

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## PLANNING CONTROL COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH  
GARDEN CITY ON THURSDAY, 25 MAY, 2017 AT 7.30 PM

### MINUTES

**Present:** *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Bishop, Paul Clark, Cathryn Henry, Tony Hunter, Ian Mantle, Michael Muir, Mike Rice, Harry Spencer-Smith, Martin Stears-Handscomb and Val Shanley (In place of John Booth)*

**In Attendance:**

*Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Melissa Tyler (Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer)*

**Also Present:**

*At the commencement of the meeting Councillors Gary Grindal, David Levett, Michael Weeks and approximately 85 members of the public, including 16 registered speakers and 3 Member Advocates (Councillors Jane Gray, Gerald Morris and Claire Strong).*

#### 1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors John Booth, Bill Davidson, Jean Green and Adrian Smith.

Councillor Val Shanley was substituting for Councillor John Booth.

#### 2 MINUTES - 20 APRIL 2017

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 20 April 2017 be approved as a true record of the proceedings and be signed by the Chairman.

#### 3 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

#### 4 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices. In addition, the Chairman had arranged for the sound at this particular meeting to be recorded;
- (2) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (3) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak.

## 5 PUBLIC PARTICIPATION

The Chairman confirmed that the 16 registered speakers and 3 Member Advocates were present.

## 6 16/02256/1 - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON

Reserved matters application for approval of access, appearance, landscaping, layout and scale to serve a residential development of 78 dwellings (31 affordable and 47 private), pursuant to outline planning application 15/01618/1 granted 27.5.16.

The Development and Conservation Manager reminded Members that the Committee had resolved to grant outline permission for up to 82 dwellings on this site at the meeting held on 17 December 2015.

Planning permission was granted in May last year, following completion of the section 106 agreement.

This application was for the reserved matters of access, layout, scale, appearance and landscaping, providing 78 dwellings and was reported to Members at the Planning Control Committee meeting held on 16 March 2017.

The item was deferred by the Committee to enable further negotiations between officers and the applicant to endeavour to address Members' concerns regarding the urbanising effect of the roundabout and terraced houses to the site frontage and to consider the alternative of a T or Y junction, instead of the roundabout.

The Development and Conservation Manager introduced the report, supported by a visual presentation. The slides presented were as follows:

- Location Plan - The site lay to the east of the village and comprised two fields of land adjacent Elm Tree Farm, of 4.4 hectares in area;
- Previous Layout Plan – This was the previous layout of the proposed development with access via a proposed mini roundabout from Holwell Road and a terrace of six houses set to the frontage;
- Layout Plan – Roundabout Option – This was the newly proposed layout, which remained at 78 dwellings. In place of the previous terrace were two sets of semi-detached dwellings set back, with an open space and footpaths to the frontage, together with a single storey dwelling adjacent the existing terrace of The Twelve Apostles. A third pair of semi's replaced the previous open space to the rear of a parking court;
- Layout Plan – Y Junction Option – This was the newly proposed layout with a Y junction as means of access instead of the previous roundabout. The Y junction had been confirmed as viable in highway safety terms, just as the roundabout was. Therefore, Members had the choice of either option but due to the aesthetic benefits of the Y junction and that this was already part of the character of the village, officers considered this to be the preferred access option;
- Y Junction detail – this was the Y junction detail provided to the Highway Authority showing the triangular section which would be grass verge;
- Bungalow to frontage – this was the bungalow proposed to be adjacent the existing terrace cottages fronting Holwell Road;
- Semi-detached to frontage – These were semi-detached pairs to replace the previous terrace set back and with open space to front;
- House type L – this was of the largest in footprint, proposed to the southern end of the site;
- Apartment block – this was one of the three proposed apartment blocks for part provision of the affordable housing, reflective of the buildings of Elm Tree Farm Close, located near the site;

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- Street scene elevations – Many units had been reduced in ridge heights across the development, from previous amended plans – the amount of reduction was shown by black lines;
- View from the east – the top elevation view showed the ridge heights set behind the existing long hedgerow, which was conditioned to be maintained at this height;
- Boundary hedging – a number of photographs showed the boundary hedging at various parts of the site as well as the main hedge to the eastern boundary;
- Landscaping plan – this was the amended landscaping plan of the revised layout, with further tree planting to the site frontage and access road.

The Development and Conservation Manager advised that there were a number of updates on the comments received since time of writing the report which were summarised as follows:

#### Pirton Parish Council - Planning Reasons for Refusal

- Access (roundabout only)  
Urbanisation adverse effect on character and landscape and setting of the Chilterns Area of Natural Beauty, contrary to Core Principles of the National Planning Policy Framework, Build for Life Principles and NPPF paragraph 131.
- Layout  
The loss of green space/amenity space within the development;  
Insertion of 6 houses within the development increased congestion within the development;  
The density of dwellings was far higher than that for Pirton generally and the neighbouring roads in particular, contrary to NPPF paragraph 131, the Build for Life Principles, Emerging Local Plan policy HDS4 and the Pirton Village Design Statement (Supplementary Planning Guidance).
- Scale  
Ridge heights remained too high in too many cases and the overall pattern and spacing of buildings did not conform to the Pirton Village Design Statement (Supplementary Planning Guidance) and NPPF paragraph 58.
- Appearance  
The congested appearance (as internal green space has been removed and 6 houses added) was not in keeping with Pirton generally;  
Garden sizes should be increased to create a more spacious feel and to meet NHDC Saved Policy 57, and NPPF paragraph 61.
- Landscaping  
The loss of the internal green space would impact adversely on the purpose of landscaping which was in law to “enhance the amenities of the site and the area in which it is situated”.

