of units 001 – 004, 102, 103, 106, 202, 203, 206, 301 and 302 would be between 0m and 8m from the northern side of the consented office building. This arrangement would have a significant adverse impact on the amenity of the scheme's residential occupiers due to insufficient privacy, natural light provision and overall separation, and would be totally unacceptable.

The application is supported by a Daylight and Sunlight Report, prepared by Right of Light Consulting, which assesses the impacts of the proposed building on the neighbouring properties. The Report has no regard to the impact of the scheme on the consented office building, nor does it assess the likely impacts of the consented building on the amenity of the scheme's future residents. The Report is therefore flawed.

Paragraph 123 of the National Planning Policy Framework (NPPF) (December 2023) requires planning decisions to ensure that new development can be integrated effectively with existing businesses. Where the operation of an existing business could have a significant adverse effect on the new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Given the possibility that the office building could be built out and the significant adverse impact that this would have on; (a) the amenity of the scheme's residents and; (b) the occupiers of the office building, it is clear that no level of mitigation or 'tweaking' to the scheme will overcome this issue.

The close proximity of the scheme to our client's site will also significantly constraint its future development potential. The approval of the application and location of the proposed windows and



balconies will result in the formation of a 'separation buffer zone' across Jackson's Yard Car Park. This would sterilise all or part of our client's site from a meaningful form of built development, and would be contrary to the principles of good planning and design.

Indeed, our client's site, alongside the application site, forms part of a mixed-use allocation known as Paynes Park. Policy HT12 of the North Hertfordshire Local Plan (November 2022) states that the allocation site will accommodate approximately 3,000 sq.m gross of additional shop, café, restaurant, pub, drinking establishment or takeaway town centre use floorspace at ground floor level, alongside other main town centre uses or residential uses at upper or basement level where these can be suitably accommodated.

Notwithstanding a separate land use issue which we identify below, the proposed development of part of the allocation site in a manner that would undermine the delivery of the rest of the allocation should be resisted by the Council. The proposal flies in the face of planning policy which seeks to optimise the use of previously developed land in sustainable locations, especially on allocated sites.

Having regard to the above and the existence of the implemented permissions for the office building, the applicant should be requested by the Council to pursue a full re-design of the scheme. Failing this, the application should be refused since it is contrary to Policies D3, SPI, SP9 and HT12 of the Local Plan (November 2022) and the NPPF.

Principle of Development

As noted, the application site forms part of a mixed-use allocation for approximately 3,000 sq.m of town centre use floorspace with the potential for residential uses at upper or basement level.

The proposed development is a residential-led mixed-use scheme comprising 44 apartments and just 325 sq.m of ground floor Class E floorspace. The scheme encompasses a significant portion of the allocation site and fails to align with the Council's aspirations for a comprehensive redevelopment of Paynes Park providing the quantum of town centre use floorspace expected.

The applicant's Planning Statement does not acknowledge Policy HT12 of the Local Plan, nor does it provide any satisfactory evidence to justify the proposed reduction in retail floorspace at the site. There is the suggestion that the site was marketed for main town centre uses; however, no evidence is provided.

In the absence of any evidence to justify the departure from Policy HT12 and the loss of retail floorspace, which will be detrimental to the vitality and viability of the Town Centre, the application should not be supported.

Design and Heritage

The application site adjoins a 450 year old Grade II listed building, currently occupied by Cinnabar. The site is in the Hitchin Conservation Area and there are several other listed buildings within the vicinity of the site.



Paragraph 200 of the NPPF requires applications to describe the significance of any heritage assets affected by a proposal. The level of detail should be proportionate to the assets' importance and the potential impact of the proposal on their significance. This is echoed by Policies HE1 and SP13 of the Local Plan.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments, inter alia, are sympathetic to local character and history, establish and maintain a strong sense of place, add to the overall quality of the area and are visually attractive.

The planning application is supported by a Heritage Assessment prepared by PowerHaus Consultancy. The Assessment identifies; (a) that the existing building, which is proposed to be demolished, makes a positive contribution to the Conservation Area and; (b) that the building proposed will make a positive contribution. We agree with the first statement and the existing building, in particular its frontage to High Street, could be regarded as a non-designated heritage asset. However, we disagree with the claim that the proposed building will make a positive contribution to the Conservation Area.

