

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01761/FP	Change of use of land to residential. Alterations to existing roof and rear roof extension to facilitate loft conversion. Part two storey and part single storey rear extension following demolition of existing attached rear office building. Alterations to fenestration and external render (as amended by drawing 24/02800/03B received 23/10/2024).	81a Whinbush Road Hitchin Hertfordshire SG5 1PZ

Submitted Plan Nos

Location Plan 24-2800-100 24/2800/01 24/2800/02 24/2800/03B 24/2800/04A 24/2800/05B

1.0 Policies

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North Herts Local Plan 2011 - 2031

SP1 Sustainable development in North Herts
SP2 Settlement Hierarchy and Spatial Distribution
SP6 Sustainable transport
SP7 Infrastructure reqs developer contributions
SP8 Housing
SP9 Design and Sustainability
SP10 Healthy Communities
SP11 Natural resources and sustainability
T1 Assessment of transport matters
T2 Parking
HS3 Housing mix
HS5 Accessible and adaptable housing
D1 Sustainable design
D3 Protecting living conditions
D4 Air quality
NE1 Strategic green infrastructure
NE4 Biodiversity and Geological sites
NE5 Protecting open space
NE7 Reducing flood risk
NE8 Sustainable drainage systems
NE9 Water quality and environment

NPPF (2023):

SECN11 Making effective use of land
SECN9 Promoting sustainable transport
SECN8 Promoting healthy and safe communities
SECN6 Building strong, competitive economy
SECN5 Delivering sufficient supply of homes
SPDVP Vehicle Parking at New Development
SPDDS Design Supplementary Planning Document

2.0 **Site History**

- 2.1 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.

3.0 **Representations**

- 3.1 Site Notices: 11.09.24 Expiry: 04.10.24
- 3.2 Neighbours: None received
- 3.3 Environmental Health (Air Quality): Requests an EV condition
- 3.4 Environmental Health (Noise): Requests a condition.
- 3.5 Environmental Health (Land Contamination): Recommends an Informative
- 3.6 Waste and Recycling: Comment that waste and recycling collections for this property are already in place.

4.0 **Planning Considerations**

4.1 Site and Surroundings

- 4.1.1 The site presently consists of a former Victorian residence then office and associated storage associated with the previous garage use on the adjacent land now subject of a separate application for a flats development (ref: 24/01754/FP).
- 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 Proposal as amended is for the change of use of land to residential and alterations to existing roof and rear roof extension to facilitate loft conversion. Part two storey and part single storey rear extension following demolition of existing attached rear office building. Alterations to fenestration and external render. The development would create a four bedroom dwelling.

Key Issues

- 4.2.2 The key issues for consideration of this application relate to (i) the principle of development (ii) design – layout, character and appearance (iii) residential amenity (iv) occupiers amenity (v) highways and parking (vi) energy reduction (vii) flooding and drainage (viii) Land contamination (ix) ecology and biodiversity

Principle of development

- 4.2.3 The principle of the property returning to a residential use has already been granted by an extant planning permission (ref: 22/02953/FP) The loss of this 'non-conforming' use would therefore be justifiable and reasonable in the circumstances.
- 4.2.4 Policies SP2 - Settlement hierarchy and Spatial Distribution – and Policy SP8 - Housing - provide broad in principle support for development in Hitchin (and other towns) to meet the majority of housing needs in the District subject to the compliance with other relevant policies.
- 4.2.5 The site is within the urban area of Hitchin and housing development in the form of flats or houses lie adjacent to the site. The site is within a sustainable location being 0.7 miles from Hitchin railway station and bus interchange and approximately 0.6 miles from Hitchin Town Centre and market. There are bus stops serving the locality nearby. Within close proximity are other essential services including convenience shops, schools, churches and public open space.
- 4.2.6 Given the prevailing residential development of the surroundings and the sites proximity to local services, it is considered that the residential redevelopment of this site is appropriate in land use terms.

Design – layout, character and appearance

- 4.2.7 The proposed extensions to the property are similar to that approved under planning permission ref: 22/02953/FP. The rear dormer has been reduced in width and sits within the roof of the property. There are large roof dormers on several of the nearby properties. In this location where permission has been granted for a flatted development immediately adjacent screening most of this development I do not think there are strong design grounds to refuse this scheme.
- 4.2.11 The back garden to this property is very small however it is of the same size as the extant scheme therefore I can see no reason to object to the size as proposed.
- 4.2.12 The use of render and facing buff brickwork is considered acceptable in this location.
- 4.2.13 The front elevation of the building reflects the architectural style of buildings that exist along this part of Whinbush Road. The scale matches that of the adjoining Victorian dwellings immediately adjacent to the site. The front of the site will retain the small front garden in keeping with the adjacent Victorian properties. comprise part landscaped areas and part short stay cycle parking. Bins can be stored at the rear.
- 4.2.14 The property will be generally refurbished as well as extended. Overall, the refurbishment and extensions proposed are considered to be reasonable from a character and design point of view.