The Development and Conservation Manager advised that, for the avoidance of doubt on the issue of density, the minutes for the meeting when outline planning permission was granted record that the Planning Committee was advised that if Members were unhappy about the density of the proposed site, this could be addressed at a later stage. Density is addressed through layout, appearance and scale.

#### Local residents

Further comments received included:

- The location of the pond represented a risk to children and was to be separated by hedge or fence. This effectively removed the area as a visually accessible open space and therefore required additional visual open space to compensate.
- Front gardens were too small for this rural setting and there was insufficient space around the properties for the layout to sit comfortably in its position within Pirton.
- The properties were too high (tall) when related to the existing built area.
- The roundabout was the largest size possible under the definition of a ‘mini-roundabout’ and was too big and too urbanising for this setting and the traffic generated by this site.

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- Accuracy and appropriateness of the methodologies set out in Highway's response to the traffic assessment made by Gladman in June 2015 was questioned and the highway impact of the development was considered unsafe.
- The problem of finding sufficient parking places for the cars of the occupants of the "Twelve Apostles" cottages on Holwell Road had not been resolved in the latest proposal.
- Minor changes to the plan, such as the replacement of the large block of single bedroom apartments with three smaller blocks, or changing the proposed block of terraced houses into semi-detached houses moved back from Holwell Road, may be helpful at the margins, but they did not overcome the fundamental problem of the development being out of character.

The Development and Conservation Manager introduced Lindsay McCauley (Opus International Consultants) and Mark Youngman (Hertfordshire Highways) who were happy to answer questions from Members.

Parish Councillors Diane Burleigh (Pirton Parish Council) and Yvonne Hart (Holwell Parish Council) addressed the Committee in objection to application 16/02256/1.

Parish Councillor Burleigh thanked the Chairman for the opportunity to address the Committee and advised that she was speaking on behalf of Pirton Parish Council who continued to maintain the position that there was benefit of appropriate development on this land, but that the current proposals were not yet quite right for Pirton. There were developments and changes that were approved of, but she would outline why this application should still be refused at this stage.

No matter how hard CALA Homes had tried to address NHDC and community concerns and despite the amendments so far made, the simple fact was that you can not squeeze 78 homes on this plot without significant adverse effects.

These adverse impacts significantly and demonstrably outweighed the benefits of the extra land for the house that would need to be made to make this development compliant with national and local policy on planning guidance.

Simple changes would address the issues and would bring this planning application to a conclusion that would meet the interests of the developer, the community and the broader public interest of getting more homes. The Parish Council was keen for people to have homes, not just houses.

The adverse impacts were highlighted in the Officer updates, but she would focus on the following:

#### Urbanisation

In relation to the roundabout, she hoped that this option would be rejected and that the Y junction solution would be approved.

The dense occupation of the land would lead to urban fringe problems in a rural area.

The density would lead to congestion in the development was not in keeping with Pirton.

A lack of amenity space within the development and a lack of transition between the development and the village lead to an adverse impact on the character of Pirton and the landscape generally.

These issues could be addressed by further greening of the access into the site to better soften the edge of the development. This would then be compliant with NPPF paragraph 61 which reads:

"Planning decisions should address the integration of new development into the natural build of historic land".

Integration was key for the Parish Council.

The Parish Council welcomed the proposal for a Y junction and maintained complete opposition to the provision of a roundabout

In respect of greening within the development, the greening of the frontage to the road and the removal of the terraced houses had resulted in a loss of green space amenity within the development itself. All that had happened was that green space had been removed from within the development and shoved it at the front whilst moving 6 additional houses into the development meaning that the plot was even more squeezed.

Softening the edges with green space did not come at the expense of appropriate green space within the development. These are two totally separate issues and the interior green space should be reinstated. Otherwise the garden sizes should be increased to achieve more space and Saved Policy 57 addresses the size of gardens that should relate to needs of future residents and to the amount of public amenity space. This means that either the green space within the development should be replaced or the garden sizes increased.

Additionally no attempt had been made to reduce the density of the housing on this development which increases the sense of over planning and congestion within the development, which is recognised by the officers at Paragraph 4.3.6 of the report.

The figure of 17 dwellings per Hectare for Pirton is arrived at once all the green space is removed. The figure for this development is 17.7 dwellings per hectare including green space. If you were to include the green space in Pirton, the figures would reduce to approximately 12 dwellings per hectare.

This shows that the density for this site is far higher than the general density in Pirton and quite out of character.

The Parish Council recognises that making all of these amendments would result in the reduction of the number of dwelling on site, but no argument has been made by CALA Homes that such a reduction would make the development unviable. Pirton Parish Council appreciated the need for housing and did not wish the development to become unviable,

Parish Councillor Burleigh stated that the Parish Council was not asking for , just the removal of a few houses and the inclusion of the original green space or larger gardens and asked the Committee to refuse the application in order that better proposals that meet all concerns can be achieved.

The grounds for refusal would be access, urbanisation, layout, loss of green space/amenity space within the development, increased congestion and density of dwellings that is higher than for Pirton generally. Ridge heights remain too high and should be reduced as they were out of character, but this was no longer a major issue.

Up till now they had commented favourably regarding landscaping proposals, but the loss of green space now impacted adversely on the purpose of landscaping which is in law "to enhance the amenities of the site and the area in which it is situated".