The proposed elevation fronting High Street incorporates a façade which is vastly out of character with the Conservation Area. The proposed 'pale brick' and 'stone banding' is confusing, whereby the applicant has potentially tried to replicate the surrounding brick buildings by proposing traditional materials (i.e. the pastiche approach), but has failed. Indeed, none of the surrounding buildings consist of 'pale brick', nor do any of them incorporate 'stone banding'.

The confusing design is worsened by the proposal for 'bronze effect' metal panelling around the shopfront at ground level and the windows above. The panelling is an incongruous addition which unbalances the street scene and eradicates the traditional 'sash' window which is typical of the area's character. The zinc finish to the mansard roof is totally random and does not pay regard to any local design cues. Indeed, none of the surrounding buildings are finished in zinc, nor do any of them have mansard roofs.

Moving to its rear, the proposed building takes on a drastic appearance of inconsistent pitched roofing and dominant glazing; all of which is wholly out of keeping with the character of the Conservation Area. The proposal retains its excessive bulk and massing across four linked blocks. The amount of development proposed will be harmful to the character of the Area and the setting of adjacent listed buildings.

The submitted Heritage Assessment does not describe the significance of the adjoining Grade II listed pub building, nor does it accurately assess the impact that the development would have on this asset, including the perception of the development from viewpoints within its curtilage.

Overall, the proposed development must be considered unacceptable in design and heritage terms. The application, in its current form, is contrary to Policy HE1 of the Local Plan and the NPPF.



Ecology

The planning application is supported by a Preliminary Ecological Appraisal (PEA) prepared by The Ecology Partnership.

Paragraph 3.10 of the PEA explains that only part of the existing building, which is proposed for demolition, was surveyed for bats, with most of it being inaccessible at the time that the survey was carried out. In accordance with law, the applicant must be requested by the Council to provide the results of a full bat survey covering the entire existing building.

Conclusion

Our client has significant concerns regarding the proposed development at 9 – 10 High Street.

The adjacent Jackson's Yard Car Park is the subject of implemented planning permissions for the construction of a large, three storey office building and associated car park (LPA references: 1/1214/84 and 1/1216/84). The office building is capable of being built out at any time. The proposed scheme has been designed with no awareness of the implemented permissions, with residential windows and balconies proposed immediately adjacent to the northern side of the consented building. This would not only have a significant adverse impact on the amenity of the scheme's residential occupiers, but it would have an adverse impact on the occupiers of the office building, if it was to be built out.

The scheme, if approved, would sterilise all or part of our client's site from a meaningful form of built development. It would prejudice the delivery of the rest of the allocation site; would fail to optimise the use of previously developed land and; would be contrary to Policy HT12 of the Local Plan and the NPPF.

The proposed loss of retail floorspace at the Town Centre site has not been justified. The scheme is unacceptable in design terms, and will harm the significance of various listed buildings and Hitchin Conservation Area. A full bat survey covering the entire existing building has also not been carried out.

We trust that the concerns and objections in this letter are noted. It is requested that we be kept updated with the progress of the application, and informed of the submission of any revised proposals or information.

Yours sincerely,



Jake McLeod MTCP MRTPI
Principal Consultant



Annex I – Decision Notice and Approved Drawings for Planning Permission I/1214/84



To

c/o Pentangle Design Group
3 Tilehouse Street
Hitchin Herts

Erection of three storey office building, provision of semi basement parking and alterations to existing vehicular access following demolition of existing building.
Adjacent to Paynes Park House, Paynes Park, Hitchin

Brief description and location of proposed development.

In pursuance of their powers under the above Act and the associated Orders and Regulations, the Council hereby GRANT PERMISSION for the development proposed by you in your application received with sufficient particulars on 1.8.84 subject to the following conditions:-

1. The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
Reason:- To comply with the requirement of Section 41 of the Town and Country Planning Act 1971.

2. The development hereby permitted shall not be carried out or completed other than wholly in accordance with the details specified in the application and supporting documents and plans, save only for such subsequent minor modification of those details that may have been previously agreed in writing by the local planning authority as being not materially different from those hereby approved.
Reason:- In order to ensure that the development is carried out in accordance with the details which form the basis for this grant of planning permission and to avoid an unsatisfactory development resulting from any works remaining incomplete.

3. By Direction of the County Highway Authority
The developer shall construct the crossover to Standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads" and the development shall not be brought into use until the access is so constructed.
Reason:- To ensure safe access to and from the development.

