ITEM NO:		
5	Location:	**1 Half Acre** **Hitchin** **Hertfordshire** **SG5 2XL**
	Applicant:	**Mrs Clara Odularu**
	Proposal:	**Erection of private road security gates and garden wall**
	Ref.No:	18/00273/FP
	Officer:	**Ben Glover**

Date of expiry of statutory period : 23.03.2018

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos
A25 A20 A01 A10 A15

1.0 Policies

Date of expiry of statutory period : 26 April 2018

Reason for Referral to Committee

Councillor Richard Thake called in the application if minded to refuse. The reason for call in is in the wider public interest.

1.0 Relevant History

1.1 17/02735/1 – Erection of private road security gates and garden wall – Refused on 18/12/2017 for the following reason:

1.0 "By reason of its siting and design, the proposed development would result in the creation of a separated community that would result in an adverse effect upon community cohesion within the area. Furthermore, the proposed development would not enhance the character and appearance of the locality. As such, the development is considered to be contrary to the provisions of the National Planning Policy Framework and Policies D1 and Sp10 of the emerging Local Plan."

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

Chapter 7 – Requiring good Design
Chapter 8 – Promoting healthy communities

2.3 North Hertfordshire Draft Local Plan 2011-2031

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

SP10 – Healthy Communities
D1 – Sustainable Design
D2 – House Extensions and Replacement Dwellings
D3 – Protecting Living Conditions
T2 – Parking

3.0 Representations

3.1 Site Notice:

Start Date: 15/02/2018 Expiry Date: 08/03/2018

3.2 Neighbouring Notifications:

The owners/occupiers of No. 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59 High Point, Pirton Road; 21, 23 Pirton Road; 5b Mount Pleasant; 6 Mount Pleasant; High Bank, Moormead Hill House, Offley Road were notified on 08/02/2018. One representation has been received in support of the application from Moormead Hill House, Offley Road.

3.3 Statutory Consultations:

HCC Highways - Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Any gates and road markings at the entrance to the development shall be provided as identified on drawing number 17-101-00 A-20 P2.

REASON for the recommendation above:

1. To allow vehicles to be parked within the curtilage of the site without obstructing the highway.

COMMENTS

The application comprises of the erection of private road security gates and garden wall.

VEHICLE ACCESS

The property is located along Half Acre that is private road offset from Moormead Hill that is the A505 main distributor road subject to a speed limit restricted to 30 mph.

CONCLUSION

Hertfordshire County Council as Highway Authority considers that the details submitted showing the development entrance layout is acceptable in principle and accords with highway safety.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site consists of 11 two storey detached properties within a cul-de-sac located on the north side of Moormead Hill, which is the main distributor road of the A505 dual carriageway sited approximately 270m from the entrance to Half Acre.

4.1.2 The shared access road is privately owned and features a forked form with the site and No. 1 Half Acre situated at a higher elevation that the main road that connects to the cul-de-sac site. The application site is not situated within a Conservation Area or Green Belt.

4.2 Proposal

4.2.1 Planning permission is sought for the erection of a private road security gate (2.6m in height) and garden wall (up to 3.3m in height) along the boundary of No. 1 Half Acre. The security gate would provide access to all 11 properties situated within Half Acre.

4.2.2 Included with this application is a statement which sets out the following points in support of the proposed development:

1.0 Half Acre is a destination site only – few people pass by the site.
2.0 There are other gated communities in Hitchin e.g. Kitchen Garden Court
3.0 Community cohesion exists within Kitchen Garden Court which is in the town centre surrounded by development and with much greater passing footfall than Half Acre
4.0 Gate would provide safety for children and the safety of the community as a whole
5.0 Existing access attracts abandoned vehicles, vehicles u-turning, damage to property and breakdowns resulting in significant visibility issues
6.0 Gate will help to manage speeds of those turning into Half Acre

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

--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 and highways safety in the area.

-- The impact the development would have on maintaining healthy, inclusive communities.