Parish Councillor Burleigh concluded by stating that a number of residents of Pirton had been at the meeting where the outline planning permission was granted and witnessed a number of Members who were concerned about the issue of numbers and density. The way to deal with density is through addressing layout appearance and scale and the Parish Council believe that small changes to the proposal would result in a development that was completely right and urged Members to refuse the application.

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Parish Councillor Hart thanked the Chairman for the opportunity to address the Committee and advised that she was Chairperson of Holwell Parish Council and was objecting to the application on behalf of the residents of Holwell who had continued to voice their concerns, giving relevant justifications as to why this development was inappropriate in such a rural setting.

It was unbelievable how over 150 objections from Holwell and Pirton had been ignored by the organisations and authorities involved in the application.

Previous development applications for this site had been rejected for a number of reasons including safety, size and location and this was for a significantly lower number of houses, so why had a development at least four times the size even been considered, never mind recommended for approval.

She reminded Members of the Government advice to the National Infrastructure Commission guidance that said that a development “should not have a negative impact on the quality of life of the people in the locality”. The size, layout and extent of this application completely disregarded this.

The proposal of 78 houses would increase the size of Pirton village by some 20 percent, which was wholly unacceptable when considering local services, roads and schools in the area. In addition the intended mix of homes did not fulfil the communities’ wishes.

78 new homes would mean a possible 150 additional vehicles on country roads around the area, increasing the risk of accidents and danger to the many walkers, cyclists, horse riders and children who currently used those roads.

A large section through Holwell did not have a footpath and was already a danger for pedestrians, in particular the elderly, dog walkers and families with children and buggies who had to negotiate the twists and turns of country roads.

If the development went ahead an off site route along Hitchin Road would surely be the most sensible option for all involved, but this had been discounted as it was deemed too expensive and time consuming, but surely safety and reduction of inconvenience to the public should be more important.

Parish Councillor Hart concluded by stating that the scale of this development was far too large for such a rural location, these were village and not towns and everything said so far must be taken into consideration.

Their job as Parish Councillors was to represent their villages and to protect their quality of life and she hoped that she had successfully put across their outrage about this unsuitable and intrusive application.

Following some questions and answers, the Chairman thanked Parish Councillors Burleigh and Hart for their presentations.

District Councillor Claire Strong addressed the Committee as a Member Advocate in objection to application 16/02256/1.

Councillor Strong thanked the Chairman for the opportunity to address the Committee and drew attention to the picture depicting the proposed development and that on page 19 of the report and asked Members to compare the size of the gardens of the existing neighbouring properties with those of the proposed development.

She reminded the Committee that the new development would be built between those existing houses and the open countryside and asked them to consider the Planning Policy guidance that there should be a gradual transition from village to countryside

To put in a very high density housing development in this transition area would result in the urbanisation of the countryside and there were too many houses planned for this site.

Councillor Strong reminded Members that she had urged the Committee to refuse the application in March 2017 on the grounds of scale, density, mix of houses and the harm to the character and appearance of the area. She still believed that there would be harm to the character and appearance.

Following the comments made at the March meeting, changes had been made to the scale and height of some of the properties and the urbanization of the entrance had been removed by adding more green space in that area and these changes were welcomed. However no changes had been made to the density or the mix of houses within the site

There had, in the past been another controversial application for the development of a site around the Fox Pub of around 50 houses and this was eventually reduced to 21 houses with areas of green space and a play area.

Nothing has been done on this development to reduce the number of dwellings and nothing had been done to look at a viable scheme with less houses.

There was a large amount of social housing within the development and this was most likely the reason for the high number of dwellings and consideration should be given to whether it needed to be this high.

Some time ago a housing needs survey was undertaken in the village and it had been identified that 11 affordable houses were needed and these had already been built and therefore the amount of affordable housing required on this development to meet the needs of the village was questionable.

Councillor Strong asked that officers look at the development again, in particular:

- Density  
The density was far too high for the area and numbers should be reduced.
- Mix of houses  
There were too many small one bedroomed houses and not enough three bedroomed properties

There were a lot of people who wanted to own their own home, but they wanted homes that met their needs such a transport. Those who live in Pirton knew that the best transport in the village was a car as the public transport could not be relied on and was infrequent. Councillor Strong questioned whether enough thought had been given to how the new residents would travel and work.

She urged Members to refuse this application on scale, density and the harm to the character and appearance of the area.

Following some questions and answers, the Chairman thanked District Councillor Strong for her presentation.

Mr Philip Wright (CALA Homes) and Mr Mike Lake (Applicant's Agent) addressed the Committee in support of application 16/02256/1.

Mr Wright thanked the Chairman for the opportunity to address the Committee and advised that he was the Senior Design and Planning Manager for CALA Homes.

He reminded the Committee that this application was deferred in March 2017 on two grounds being the urbanising effect of the six cottages at the front of the development and the urbanising effect of the mini roundabout.

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Since March CALA had actively engaged with key stakeholders in order to address those concerns. They met with planning officers to discuss the concerns regarding the urbanising effect and held meetings with Pirton Parish Council where plans were tabled regarding the entrance to the site that proposed the reduction of the built up area at the front of the site and a Y Junction in place of the roundabout. In order to demonstrate that the Y Junction was deliverable, they then met with Highways officers to discuss the proposals. A safety audit was undertaken on the new proposal to demonstrate that this option was safe.

Mr Wright advised that it was important to stress to Members Hertfordshire County Council's support for the project.

