

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00885/S73	Variation of condition 2 (revised plans) of planning permission 24/01754/FP granted 01.11.2024 for erection of three storey building comprising of 8 residential apartments (7 x 1-bed and 1 x 2-bed) with associated bike and bin area and parking following demolition of existing car workshop building. (Development has commenced).	81 Whinbush Road Hitchin Hertfordshire SG5 1PZ

Submitted Plan Nos

23-2745-100A 23- 2745-02 24-2801-101

2.0 **Site History**

- 2.1 24/01754/FP Erection of three storey building comprising of 8 residential apartments (7 x 1-bed and 1 x 2-bed) with associated bike and bin area and parking following demolition of existing car workshop building. CONDITIONAL PERMISSION

Conditions agreed –

25/02981/DOC Details reserved by condition 3 (Materials) of planning permission reference 24/01754/FP granted 01.11.2024

25/03062/DOC Details reserved by condition 7 (Boundary Treatments and Gates) of planning permission reference 24/01754/FP granted 01.11.2024.

25/03066/DOC Details reserved by condition 10 (Construction Method Statement) of planning permission reference 24/01754/FP granted 01.11.2024.

25/03069/DOC Details reserved by condition 15 (External Lighting) of planning permission reference 24/01754/FP granted 01.11.2024.

25/03070/DOC Details reserved by condition 16 (Archaeological Written Scheme of Investigation) of planning permission reference 24/01754/FP granted 01.11.2024.

25/03073/DOC Details reserved by condition 18 (Noise Report) of planning permission reference 24/01754/FP granted 01.11.2024.

25/03072/DOC Details reserved by condition 17 (Hard surface materials) of planning permission reference 24/01754/FP granted 01.11.2024.

Conditions outstanding –

25/03065/DOC Details reserved by condition 9 (Contamination Report) of planning permission reference 24/01754/FP granted 01.11.2024.

25/03067/DOC Details reserved by condition 14 (Energy Statement) of planning permission reference 24/01754/FP granted 01.11.2024.

- 2.2 22/02953/FP: Erection of three storey building comprising of 8 residential apartments (7 x 1-bed and 1 x 2-bed) with associated parking and private amenity space following demolition of existing car workshop building. Alterations to existing dwelling 81a Whinbush Road including single storey rear extension, insertion of rear dormer window to facilitate loft conversion and alterations to fenestration following demolition of existing attached rear office building (as amended by plans received January and March 2023) Granted 30th March 2023. Not implemented.
- 2.3 07/02736/1 - Single storey building to provide MOT and workshop accommodation following demolition of existing car repair workshop. CONDITIONAL PERMISSION
- 2.4 88/00998/1 Erection of three storey building to provide 10 flats, provision of 13 parking spaces with ancillary works, following demolition of existing builder's premises. REFUSED
- 2.5 88/00267/1 - Erection of three storey building to provide 12 flats, provision of 15 parking spaces and ancillary works, following demolition of existing builder's premises. REFUSED
- 2.6 87/01341/1 - Erection of two storey office/store extension to existing builder's premises following demolition of existing building (Revised by plans received 24/9/87) - CONDITIONAL PERMISSION
- 2.7 83/01921/1 - Erection of front boundary brick wall - CONDITIONAL PERMISSION

3.0 **Representations**

3.1 **Neighbour Consultation** – none received

3.2 **Environmental Health** – No Objection.

3.3 **Highways** – The variation consists of the new dormer in the roof slope is required to allow access to the 2nd floor via the staircase. The material for the dormer will be the same as the main sloping roof and will not have any windows in any of the elevations. This does not concern the Highway Authority therefore we do not wish to comment.

3.4 **Hertfordshire Fire and Rescue service (hydrants only)** have no comment on this application - Due to suitable existing Fire Hydrants already in place

- 3.5 **HCC Historic Environment** - In a letter of advice to you for 24/01754/FP we noted the previous archaeological investigations at the site, the results of which do not suggest heritage assets with archaeological significance are present on the site.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site (0.0578ha) previously consisted of a former vehicle repair garage (Use Class B2) located on the west side of Whinbush Road. The proposed scheme granted under application is substantially built.
- 4.1.2 The site is currently designated as part of the urban area of Hitchin in the adopted local plan. It has no other special designations or constraints.
- 4.1.3 The locality is characterised by a range of buildings varying in height and materials and includes Victorian terraced dwellings on the east side of Whinbush Road and a mixture of two, three and four storey residential properties on the west side and also a single storey church. To the rear of the site is Verulam Road a predominantly residential street comprising two and three storey terraced, semi-detached and detached residential properties.

4.2 **Proposal**

- 4.2.1 This application seeks to vary Condition 2 of the previous planning permission 24/01754/FP granted 01/11/2024.
- 4.2.2 Condition 2 relates to the approved plans of the development. This application form indicates that the following amendments are proposed:

The new dormer in the roof slope is required to allow access to the 2nd floor via the staircase. The material for the dormer will be the same as the main sloping roof and will not have any windows in any of the elevations.

4.3 **Key Issues**

- 4.3.1 The principle of the development has been established given the extant planning permission. Relevant material considerations relating to the current application are design and impact to neighbour amenity.