4. By Direction of the County Highway Authority
The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles has been provided within the curtilage of the site.
Reason:- So that vehicles may enter and leave the site in forward gear in the interest of highway safety.

5. By Direction of the County Highway Authority
The kerb radii of the access shall be 6 metres and shall include a pram/wheelchair crossing.
Reason:- So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

Date.....Seventh.....day of...February...1985.

Signed.....

Notes

Director of Planning

If you are aggrieved by this decision, you may appeal to the Secretary of State for the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ, by notice given on a form available from that office (0272-218811) within 6 months of the date of this decision or, in exceptional circumstances, such longer period as the Secretary of State may agree.

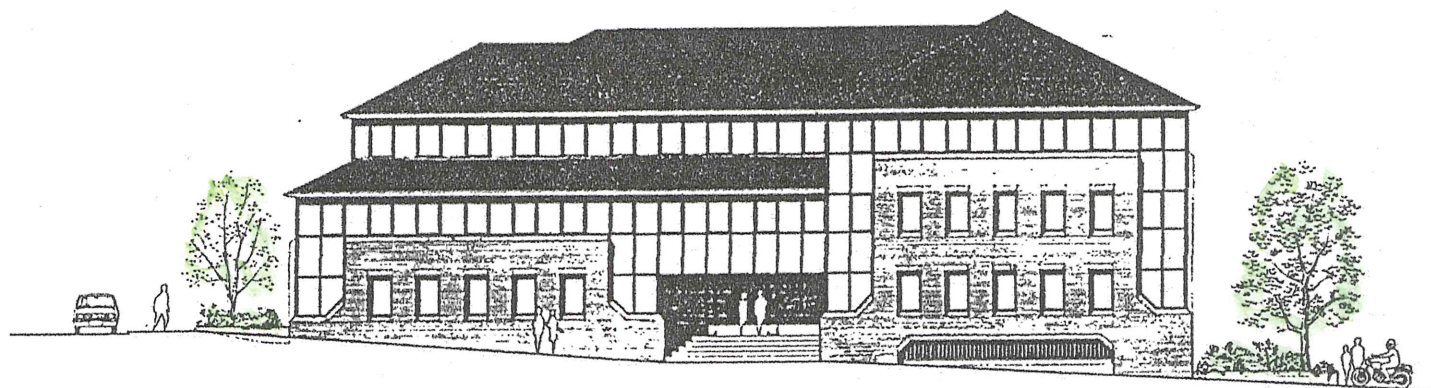
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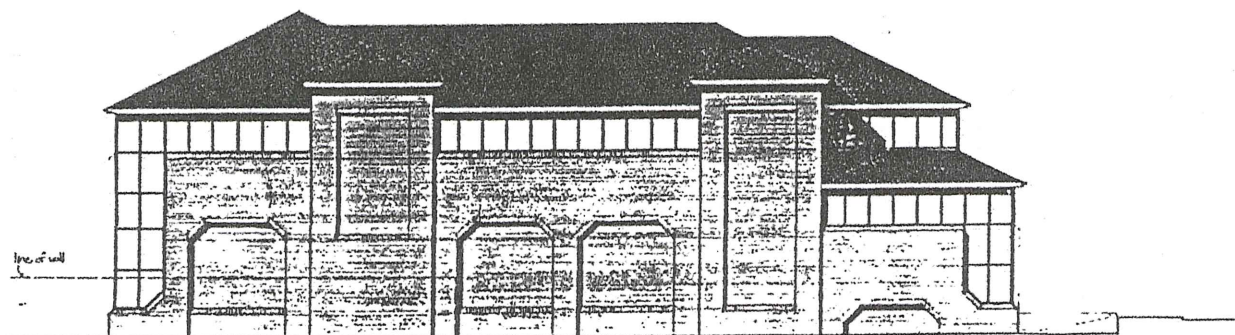


WEST ELEVATION TO PAYNE'S PARK

MATERIALS:
Weathered facing brick 'Orange-Red' N° 76 with special cast calls.
Brick paviors to steps & courtyard. Blockings: 1752 medium.
Colour-coated aluminium windows: Moss green (p-1000) profile.
Antique glazing grey.
Painted metal grilles to basement Moss green.
Soft blue-grey, burnt natural stone.
Stone-crammed aluminium box-gutter and fascia Moss green.