They believe that these positive changes to the application substantially addressed the concerns raised at the March Planning Committee

Mr Wright concluded by stating that the proposal would provide a high quality residential scheme which had regard to its context that contributed to the Council's 5 year land supply and asked Members to approve the application.

Mr Mike Lake (Applicant's Agent) thanked the Chairman for the opportunity to address the Committee and reminded them that there were two reasons for deferral that you wanted them to consider.

The first was the junction and a Y junction had been developed in cooperation with the Parish Council and they supported this solution.

The second was the dwelling at the access to the site. These had now been reduced and there was now a 20 metre open space designed to soften the edge as you enter the development.

The issues raised at the last meeting had been addressed and the alterations had been welcomed.

In respect of density, one measure was car parking provision and another was garden size. A lot of the gardens were huge, particularly those to the left hand side and in some areas of the development density was as low as 11 dwellings per hectare. There was a change of density throughout the village and this development reflected those changes by having areas of high density as well as low density areas.

They had tried to present a very well designed and well laid out and well conceived scheme with landscaping, particularly along the bottom of the site and two large areas of open space within the development as well as the green area at the access.

CALA had moved a long way to meet the requests including lowering ridge heights of some of the dwellings and the introduction of the barn style bungalow that masked the car park to the Twelve Apostles.

North Herts, like any other Local Authority was under pressure to deliver housing under a five year plan within the constraints imposed by central Government.

Everyone has to sit around a table and discuss how to deliver housing and consider whether it is in the right location or not.

This was a reserved matters application to an approved outline application of up to 82 dwellings. The original application was for 82 dwelling and this had been reduced to 78 in order to try to accommodate all of the elements.

CALA had worked hard on this development, engaged with many people and held stakeholder meetings in order to come up with a scheme that could be delivered on the site.



This would deliver a good scheme in a difficult location that delivers that majority of what people asked for.

They were bound by the Section 106 agreement, which had already been signed, to provide housing and were trying to deliver high quality housing.

Mr Lake acknowledged that people didn't want builders there, nevertheless they had worked hard, engaged, listened and tried to address the comments made in order to provide a scheme that was acceptable and in character with the area.

Following some questions and answers, the Chairman thanked Mr Wright and Mr Lake for their presentations.

The Development and Conservation Manager in response to the presentations, referred to page 14 of the report which clarified what would be provided, through the Section 106 obligation, in terms of infrastructure. This clarified the position in terms of school provision.

In respect of the suggestion made by Councillor Strong that it would be possible to reconsider the proportion of affordable housing, in order to make the development more viable and therefore provide a less dense development on the site, this was not possible through any reserved matter application. In this case the Planning Control Committee had already granted outline planning permission that stipulated 40 percent affordable housing on any development associated with the outline planning permission.

In terms of the amendments to the scheme, CALA Homes had attempted to address the concerns that were articulated by Members of the Planning Control Committee at the March meeting and documented in the Minutes and, in his opinion, had successfully done so.

In respect of density, the Development and Conservation Manager advised that he had never seen a refusal of a planning application that referred directly to the density in mathematical terms. The key point in considering applications was to consider the design and layout in the round and whether or not you considered it appropriate to the character of the area.

The Development and Conservation Manager commented that they had received interesting feedback from the previous meeting in that a vote was taken to refuse the application with no reasons being given.

He advised Members that, as explained during training, if any of them wished to move a refusal of reserved matters, the reason for refusal needed to be articulated in advance of the vote, so that when the vote was made the reasons were clear.

The Committee debated the application. Many Members expressed their pleasure at the changes to the junction and the softening of the access but remained concerned about the density of the swelling within the site.

There was some discussion regarding density and Members commented that when outline permission was approved Members were assured that density could be addressed at the reserved matters stage, although that did not now appear to be the case.

Members queried the varying figures given by presenters relating to density, whether any small amendments could be made to the application in order to reduce the density and how many houses had been reduced in ridge height.

The Development and Conservation Manager advised that amendments could not be made to the application unless Members resolved again to defer the application. That it should be considered as presented and that the decision was whether the Committee thought that this was an acceptable scheme in the round.

He informed Members that under the old Local Plan this site was outside of the village boundary, however the new Local Plan defined the site as within the village boundary.

In respect of the outline planning permission, he remembered Members concerns regarding the number of dwellings at the time this was discussed and that he advised that the Committee retained control over the numbers. Members still had that control as they could decide whether or not to approve the reserved matters. He cautioned that, if the Committee was minded to refuse the application, the reasons for refusal regarding design and layout must be made clear.

In respect of scale and density, the Development and Conservation Manager advised that the ridge height of 5 dwelling had been reduced and reductions in other areas had been achieved by swapping house types within the site. He could not answer how other speakers had calculated the density, but acknowledged that there were different methods. The Planning Officers had simply taken the area of the site and divided it by the number of dwellings but acknowledged that this site would be a higher density than the area of village next to it, but this would always be a problem when adding developments onto the edge of a village.

In response to a question regarding the footpaths at the Twelve Apostles, the Hertfordshire Highways officer advised that the road in this area was very narrow and would be very difficult for a footpath to co-exist with the existing carriageway and features opposite. However if parking places were found for the vehicles currently parking on the road then it may be that a footpath could be provided at a later date. In the meantime they would suggest that a white line be drawn to provide an informal footway when no vehicles are parked.

The Development and Conservation Manager advised that the Committee was not restricted to making a decision solely based on the reasons for deferral, they could consider all aspects afresh. However he cautioned Members to consider the consequences of any decision taken in that, if the application was refused and subsequently went to appeal, if the Minutes of the last meeting were considered together with the efforts made by CALA Homes to address the concerns raised, the credibility of the local planning authority as a decision maker could be brought into question.