Design and Appearance:

- 4.3.2 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. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

- 4.3.3 The alterations to the approved scheme are necessary to gain access to top floor in line with building regulations. The proposed dormer although unfortunately at the front of the dwellings the use of materials will retain the character and appearance of the dwellings, and do not result in a sufficient departure from its appearance to appear at odds or out of place in the locality.
- 4.3.4 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 design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.5 Policy D3 of the Local Plan permits development that does not result in unacceptable to 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.
- 4.3.6 The proposed dormer is not considered to allow for unacceptable overlooking of neighbouring plots given its location on the front elevation therefore it is not considered to be substantial or unacceptably harmful.
- 4.3.7 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.

4.4 Conclusion

- 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 begun before the expiration of 3 years from the grant of planning permission 24/01754/FP.

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. The external materials are to be in accordance with the schedule of materials approved under application reference number 25/02981/DOC unless otherwise agreed in writing.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

3. The external materials are to be in accordance with the schedule of materials approved under application reference number 25/02981/DOC unless otherwise agreed in writing.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031

4. Before the development hereby permitted is occupied, landscape details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following:
 - a) which, if any, of the existing vegetation is to be removed and which is to be retained;
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
 - d) details of any earthworks proposed.
 - e) a range of wildlife improvement measures including wildlife friendly plants to deliver biodiversity net gain;

Reason: To ensure a satisfactory appearance to the completed development and to ensure biodiversity net gain is delivered

5. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. The side facing windows at first floor and second floor level shall be obscured glazed and maintained as such in perpetuity.

Reason: To protect privacy and to comply with Policy D3 of the North Herts Local Plan.

7. Notwithstanding the details submitted, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Details shall include:
- (i) the repair with like for like bricks and jointing of existing boundary walls;
 - (ii) a new section of brick wall to the rear (east) boundary where existing buildings are removed to match the adjoining wall in materials and jointing;
 - (iii) details of all new boundary treatments including the provision of piers either side of the pedestrian access and coping treatments to new front boundary walls;
 - (iv) the design, exact location and appearance of the proposed gate(s) to the vehicular access.

Thereafter the development shall be carried out in complete accordance with the approved details.

Reason: In the interests of visual amenity and to ensure details are sympathetic to the character and appearance of the area.

8. Notwithstanding the details to be submitted, the proposed gate(s) to the vehicular access shall be located a minimum of 6 metres back from the nearest edge of the public footpath. The gate(s) shall open inwards and shall be retained in perpetuity.

Reason: To ensure that there is sufficient space for vehicles to pull clear of the public footpath and in the interests of crime prevention.

9. The Site Investigation (Phase II environmental risk assessment) report has been submitted and is to be agreed in accordance with the details submitted under application reference number 25/03065/DOC unless otherwise agreed in writing.

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. To comply with Policy NE11 of the Local Plan.

10. The Construction Method Statement is to be in accordance with the details approved under application reference number 25/03066/DOC unless otherwise agreed in writing.

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)

11. During the construction phase of the development, no activities should take place outside the following hours:
Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
Reason: To protect the residential amenity of existing residents. To comply with Policy D3 of the Local Plan.

12. The area to be used for car parking shall be used for the parking of motor cars by the occupiers of the approved flats only and shall be retained in perpetuity.

Reason: In the interests of highway safety and to ensure the site retains car parking for residents. To comply with Policy T1 of the Local Plan.

13. Prior to first occupation, each on site car parking space shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained in perpetuity.

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. To comply with Policy D4 of the Local Plan.

14. The Energy Statement is to be in accordance with the details approved under application reference number 25/03067/DOC unless otherwise agreed in writing.

Reason: To ensure that (i) the development delivers appropriate energy improvements (ii) that measures do not compromise the local noise environment and; (iii) the measures do not compromise the design and appearance of the building. To comply with Policy D1 of the Local Plan.

15. The external lighting are to be in accordance with the details approved under application reference number 25/03069/DOC unless otherwise agreed in writing.

Reason: In the interests of residential amenity and to minimise light nuisance.
To comply with Policy D1 and Policy D3 of the Local Plan.

16. The Archaeological Written Scheme of Investigation is to be in accordance with the details approved under application reference number 25/03070/DOC unless otherwise agreed in writing.

Reason: To protect the archaeological interests of the site and to comply with Policy HE4 of the Local Plan

17. The details of hard surface materials is to be in accordance with the details approved under application reference number 25/03072/DOC unless otherwise agreed in writing.

Reason: To ensure the sustainable drainage of the site and to ensure that opportunity for water discharging into the highway is avoided. To comply with Policy D1 and T1 of the Local Plan.

18. The Noise Report is to be in accordance with the details approved under application reference number 25/03073/DOC unless otherwise agreed in writing.

Reason: In the interests of residential amenity and to comply with Policy D3 of the Local Plan.

19. In accordance with the annotation on the approved drawings, the dwellings as approved shall be constructed, marketed, and occupied as follows -

Flat 1 - 2 bedroom, 3 person
Flat 2 - 1 bedroom, 1 person
Flat 3 - 1 bedroom, 2 person
Flat 4 - 1 bedroom, 2 person
Flat 5 - 1 bedroom, 1 person
Flat 6 - 1 bedroom, 2 person
Flat 7 - 1 bedroom, 1 person
Flat 8 - 1 bedroom, 2 person

Reason: To ensure that the development provides acceptable living conditions for the proposed occupiers and to comply with Policy D1 of the North Herts Local Plan.

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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 18 June 2026	