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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Tom Rea.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                                                                                                              | APPLICATION SITE                                         |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 25/00143/FP              | Erection of two storey rear extension incorporating undercroft parking and change of use of ground floor office (Class E) and alterations of first floor flat to provide three additional flats. | 90 Walsworth Road<br>Hitchin<br>Hertfordshire<br>SG4 9SX |

**Submitted Plan Nos**

1123 - 01d 1123 - 02a 1123 - PL01a 1123 - PL02

**1.0     Policies**

|    |                              |
|----|------------------------------|
| D1 | Sustainable design           |
| D3 | Protecting living conditions |

|        |                                         |
|--------|-----------------------------------------|
| ETC6   | Local Centres                           |
| HE1    | Designated heritage assets              |
| SECN11 | Making effective use of land            |
| SECN12 | Achieving well-designed places          |
| SECN14 | Meeting climate change,coastal,flooding |
| SP1    | Sustainable development in North Herts  |
| SECN5  | Delivering sufficient supply of homes   |
| SP6    | Sustainable transport                   |
| SP9    | Design and Sustainability               |
| T2     | Parking                                 |

## 2.0 **Site History**

- 2.1 85/01597/1: Erection of two and single storey rear extensions together with change of use from tyre sales to trailer sales and maintenance with residential accommodation. Granted 31/12/85  
86/00402/1: Erection of first floor rear extension. Granted 15/04/86

## 3.0 **Representations**

- 3.1 Site Notice / Adjoining occupiers: No responses received
- 3.2 Herts Highways: No objections – recommends a condition and an informative.
- 3.3 NHDC Environmental Health: Noise – no objections. Contaminated land – recommends a condition. Air Quality – recommends an EV condition
- 3.4 NHDC Waste Services: Bin storage location and collection point details required.

#### 4.0 **Planning Considerations**

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

- 4.2 No. 90 is a part two storey and part single storey commercial and residential building located on the south east side of Walsworth Road opposite the junction with Dacre Road. The ground floor is in commercial office use (Class E) and the first floor an existing 3 bedroom apartment. The ancillary yard provides car parking with an access onto Walsworth Road.

The site is part of the Walsworth Road Neighbourhood Centre as identified in the Local Plan and sits outside of the nearest Conservation Areas. There are no nearby listed buildings.

The site is approximately 300m to the south west of Hitchin Railway station.

##### 4.2 **Proposal**

- 4.2.1 Erection of two storey extension to rear of existing building, incorporating undercroft parking along with the change of use of ground floor office (Class E) and alteration of first floor flat to provide three additional flats.
- 4.2.2 The proposed scheme comprises the following elements: - Erection of a two-storey rear extension. - Change of use of ground floor commercial unit. - Provision of four new dwellings following alteration of existing flat (net gain of 3 dwellings) as 3no. 2-bed and 1no. 1-bed flats. - One parking space provided per each dwelling as well as external bin storage.

##### 4.3 **Key Issues**

###### 4.3.1 **Principle of the development**

- 4.3.2 The application site is located within the urban area of Hitchin a major settlement within the district and within which under Policy SP2 of the Local Plan the Council expects, along with other towns in the district, 80% of the District's housing development and the majority of employment, retail and other development to be located. The site is also in a very sustainable location being close to major transport links and the town centre. The proposals would be consistent with the general aims of Policy SP2.
- 4.3.3 The site appears to be part of the Walsworth Road Neighbourhood Centre but is not identified as a hatched commercial property on page 311 of the Plan. Nevertheless it is appropriate to consider the application under Policy ETC6. Policy ETC6 states that planning permission will be granted where: a) It is for a shop, financial and professional

services, café or restaurant, pub or drinking establishment, takeaway or use classes F1 or F2 at ground floor level; and b) The centre would continue to provide a range of uses including shops to meet day-to-day needs and the vitality and viability of the centre would be maintained.