Members acknowledged the difficulty of building a modern housing estate on the edge of a village and acknowledged that the outline permission had already been granted and that the reserved matters application was about the detail.

A Member commented that the matter of density could be misleading as there were developments of very high density that worked on a particular site and developments of very low density that did not. The matter to be considered was whether this development was acceptable for this site. Although he was not particularly happy with this development it should be noted that all houses in the village were at some time new and there was little to refuse the application that could be defended on appeal.

It was proposed and seconded that the reserved matters application be granted, subject to the conditions and reasons in the report and the substitution of the condition on page 5 of the report regarding the Y Junction for condition 6 and that the reason be expanded to include "to maintain the rural character of the area."

**RESOLVED:** That Reserved Matters application 16/02256/1 be **GRANTED**, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, including the amended condition 6 below:

Condition 6

Before commencement of any part of the development, the works identified on the 'in principle' site Drawing number WIE11697-SA-05-0026-A01, a detailed 'Y' junction access layout shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority, which shows all geometries associated with the proposed access arrangements including kerb radii, lane widths, visibility splays etc. The ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site.

Reason: In the interests of maintaining highway safety and to maintain the rural character of the area.

**7 17/00335/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON**

Details reserved by Condition 6 (Construction Management Plan) of planning permission reference no. 15/01618/1 granted on 27 May 2016.

The Development and Conservation Manager introduced the report, supported by a visual presentation that included plans demonstrating the routes for construction traffic.

He advised that there were a lot of updates to report as follows:

A Construction Traffic Access Appraisal submitted on behalf of Pirton Parish Council

- The CALA Homes proposed Construction Traffic Management Plan suggested that up to 30 construction vehicles per day of various sizes would access the site. However, this would not occur throughout the whole construction period.  
Construction traffic should be restricted to weekday off-peak hours 09.30 to 15.00 resulting in, on average, 5 two-way construction vehicles an hour or 1 vehicle every 12 minutes spread across the off-peak period.
- Baseline traffic flows on Holwell Road indicated less than 1 vehicle per minute in each direction in 2020 in the peak periods.
- The shortest route from the site to the 'A' road network was via Holwell, being approximately 2 miles or 5 minutes by motor vehicle.
- Routes via Pirton to the nearest 'A' road would be 3.5 miles or 7 minutes to the A505, Hitchin, 5.5 miles or 13 minutes via Shillington to the A600 or 5.2 miles or 10 minutes to the A6 at Barton-le-Clay.
- Traffic calming in Holwell village appeared to already manage traffic effectively and only one slight personal injury accident (PIA) had been recorded in 18 years (1999-2016).  
During the same period, the route via Pirton to the A505 had experienced over 50 PIAs including 7 in Pirton, the route via Shillington had experienced over 40 PIAs including 4 in Pirton and the route to the A6 has experienced just under 40 PIAs.
- All routes to the site were constrained in some form. The route via Holwell was traffic calmed in the village. There was no traffic calming on any of the Pirton routes.
- The route via Holwell had narrow sections, especially at Waterloo Lane. Localised widening could be provided to improve passing space, temporary warning signs could be installed and vegetation management would improve visibility.
- There was sufficient space for construction vehicles to wait at the eastern end of Holwell Road (outside Holwell village) and be in contact with the site manager to ensure construction traffic vehicles did not need to pass others travelling to and from the site.

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- In total, 13 properties in Holwell on the route had no off-street parking, and 3 had no access to a footway (in Waterloo Lane).
- Any construction traffic route via Pirton would need to pass a row of 10 properties that have no footway and front doors that open onto the carriageway. These properties also relied on using the carriageway for parking and waste bin collection.
- Routing through Pirton to the A505 via Royal Oak Lane and Walnut Tree Road would pass over 50 properties that had no access to any footway.
- Routing in Pirton to either A600 or A6 via West Lane would pass 15 properties with no off-street parking and forward visibility on approach to the junction with Shillington Road was restricted by parked cars.

In conclusion, no route to the site is ideal but with careful management of construction traffic and some minor improvements to the highway, the route via Holwell provided the shortest route to the 'A' road network.

The route via Holwell also offered a lower impact, especially to vulnerable road users such as pedestrians, cyclists and horse riders. Off peak traffic flows on this road were also relatively light.

Split construction traffic routing would increase the potential impact in terms of the numbers of residents affected and would also be more difficult to manage so was not recommended.

#### Objection from Holwell Parish Council

Holwell Parish Council objects strongly to this application and urge you to take notice of this and of the huge number of residents who had also raised their objections.

We note with alarm and deep concern the fact that CALA Homes, Watermans and Highways all recommend that Holwell should shoulder the entire burden of construction traffic for the housing development in a neighbouring village. This would have a huge negative impact on our village, totally altering the aesthetics and rural aspect, not to mention the disruption, damage and noise it would create. This is especially true with the proposed Saturday delivery hours.

Absolutely no thought or consideration had been taken for the safety and convenience of Holwell residents and the fact that the proposed route would run the entire length of the village affecting the majority of homes in the village.

It included passing 4 working farm entrances, a popular farm shop, the recreation ground which was used throughout the whole year by many people including members of the bowls club, 2 youth football teams and both adult and youth cricket teams. We have a church that holds a number of additional services including weddings and funerals, stables and a village hall where children's parties are sometimes held. There are, in addition, a number of footpaths and bridle paths that opened onto the road.

