

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS COMMITTEE

**Minutes of a meeting held in the Council Offices, Gernon Road, Letchworth Garden City
on 5 December 2005 at 6.00p.m.**

MINUTES

PRESENT: *Councillors: M.E. Weeks (Chairman), Simon Bloxham, Paul Clark,
J. Cunningham and Marilyn Kirkland.*

IN ATTENDANCE: *Planning Control and Conservation Manager and Committee and
Member Services Officer.*

ALSO PRESENT: Councillor D. Miller representing the Southern Rural Area
Committee.

Applicant: Mr J. Photiades

1. APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Paul Clark seconded by Councillor J. Cunningham and agreed that Councillor M.E. Weeks be appointed as Chairman for the duration of the meeting.

2. PROCEDURE

The Chairman ascertained that all parties present were satisfied to adhere to the suggested procedure as circulated with the agenda for the meeting.

3. ITEM REFERRED BY THE SOUTHERN RURAL AREA COMMITTEE 24 AUGUST 2006. Erection of a two bedroom dwelling for use by a key worker within the curtilage of the Old Bakery, a Grade II listed building at Bendish

In accordance with the agreed procedure, the Chairman established that the following people were appearing before the Licensing and Appeals Committee:

Applicant: Mr J. Photiades

In support of Application: Councillor D. Miller (Southern Rural Area
Committee representative)

Officer: Mary Caldwell, Planning Control and Conservation
Manager

The Licensing and Appeals Committee received a report of the Planning Control and Conservation Manager (PCCM) which clarified that in accordance with its Terms of Reference, the Southern Rural Area Committee had referred the above application to the Licensing and Appeals Committee for determination. At its meeting held on 24 August 2006 (Minute 44 (a) refers) the Southern Rural Area Committee had concluded that permission be granted against the Officer's recommendation. They had considered that special circumstances existed to allow a dwelling for a key worker, the applicant's daughter, as an exception to the rural and conservation area policies.

In accordance with the agreed procedure, the PCCM presented her case. The PCCM confirmed that at the meeting of the Southern Rural Area Committee held on 24 August the Chairman had used his casting vote to refer the application to the Licensing and

Appeals Committee. The PCCM referred the Committee to her current report, and to Appendices A, B and C for additional information.

The Chairman, Members of the Committee and the Southern Rural Area Committee representative then put questions to the PCCM on the points raised in the report.

The applicant confirmed that he would be happy to accept any additional conditions with regard to the clear separation of the properties that the Committee felt were necessary for the approval of the application, including the requirement for a Section 106 condition should the application be granted. He advised the Committee that there was a high level of local support for the construction of this dwelling for a key worker for a residential annexe and stressed that the only change from the previous application was the insertion of a boundary line on the deeds for The Old Bakery, defining the separate property. The applicant stressed the extreme shortage of residential dwellings for key workers in this part of North Hertfordshire and that the present application would not exceed the footprint or size of the plot with planning permission within the site known as the Old Bakery, Bendish. The applicant suggested to the Committee that this application was unique and would not set a precedent, and despite government guidance and policies within the Local Area Plan No. 2 (with alterations) he urged the Committee to use a measure of 'common sense' in making their determination. The applicant also suggested that this application would not have any adverse affect on the green belt as it was entirely within the curtilage of the Old Bakery, and if the application was granted the applicant would be willing to erect a boundary fence or other boundary feature to separate the dwellings.

The representative from the Southern Rural Area Committee gave the views of the Committee on why the application should be granted, particularly the need for dwellings for key workers in North Hertfordshire.

The Chairman then gave the Officer, the Applicant and the Area Committee representative the opportunity to make a final statement in support of their views. The Planning Control and Conservation Manager advised the Committee that if they were minded to grant planning permission it would be appropriate to safeguard the future occupation of the dwelling by a 'key worker' with a Section 106 agreement. The agreement would need to include the definition of a 'key worker' as set out in DCLG advice together with their eligibility and to seek the occupation by such a person in perpetuity. It was also suggested that in addition to all the standard conditions any planning permission should include conditions relating to highway requirements, samples of materials and the removal of 'permitted development' rights.

The PCCM referred the Committee to the point raised by the applicant in his statement concerning mortgage arrangements, where the applicant had advised on difficulty securing a loan against the proposed annexe with planning permission. The applicant indicated that securing a mortgage on a new building (albeit on the current footprint of the annexe) would be easier. The PCCM confirmed to the Committee that any mortgage arrangements on any property were a matter solely for the applicant and consequently excluded from determination of this planning application.

The PCCM also advised the applicant and the Committee that the contents of any Section 106 agreement would require agreement between all parties concerned prior to the issue of any decision notice.

Members of the Licensing and Appeals Committee gave their views and decision regarding the application.

RESOLVED: To determine the application as set out in the report of the Planning Control and Conservation Manager as indicated in the following schedule:

Reference Number	Description of Development and location	Decision
06/00612/1	<p>LAND ADJACENT TO THE OLD BAKERY, BENDISH, NEAR HITCHIN SG4 8JH Erection of a two bedroom dwelling for use by a key worker within the curtilage of The Old Bakery, a Grade II listed building at Bendish.</p>	<p>Conditional Permission (see (a) below)</p>
	<p>(a) RESOLVED: That subject to the applicant first entering into a Section 106 agreement to ensure the occupation of the dwelling by a 'key worker' in perpetuity under planning application reference 06/00612/1 permission be GRANTED subject to the following conditions.</p> <p>(1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>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.</p> <p>(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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from thereby permitted.</p> <p>Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.</p> <p>(3) Any gates provided shall be set back a minimum of 6 metres from the edge of the carriageway and shall open inwards to the site.</p> <p>Reason: To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened and closed.</p> <p>(4) The development shall not be brought into use until a properly consolidated and surfaced turning space for cars have been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.</p>	

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

- (5) Prior to the first use of the proposal, two parking spaces as shown on drawing no. 00/54/1 shall be provided and appropriately marked out within the curtilage of the site. The parking facilities shall thereafter be kept available solely for the parking of motor vehicles and shall therefore be permanently retained as provided thereafter.

Reason: In the interests of highway safety and amenity.

- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Classes A-H of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers the development which would normally be 'permitted development' should be retained within planning control in the interests of the character and amenities of the area.

- (7) Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

The meeting closed at 9.32 p.m.

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Chairman