4.3.4 In terms of criterion a) there will be a loss of the existing Class E use. As mentioned in the supporting planning statement Policy ETC6 does not provide specific guidance on the loss of existing commercial uses and the existing ground floor business does not generate any footfall or make any contribution to the range of uses to meet the day-to-day needs and the maintenance of the vitality and viability of the centre (as required by criterion b). In any case, as the planning statement points out the existing office use could be converted into residential use under Class MA of the TCP General Permitted Development) (Amendment) Order 2021. In these circumstances I do not consider that there is direct conflict with Policy ETC6.

4.3.5 In view of the above analysis it is considered that the principle of the development is acceptable.

4.3.6 Impact on heritage assets

4.3.7 The site is not within the Hitchin Conservation Area but is adjacent to it so the impact of the proposed development on the setting of the Conservation needs to be considered.

4.3.8 Character Area 6 (Benslow Lane, Trevor Road and part of Radcliffe Road and Verulam Road) is the part of the Hitchin CA which is closest to the site. It is characterised by Victorian / Edwardian terraced and semi-detached housing along the road frontages. The proposed scheme maintains by and large the footprint of the existing building and the gap to the side occupied by the access and parking area. Built development is proposed at the rear in the form of a first floor extension facing onto the redevelopment of Rose Cottage Gardens a mainly three storey residential development. Given this context and the distance of the first floor extension from any public view points along adjacent roads it is considered that the proposals will have a neutral effect on the setting of the Conservation Area. Even if the proposals were considered to have some minor adverse impact this less than substantial harm would be outweighed by the public benefits (in accordance with paragraph 215 of the NPPF) which are the delivery of housing in a sustainable location.

4.3.9 Design and Appearance

4.3.10 Policy SP9 and Policy D1 of the Local Plan support new development where it is well designed and located and responds positively to its local context. Both policies also require residential schemes to meet or exceed the nationally described space standards.

4.3.11 The site already has a first floor projection of some considerable depth to the rear of the main frontage building at Wellbury House approved under 86/00402/1 which included filling in the corner which was not completed. This proposal will partially infill the corner at first floor level and then return across an existing garage and parking area with a low pitched roof to match the existing first floor extension in terms of materials, fenestration and roof design. No changes are proposed to the principal elevation along Walsworth Road thus maintaining the scale and character of the street scene. The main first floor element across the back of the site will be more closely related with the high density residential development adjacent in Rose Cottage Gardens.

4.3.12 In general the proposed scheme would represent a scale and density of the development that is in keeping and context with the prevailing surrounding development in accordance with Policies SP9 and D1 of the Local Plan.

4.3.13 Living conditions / Impact on adjacent property

4.3.14 Policies SP9 and D1 require residential schemes to meet or exceed the nationally described space standards. The table set out in the planning statement at paragraph 5.14 demonstrates that the proposed flats will exceed the standards thus meeting the requirements of both the above policies. No outdoor amenity space is provided although none would be expected in this busy urban location close to the station. Even so, the site is not far from public open space at Ransoms Recreation ground.

4.3.15 In terms of the impact on existing residents the main impacts will be on some of the occupiers of Rose Cottage Gardens and the occupiers of Nos 1 and 1A Trevor Road. My assessment of this impact is as follows:

Rose Cottage Gardens

The proposed two storey rear extension would be mostly located along the south eastern boundary of the site which abuts the car parking and turning area in front of Nos 11, 12 & 13 Rose Cottage Gardens which comprise two and three storey town houses. The front elevations of these properties face onto the proposed development across this parking area. The outlook to these properties will be affected in that these residents will be partially looking at a first floor wall and roof as opposed to sky views across the car to Wellbury House. There will be no overbearing impact given the approximately 12.5 metre gap and there is no right to a view. Given the limited length of wall and the intervening gap I do not consider that the visual amenities of the residents will be unduly affected. In terms of light impact, it is noted that the proposed two storey extension is located to the west and north west of Nos 11 – 14 so there may be some loss of sunlight / daylight in the latter part of the day but there would be no loss of light to the private gardens of these properties which are located to the rear. Given the distance of the new wall and roof and the orientation I do not consider that there would be an unacceptable loss of daylight and sunlight to Nos 11 – 14.