Then, we need to consider the groups of pedestrians, walkers, cyclists, horse riders, children and residents spilling out onto the highway, more so on Saturdays and school holidays. Some houses in Pirton Road, opposite the village hall opened directly out on to the highway with no footpath to access and having to negotiate the road with prams, pushchairs and young children. This would become even more dangerous than at present with the increased traffic and HGV's.

No report had taken into account the factors about the lack of control CALA Homes would have over these people, the general public or agricultural, refuse, delivery or any other vehicles that used this road on a day to day basis. What about emergency vehicles trying to get to an incident?

The proposed lay-bys along Waterloo Lane and Holwell Road would ruin the most rural and picturesque entrance to our village, not to mention the destruction of natural habitats for a wide range of wildlife. Parts of Waterloo Lane followed a Hollow Lane aspect which was an unusual and interesting feature entering the village and we are extremely concerned that this may be destroyed. These lay-bys would not stop traffic jams and reversing would still be needed as other vehicles would use them when necessary. There were still sections where vehicles would need to mount pavements and verges when passing each other. Furthermore, if these lay-bys were created, it would make it easier for traffic to speed if they have a greater line of sight.

#### Objection from Holwell Against Traffic Group

We are submitting these summary comments as a follow-up to the comprehensive pack that was circulated before the Planning Control Meeting of 16 March 2017. We hope that you were able to study

the summary before the meeting as we feel that the views of Holwell Villagers and independent experts had not been fully taken into consideration in NHDC's recommendation to route all construction traffic at a rate of 50-60 HGVs per day through Holwell for a minimum of 3 years.

If you have not already done so, we trust that you will visit the development site and travel the construction routes to get an idea of the impact.

Firstly it is worth revisiting Condition 6 of the Outline Planning Permission.

The Key issues are therefore Efficiency and Safety together with Loss of Amenity in Holwell.

#### Efficiency

1. In recommending the Holwell route with the provision of two lay-bys, the fact that other road users will use the lay-bys is ignored. These include other HGVs and delivery vehicles, the many large agricultural vehicles, emergency vehicles, refuse trucks and the village bus together with the many cars and vans using the village road.  
Traffic jams and delays would occur with this level of HGV traffic introduced into the village.  
Not efficient.
2. The recommendation also ignored the fact that there were other narrow areas and chicanes on much of the route and no passing places particularly in Pirton Road and in Holwell Road where there were usually many parked cars. The lay-bys will make no difference to this situation.  
Not efficient.
3. At the rate of 50-60 HGVs per day (including cranes, artics and other vehicles over a 5 - 5.5 hour period Mondays-Saturdays inclusive every week, HGVs would be coming through the village at the rate of 10 HGVS per hour or one every 6 minutes.  
It would not be possible to manage this flow of traffic remotely from the building site nor would it be possible take account of all the other road users.  
Not Efficient.
4. Because it is a narrow route through a village with tight and blind bends and no passing places, smaller (but still large) 12metre vehicles would be used so the build would take longer.  
Not Efficient.

#### Safety

1. The Waterman's Route Options Document on page 4 stated that there were more pedestrians and parked cars in Pirton. There was no evidence for this. No competent quantitative surveys had been done! There were no figures! The judgements were subjective, value judgements and prone to bias.  
Not safe.

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2. The report stated that because Pirton was a larger village it had more pedestrians but what it ignored was that the Pirton route selected by CALA homes runs along the edge of Pirton with a smaller number of homes than on the Holwell route, which runs directly through the centre of the village, with the vast majority of homes (90) on it plus the church, farm shop, village hall and recreation ground used by football, cricket and bowls clubs on Saturdays and school holidays plus the entrances to 4 busy working farms with large farm vehicles regularly entering and exiting the entrances particularly at the blind bend on Pirton Road/Waterloo Lane.  
Not safe
3. There was no segregation of road users on large sections of this 2 mile route. The road was regularly used by walkers, joggers, cyclists and horse riders with more on Saturday mornings when deliveries were also to be made (8am-1pm).  
Not safe.

#### Amenity

1. The provision of a very large lay-by for HGVs in steep-sided Waterloo Lane and the removal of vegetation would significantly degrade the quality of the environment and ecology on the approach to the village along this ancient Hollow Lane  
Loss of amenity.
2. The continual rumbling of construction HGVs through Holwell Mondays-Saturdays would disrupt the life of the village, cause blighting of property and significantly affecting the character of the village over 3 years with the prospect of more to follow, if permission was granted for more housing in Pirton, which was already in the pipeline.  
Loss of amenity.
3. While CALA Homes have offered to pay for damage to the carriageway, verges, kerbs and embankments of the route it would not be possible to keep up with the damage caused at this rate of HGV traffic – one HGV every 6 minutes.  
Loss of Amenity.
4. Whilst Section 106 monies were not intended to be a bribe, but were often seen as such, it was ironic that Holwell Village would not be compensated for any loss of amenity as the housing development would in Pirton.  
Loss of amenity.

The 4 route options selected by the developer are all unsuitable, which was a view backed up by truly independent consultants as well as residents.

The impact of a seemingly mad rush to build as many homes as possible to meet notional NHDC housing targets in a relatively inaccessible location in Pirton had resulted in the amenity, environment, character, road safety and the smooth flow of traffic through Holwell being seriously threatened.

This proposal was unsustainable. Please refuse the application.

#### Local Residents

Many further objections had been received to both any route through Pirton or through Holwell, stating largely the same points already included in the report, but also critical of the proposed mitigation measure of passing places to be installed along Waterloo Lane on the Holwell route, as required by the Highway Authority in their preferred option.