Design and Appearance:

4.3.2 The proposed entrance gate would be sited across the existing access to Half Acre, set back approximately 14m from the edge of the junction with Moormead Hill. The gate would feature a height of approximately 2.6m at its highest point and would swing out, when opened, by 3.3m. The security gate would be opened and closed electronically and feature pedestrian access gates to each side of the main vehicle entrance.

4.3.3 The proposed boundary treatment would extend along the boundary of No. 1 Half Acre and connect with the proposed security gate. The proposed perimeter wall would feature brick to match the existing appearance of the adjoining perimeter wall and metal railings between brick piers. The proposed perimeter wall would be acceptable in terms of design and appearance.

4.3.4 Within the locality of the application site, there are no visible examples of existing security gates serving groups of properties and limited examples of gated access to single properties. The creation of gated communities is not a common occurrence within the district unless originally proposed as part of a housing development scheme.

4.3.5 Whilst the development would be well set back from Moormead Hill / A505 junction, the proposed gates would be of significant height and visible from Moormead Hill / A505 and the surrounding area. There are often queuing vehicles on this main road into Hitchin and therefore motorists and passengers, when vehicles are stationary or slow moving up the hill, would have clear views of the proposed gates. A footpath exists on the opposite side of Moormead from which the development will also be clearly visible. The gates would amount to an incongruous and alien feature in the predominantly residential surroundings and as such would be harmful to the character and appearance of the locality.

4.3.6 Given the nature of the proposed development, it is considered that the proposed development would result in no unacceptable impact upon the amenities of neighbouring occupiers.

Sustainable Design & National Planning Policy Framework:

4.3.7 Paragraph 69 of the NPPF advises that the planning system plays an important role in facilitating social interaction and creating inclusive communities, a principle echoed in Policy SP10 and Policy D1 of the Emerging Local Plan. The NPPF directs Local Planning Authorities to aim to achieve opportunities for meetings between members of the community who might not otherwise come into contact with each other through the use of active street frontages that bring together those who work, live and play in the vicinity.

4.3.8 In light of the guidance offered by Paragraph 69 of the NPPF, it is considered that the proposed development would result in the separation of Half Acre from the local community resulting in an adverse effect upon community cohesion within the area counter to NPPF policies.

4.3.9 The NPPF also advises that Local Planning Authorities should promote safe and accessible environments. In discussions with the applicant, concerns have been raised over the safety of children who play within the cul-de-sac in close proximity to the A505 dual carriageway. Moormead Hill is designated as a 30mph road. The dual carriageway travelling west to east from Luton is 50mph and 70mph when travelling from Hitchin to Luton. Whilst the safety of local residents is noted, no additional substantive evidence has been provided to justify the need for the erection of the security gates that would outweigh the detrimental impact of the proposed development.

4.3.10 Given the above, it is considered that the proposed development would result in the creation of an isolated gated community that fails to promote community cohesion and therefore contrary to the aims of the National Planning Policy Framework and Policies SP10 and D1 of the Emerging Local Plan.

Highways Safety:

4.3.11 Hertfordshire County Council Highways have raised no objections to the proposed development. The gate would be well set back from the junction with Moormead Road by approximately 14m. It is considered that the proposed development would be acceptable in terms of impact upon highways safety.

4.4 **Conclusion**

4.4.1 The proposed development would result in the creation of a separated community within Hitchin that fails to enhance the public realm or improve connectivity, contrary to the provisions set out within the National Planning Policy Framework and Policies D1 and SP10 of the emerging Local Plan.

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 **REFUSED** for the following reason:

By reason of its siting and design, the proposed development would result in the creation of a separated community that would result in an adverse effect upon community cohesion within the area. Furthermore, the proposed development fail to enhance the character and appearance of the locality. As such, the development is considered to be contrary to the provisions of the National Planning Policy Framework and Policies D1 and Sp10 of the emerging Local Plan.

6.2 **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since

no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1. Reason for RefusalBy reason of its siting and design, the proposed development would result in the creation of a separated community that would result in an adverse effect upon community cohesion within the area. Furthermore, the proposed development would fail to enhance the character and appearance of the locality. As such, the development is considered to be contrary to the provisions of the National Planning Policy Framework and Policies D1 and Sp10 of the emerging Local Plan.

Proactive Statement:

2. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.