SOUTH ELEVATION



NORTH ELEVATION TO WOOLWORTH'S CAR PARK



EAST ELEVATION

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PENTANGLE
DESIGN GROUP

MELBURN HOUSE, STILHOUSE STREET, HITCHIN,
HERTFORDSHIRE SG5 2DH. TEL: (0462) 370336

2000

PROPOSED OFFICE DEVELOPMENT
AT PAYNE'S PARK HOUSE
PAYNE'S PARK, HITCHIN

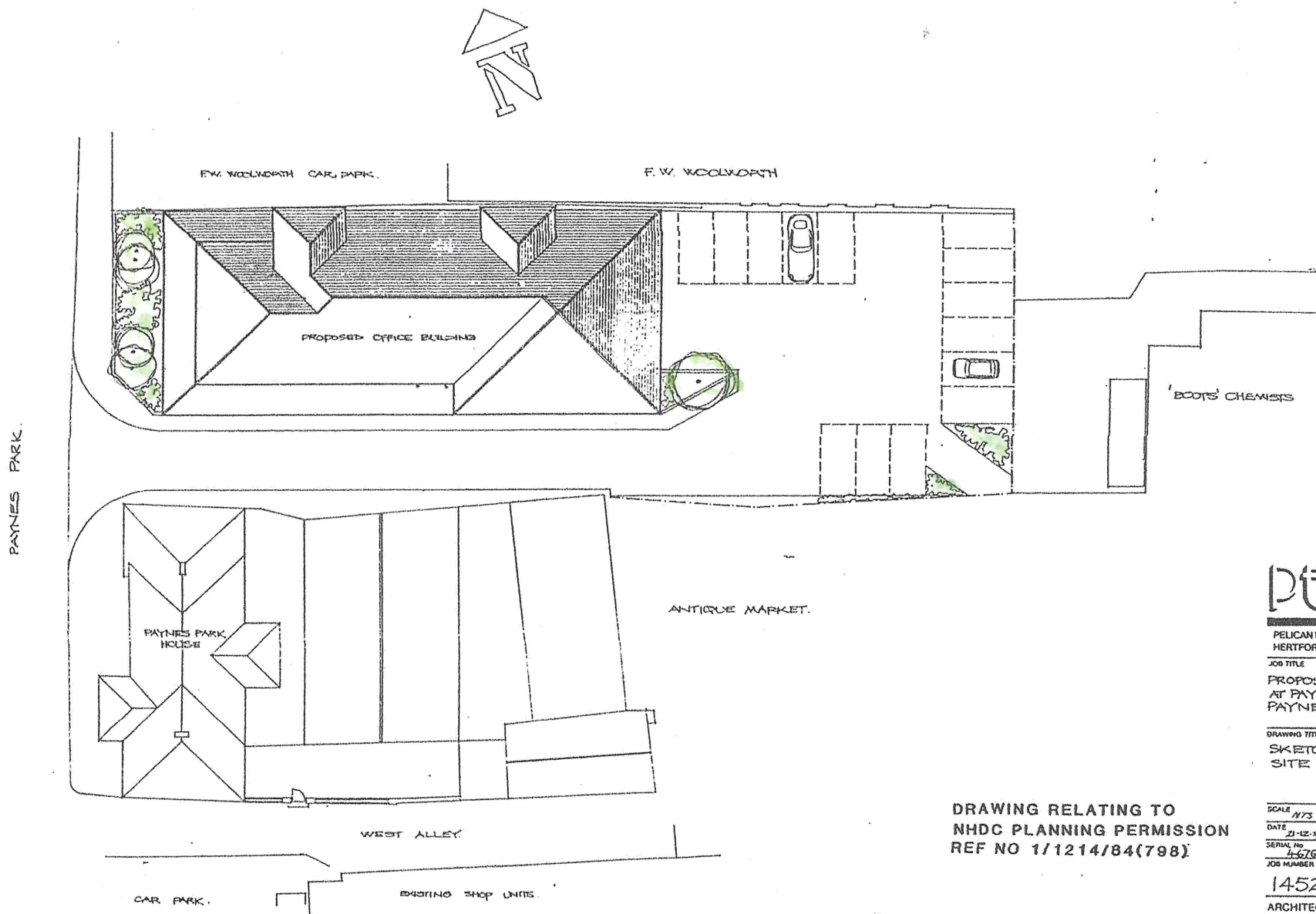
SKETCH

SKETCH SCHEME
ELEVATIONS

DATE: 14-11-2014
BY: 28/11
JOB NUMBER: 14-52
REVISION: 28A

ARCHITECTURAL DESIGN
INTERIOR DESIGN
EXHIBITION & GRAPHIC DESIGN
LAND & BUILDING SURVEYS
PROJECT MANAGEMENT

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DRAWING RELATING TO
NHDC PLANNING PERMISSION
REF NO 1/1214/84(798)