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The Development and Conservation Manager advised that, from consideration of the comments received, it was acknowledged that none of the four route options were ideal and this was the unfortunate consequence of any housing development in villages. However, the route of arrival and departure via Holwell was considered to be the more favoured option by the Highway Authority. The mitigation measures and highway improvement works, including the installation of passing places in Waterloo Lane, would be secured via a Section 278 agreement by the Highway Authority. There was therefore no change to the overall officer opinion that, the details of the construction management plan, including the routing to be arrival and departure via Holwell, be approved.

The Chairman commented that a large amount of information had been received in the last 2 days and advised that, following the presentations, Members may wish to consider the option of taking time to consider all of this information.

Parish Councillor Diane Burleigh (Pirton Parish Council) and Mr John Burden (Holwell Against CALA Traffic) addressed the Committee in objection to application 17/00335/1DOC.

Parish Councillor Burleigh thanked the Chairman for the opportunity to address the Committee and advised that she was talking purely from the Pirton point of view.

She informed Members that no rural road route either through Pirton or Holwell was suitable for the construction traffic relating to 78 dwellings.

The officer had previously outlined some of the issues from the objections but from Pirton's perspective the major consideration was to use the shortest route and this related to disturbance and environmental considerations and the shortest route was undoubtedly through Holwell.

The Holwell route was approximate 2 miles or 5 minutes away from an A road, whereas the Pirton route was 3.5 miles or 7 minutes away from the A505.

The second consideration was traffic calming and accidents. The route via Holwell was traffic calmed in the village whereas there was no traffic calming measures in Pirton to date.

The traffic calming measures in Holwell appeared to be effective, with only one personal injury accident in 18 years. During the same period the route via Pirton to the A505 had experienced over 50 personal injury accidents including 7 in Pirton itself.

There were 13 properties in Holwell had no off-street parking and 5 had no access to a footway, principally in Waterloo Lane. Any route through Pirton would have to pass 10 properties in Holwell Road that had no footpaths and front doors that opened onto the carriageway and a further 4 properties that had no footway access.

Routing through Pirton to the A505 would pass a total of 93 properties of which 58 had no access to any footway as well as the entrances to the Sports and Social Club and the recreation ground.

The Pirton Route, although relatively straight, had blind summits and dips and most importantly the verges were classed by Hertfordshire County Council Countryside Management as Heritage Verges, with only one other Heritage Verge in Hertfordshire, they were very proud of this.

This meant that the verges were particularly valued for their bio-diversity and the expected levels of construction traffic over 3 years would create an unacceptable level of pollution and risk to the very valuable, bio-diverse areas.

Holwell Road, Royal Oak Lane and Walnut Tree Road all had narrow sections and Walnut Tree Road had two completely blind bends.

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The main route through Pirton to the A505 passed further properties that included a nursing care home, with staff and patients using the road via a narrow footpath.

There were no passing places or waiting areas on this route and none could be created without destroying a significant part of the Heritage Verges.

In summary Parish Councillor Burleigh stated that, in light of the facts as stated in the report and the opinion of three organisations with relevant expertise, it would be perverse to have the construction route through Pirton, whether two way or one way.

It would also be more dangerous to route traffic through Pirton, placing many more people at risk of accident than the route through Holwell.

Sharing the pain would only be an option where each route was equally safe, environmentally OK and affected equal numbers of dwellings and residents.

Safety had to be a major consideration and the facts and expert opinion leads you to the conclusion to reject any construction route through Pirton.

Mr Burden thanked the Chairman for the opportunity to address the Committee and, as a way of introduction, advised that Holwell residents were in the process of making official complaints about the inadequate process of consultation, whereby the NHDC Planning Portal had been unavailable for receipt of comments on the application and key documents had appeared very late, for example the revised construction management plan appeared on 15 May. So there were serious concerns about the legality and fairness of the process and questioned whether it was prudent for the Committee to make a decision in these circumstances.

All four options that routed construction traffic through Holwell and Pirton were unsafe and inefficient and did not meet the requirements of Condition 6 of the original outline planning permission.

The construction route should not have been judged by Highways as deliverable at an earlier stage and the sensible option would be to construct a temporary access route the short distance from the Hitchin Road to the building site so as to avoid both villages, however this was deemed to expensive by a multi-national company.

The recommended Holwell only route was, as described by Richard Cox in his objection, so absurd and not worth spending time writing about, as any intelligent person would reject it out of hand. Heavy goods vehicle and other drivers, Highways, freight managers and logistic experts agree with him.

The only significant mitigation measure was of two lay-bys in imprecise locations.

One Lay-by would be in the narrow Waterloo Lane, where there were several properties and more to be built. Residents were concerned that a very long HGV lay-by would be placed in an ancient hollow lane, which was very much part of the character of the village, as the approach to Holwell, and the consequent destruction of habitat.

The second lay-by was proposed to be in Holwell Road, there were two Holwell Roads and the precise location was not clear and no detailed drawings or impact studies had been presented and therefore no intelligent decision could be made about the lay-bys.

CALA would have no control over these lay-bys or the remote lay-bys planned as holding bays and therefore other vehicles would use them.



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The average number of HGVs serving the development would be one vehicle every six minutes for 3 years or more, including Saturday mornings, which was a very unsociable hour.

There was the prospect of more large scale housing to follow in adjacent field in Pirton, making the temporary period very long.