Residential amenity

- 4.2.15 Policy D3 – Protecting Living Conditions – confirms that new development should protect residential amenity for existing local residents. In this context the position of the building and overall layout of the site will not appear unneighbourly nor will it cause a loss of light or sunlight.
- 4.2.16 In relation to privacy impacts on the properties to the rear along Verulam Road, the distances from the new windows to the existing rear boundary would be approximately 12.0 metres at first and second floor level. Given that the land rises as you enter the application site and the Verulam Road properties are positioned on a higher slab level, these windows would afford unreasonable views into the gardens of Verulam Road rear gardens. A condition is recommended to ensure that construction work is carried out at reasonable days and times to protect existing residents' noise environments.

Occupiers amenity

- 4.2.17 Policy D1 – Sustainable Design - set out a number of criteria that should be considered when designing new development. In relation to general amenity for future occupiers of the dwelling, it is confirmed that the proposed unit will meet the minimum National Space Standards for internal space.
- 4.2.18 A noise assessment is recommended by Environmental Health officers.

Highways, access and parking

- 4.2.19 A single car parking space is provided at the rear of the garden with access shared with the flats development next door. This level of provision is considered acceptable in this accessible location a short walk from the town centre and its amenities and a short walk to the train station. Cycle provision could take place within the back garden.
- 4.2.20 Overall, it is considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently have no objections on highway grounds subject to the above recommended planning conditions and highway informatics.

Energy reduction

- 4.2.21 The Council recently passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2040. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. New developments will be expected to take account of the Council's Climate Change Strategy and incorporate a range of carbon neutral or carbon reducing energy and emissions features. Such features typically include - EV charging infrastructure, solar or PV panels, air source heat pumps, Sustainable Urban Drainage Systems, and meeting or exceeding Building Control standards on thermal insulation.
- 4.2.22 An EV charging point is considered appropriate for the development.

Flooding and drainage

- 4.2.23 The site is under 1 Ha and lies within Flood Zone 1 and therefore a Flood Risk Assessment is not required.

Land contamination

- 4.2.24 The Council's Environmental Health Officer has advised an informative.

Ecology and biodiversity

- 4.2.25 Policies SP12 - Green infrastructure, biodiversity and landscape, Policy NE4 - Biodiversity and geological sites and NE6 - Designated biodiversity and geological sites - seek to protect, enhance and manage the natural environment. The 2021 Environment Act introduced an automatic requirement for every planning permission granted to achieve a Biodiversity Net Gain (BNG) from November 2023.
- 4.2.26 The site consists largely of hardstanding and a building of very restricted ecological value. No ecological report has been provided in support of the application.
- 4.2.27 In relation to biodiversity, given the recently adopted Local Plan requires all new development to deliver biodiversity net gain, it is recommended that the landscaping scheme includes a range of suitable improvement measures. These could include and are not limited to bird (including swifts) and bat boxes to the buildings, wildlife attracting plants, hedges, and hedgehog friendly habitats. These improvements could be delivered as part of the landscaping scheme for the development and can be conditioned.

There is less than 25sqm of habitat on the site and therefore the development is exempt from the requirements of the BNG regulations.

Sustainable Development

- 4.2.28 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social and environmental.
- 4.3.29 In terms of the economic objective the development would provide a home that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the home would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.
- 4.3.30 In terms of the social objective the development would be well connected to the existing community and by public transport and existing and new public footpaths. Overall, the development would provide access to the social, recreational and cultural facilities and services that the community needs. The development would be in accordance with sections 8, 11 and 12 of the Framework.
- 4.3.31 In terms of the environmental objective, the development would result in the reuse of urban brown field site. The site is not isolated in terms of transport with the site

accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework

- 4.3.32 In conclusion on this matter, it is considered that the proposals would be a sustainable form of development and would comply with national and local planning policy and guidance

Conclusion

- 4.2.33 The proposal is considered acceptable in planning terms

Alternative Options

None applicable

Pre-Commencement Conditions

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

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 **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. Prior to occupation, the new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

4. No conversion/development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic and nearby commercial processes/premises has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect future residents living conditions and to comply with Policy D1 of the Local Plan.

5. Prior to the occupation of the development hereby permitted a landscape and ecological management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include what new soft and hard landscaping features are to be used and include a range of wildlife improvement measures including bird boxes to deliver biodiversity net gain. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure a satisfactory appearance to the completed development and to ensure biodiversity net gain is delivered in accordance with Policy NE4 of the Local Plan.

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:

Environmental Health informative:

The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 24 October 2024	