PENTANGLE
DESIGN GROUP

PELICAN HOUSE, 3 TILEHOUSE STREET, HITCHIN,
HERTFORDSHIRE SG5 2DW, TEL: (0462) 31133/6

JOB TITLE

PROPOSED OFFICE DEVELOPMENT
AT PAYNE'S PARK HOUSE
PAYNE'S PARK HITCHIN

DRAWING TITLE

SKETCH SCHEME
SITE PLAN "A"

SCALE	DRAWING NUMBER	REVISION
1/75		
DATE		
21-12-84		
SERIAL NO		
4-676		
JOB NUMBER		
1452	29	

ARCHITECTURAL DESIGN

INTERIOR DESIGN

EXHIBITION & GRAPHIC DESIGN

LAND & BUILDING SURVEYS

PROJECT MANAGEMENT

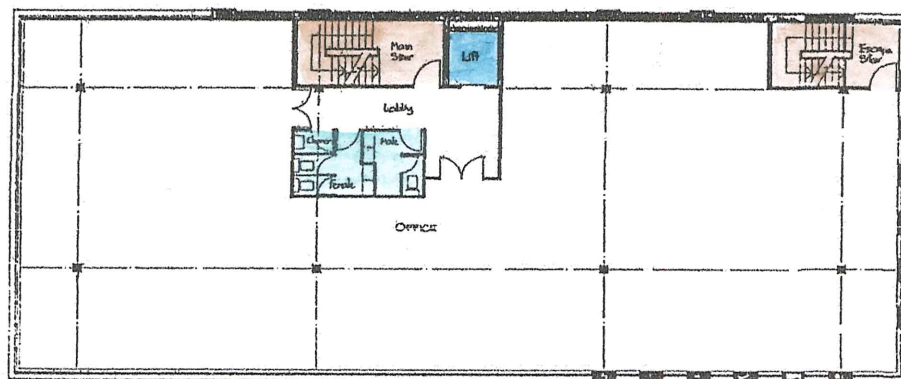
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NOTES

PROPOSED FLOOR AREAS:

	GROSS	NET
GROUND FLOOR	418 m ²	341 m ²
FIRST FLOOR	436 m ²	372 m ²
SECOND FLOOR	361 m ²	277 m ²
TOTAL FLOOR AREA	1215 m ²	1010 m ²