No 1 Trevor Road

The proposed first floor extension element of the extension would be slightly set off the boundary with No. 1 but would be visible in views from the rear of the house and garden although obscured by mature trees. Given the backdrop of the flank elevation of No. 1A and the first floor extension of Wellbury House already I do not consider that there would be any significant visual harm or overbearing impact on No. 1. Similarly, in terms of daylight and sunlight the existing development does limit light to No. 1 and the north facing orientation of No. 1's garden does mean that it is shaded for large parts of the day particularly in winter.

No. 1A Trevor Road

No. 1A backs onto the application property with a short back garden. No. 1A has no first floor rear windows but some rooflights in its rear facing roofslope. A high boundary wall already exists along the rear boundary of No. 1A. The proposal would increase the height of some of this wall by 1 metre or so with the new roof then pitching away. Because of the height of the existing wall and the limited additional length of first floor it is not considered that there would be any overbearing impact on or serious visual intrusion to No. 1A. In terms of light the new extension would be directly to the north of No. 1A and therefore this orientation means there would be limited light loss. No. 1A has a side garden to the north west which would be largely unaffected by the development.

A new first floor window is proposed to Flat Unit 3 – to be inserted into a proposed living room. Negotiations with the agents mean that this window will be high level and fixed shut to protect the privacy of No. 1A – this will be secured by a planning condition.

- 4.3.16 In the case with all of the neighbours, the proposed change of use of the Class E use to residential is likely to result in potentially less noise bearing in mind the range of uses within Class E. In my opinion the works would not result in any significant loss of residential amenity to adjacent residents and that there would be no conflict with Policy D3 of the Local Plan.

4.3.17 Access and Parking

- 4.3.18 Each flat will be independently accessed and one parking space is allocated for each flat. As mentioned in the planning statement this provision, whilst slightly below the expectations of Appendix 4 of the Local Plan is considered appropriate given the flatted nature of the scheme in a highly accessible location in close walking distance to the train station and town centre. A cycle store is proposed adjacent to the undercroft parking which will provide a seven space semi-vertical cycle parking rack (W: 2430 x D 1100). This will provide two cycle parking per each 2-bed unit and one space for the 1-bed unit in accordance with Appendix 4 of the Local Plan.

- 4.3.19 Refuse storage is identified within the site and bins can be brought to the kerbside on collection day as is the current arrangement. No objections are raised by the Highway Authority to the proposals.

- 4.3.20 The applicant has agreed a condition that EV charging points be located within the undercroft car parking area.

4.3.21 Climate change and BNG

- 4.3.22 The site is 100% hardstanding with no existing habitat value and as such the development is exempt from the need to provide a 10% net gain in biodiversity.
- 4.3.23 No energy statement is submitted with this application. EV charging points will be provided although these are now a requirement of the Building Regulations. The Council has now adopted a sustainability SPD which is a material consideration with any planning application. Therefore, a condition is recommended to ensure that a scheme of sustainability measures to address the climate change emergency is submitted and agreed by the LPA and implemented on site.

4.4 **Conclusion**

- 4.4.1 The development is considered to be acceptable in planning terms.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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 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. The proposed new window at first floor level on the south west facing elevation providing light to the living room to Unit 3 shall be of a high level design with a minimum internal floor to cill height of 1.67m and shall be fixed with no opening mechanism.

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

4. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

5. Prior to occupation the three parking spaces shown within the undercroft parking area shall be provided with electric vehicle charging points.

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.

6. Prior to the first occupation of the development hereby permitted the proposed onsite car and cycle parking areas shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan (Ref- PL01a) and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to the commencement of development, a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031

### **Biodiversity Net Gain**

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.

### **Informative/s:**

Highway Informatives:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:  
[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN) 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works

commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

## EV charging points

### EV Charging Point Specification:

A 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)

- o 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.

- o 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).

- o 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.

- o 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>

- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

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| <p>Signed</p><br><br><p>Sam Dicocco</p><br><p>Determining Officer</p> | <p>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</p> |
| <p><b>Date:</b> 17 April 2025</p>                                                                                                                      |                                                                                                                                                 |