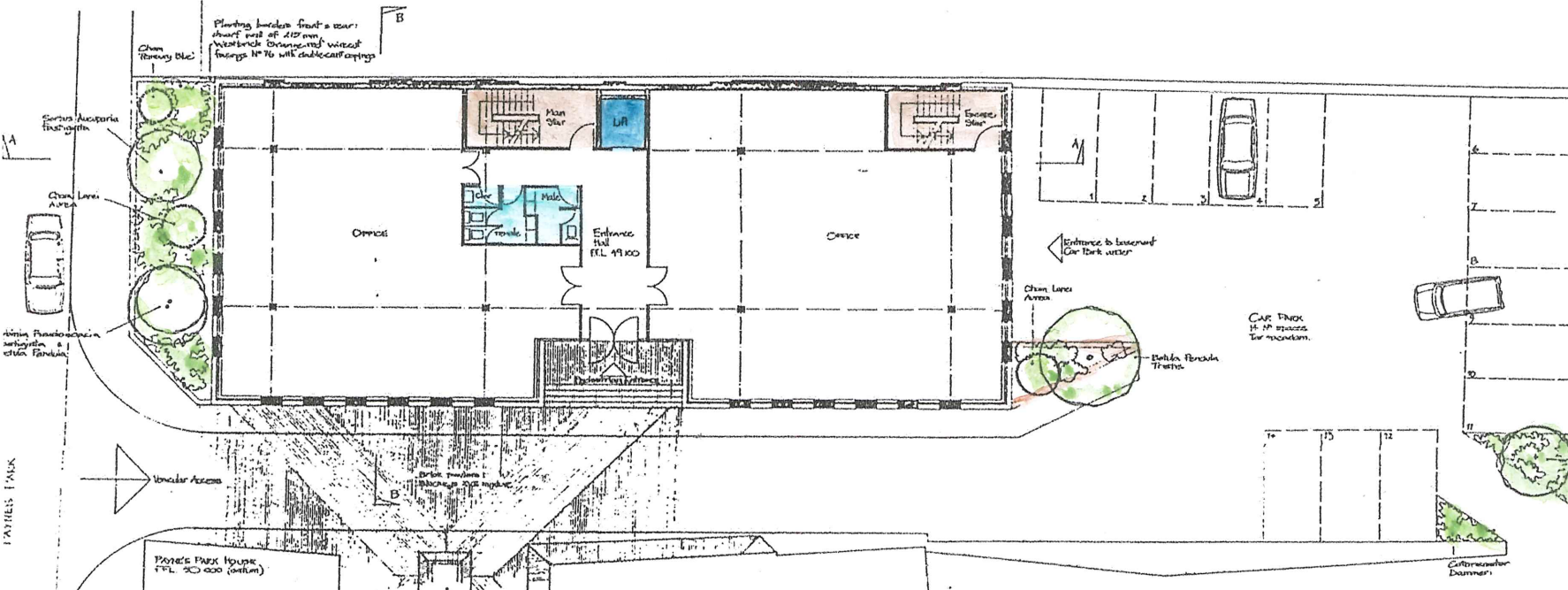


FIRST FLOOR PLAN

Ground cover to all beds to be mature of:
Hypericum Calycinum
Syringa Maxim. 'El Dorado'
Juniperus Sargentii 'Blue Carpet'

Planting borders front & rear:
short row of 100mm
matured evergreen and mixed
shrubs 10' to 12' with double canopy

Open
terrace area



GROUND FLOOR PLAN



DRAWING RELATING TO
NHDC PLANNING PERMISSION
REF NO 17/1214/84(798)

REV A' 17/12/87 PLANNING PERM. APPROVED

PENTANGLE

DESIGN GROUP
PULCANHOUSE, STURROUSE STREET, HITCHIN,
HERTFORDSHIRE SG3 2JW TEL 0462 311338
2ND FLOOR

PROPOSED OFFICE DEVELOPMENT
AT PAYNE'S PARK HOUSE,
PAYNE'S PARK, HITCHIN

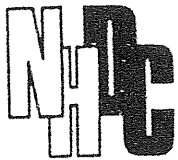
SKETCH SCHEME
GROUND & FIRST FLOOR PLANS

SCALE 1/250
DATE 25-11-84
DRAWN BY J.S.
AND NUMBER 14-52
26A

ARCHITECTURAL DESIGN
INTERIOR DESIGN
EXHIBITION & GRAPHIC DESIGN
LAND & BUILDING SURVEYS
PROJECT MANAGEMENT

Annex 2 – Letter from the Council’s Director of Planning, dated 6th March 1990





NORTH HERTFORDSHIRE DISTRICT COUNCIL

Please Quote:

My Ref: GJH/LRJ/1/1214/84 & 1/1216/84
Your Ref: BS/DJS/1452/1457

Director of Planning: PETER ARCHARD, Dip.TP, FRTP, MBIM

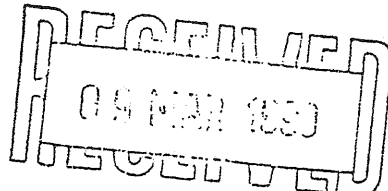
Council Offices, Gernon Road, Letchworth, Herts SG6 3JF
Telephone: Letchworth 686500 (STD Code 0462) Ext:

Fax: Letchworth 480043 (STD Code 0462)

Viewdata: Letchworth 677177 (STD Code 0462)

This matter is being dealt with by Mr G J Haerle

Pentangle Design Group
3 Tilehouse Street
Hitchin
Herts
SG5 2DW



6th March 1990

For the attention of [REDACTED] F.G. of S., A.F.S.

Dear Sir

Paynes Park House, Hitchin

I apologise for the delay in replying to your letter dated 5th February, however, I am able to confirm that the road construction that was carried out before the 7th February 1990 satisfactorily meets, in my opinion, the requirements of Section 43 of the 1971 Planning Act insofar as the two planning permissions LA Ref. 1/1214/84 and 1/1216/84 are concerned.

Yours faithfully

Director of Planning