The lay-bys did not overcome the inherent problems of the two mile route. Their consultant, Brian Clamp, an experienced highways and civil engineer, stated that there were many other HGVs that used this route during weekdays, usually avoiding rush hour and weekends.

Very large agricultural vehicles, delivery vehicles and busses used the whole route and much of the Holwell route was less than 5 metres and frequently less than 4 meters. HGVs are 2.5 metres wide yet no opposing tracking of two HGVs had been done. It was as though CALA trucks would be the only road users and they would only travel one way.

Forward visibility was unacceptable on blind bends, even if the overhanging vegetation was cut back.

Where are the proposals to keep vulnerable road users safe, particularly on Saturday morning and school holidays when pedestrians, cyclists and horse riders were using the roads.

Watermans provided no quantitative data to back up their conclusion that Holwell was the most appropriate route.

The Chairman thanked Parish Councillor Burleigh and Mr Burden for their presentations.

District Councillor Claire Strong addressed the Committee as a Member Advocate in objection to application 17/00335/1DOC.

Councillor Strong thanked the Chairman for the opportunity to address the Committee and informed them that she represented Pirton and Lived in Holwell.

She drew attention to comment made by the Planning Officer that there was no ideal route and stated that neither of the routes through Pirton or Holwell met any safety standards that NHDC Councillors should respect.

The length of the route was irrelevant, the important criteria was what was found on the route.

The route through both villages consisted of restrictions of the carriageway, which may be overcome by lay-bys, but the blind bends could not be overcome, particularly in Waterloo Lane, as demonstrated in the pack sent to Councillors. A lay-by may enable passing in the middle of the lane, but what would happen at the top or the bottom of the lane where there were blind corners.

No consideration had been given to how construction traffic would approach and deal with this and it is unsafe.

Exactly the same issues applied to the route through Pirton in Royal Oak Lane which made the route through Pirton totally unsuitable for construction site traffic.

There were difficulties for the construction traffic related to just three houses previously developed and this was for 78 houses, which would create a large number of additional movements.

In terms of looking at a safe option, you could demand that a temporary route was developed across the fields as was the case when mineral extraction took place. In that case a road was built from Bedford Road to the extraction site and this road was again used when the landfill site was developed.

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There was plenty of opportunity for a separate road to be put in for construction traffic to access the site. And it was very short sighted to think that the two roads in and out of the two villages were the solution. Out of the box thinking was needed in order to devise a way to bring construction traffic onto and off of the site, whilst avoiding both villages.

It was clear that the road system through the villages was totally unsafe and totally inadequate.

Councillor Strong asked the Committee to consider if it had enough information to make a decision and urged Members to defer the item to allow further discussions regarding what other options could be used.

This would blight both villages, with neither having footpaths or pavements and whose residents already had difficulties with the road system and it would be a grave injustice to both villages.

She urged Members to keep both villages safe.

The Chairman thanked Councillor Strong for her presentation.

Mr Philip Wright (CALA Homes) and Mr Ian Wharton (Applicant's Representative) addressed the Committee in support of application 17/00335/1DOC.

Mr Wright thanked the Chairman for the opportunity to address the Committee and acknowledged that this was a difficult decision for Members and acknowledged that a lot of concerns had been raised by speakers.

He advised that it was very unusual for a construction condition to be referred to a Planning Committee, something that he had not experienced in 15 years as a planner.

He outlined the approach that CALA took in considering the routes and addressing the concerns raised.

CALA employed Watermans to independently assess the construction routes and propose four options, which were clearly outlined in the report, being arrival and departure via Holwell, arrival and departure via Pirton, arrival via Holwell and departure via Pirton and arrival via Pirton and departure via Holwell,

The proposed routes were very clear using the adopted highways that no had no width or height restrictions.

The Watermans report and recommendations was presented to Hertfordshire County Council for consideration as part of the consultation process relating to the construction management plan.

Hertfordshire County Council had made their recommendation, which was supported by the North Hertfordshire Planning Officers.

CALA had undertaken extensive discussions with the Planning and Highways Authorities to meet the concerns of the Officers in consideration of this application and had considered that no other options provided the best access to the site.

The Highway Authority were satisfied that the route selected was the most appropriate to support the outline planning application and subsequent reserved matters approval in relation to the site.

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It was inappropriate to attempt to use the approval of a planning condition as a means to make amendments or modifications to the development of a site where permission had already been granted.

The approval of details of a condition must have regard to material planning considerations including the statutory duties, planning legislation and planning policy.

This application could not be used as what would amount to a revocation of permission already given. This was sited in a High Court judgment between Kings Road Investments and Kent County Council.

The question for a Planning Authority considering this level of detail was whether the scheme approved was the best scheme in terms of the planning permission already granted. The consideration in regard to the condition was whether this was the best means to provide access.

The District Planning Authority and the County Council had been extensively consulted in relation to the construction and had exercised their independent decision in selecting the route.

Officers had provided clear information to Members in relation to the discharge of this condition and in the absence of good reason why the proposals were no longer satisfactory it was unreasonable to delay determination of this application.

Mr Wright advised that he wished to address some of the mitigation measures, agreed with Hertfordshire County Council that would make the route acceptable in planning terms.

The delivery timescales were restricted until after 9.30 in order to avoid peak network flows.

A two strike system would be adopted in relation to timescales that would be monitored closely by the construction department and by contractors, with any deviation given prior approval by NHDC.

A photographic survey of the road would be undertaken before and after construction works and repairs made to any damage caused by construction activity, with the cost born by CALA Homes as detailed in the construction management plan.

CALA Homes had agreed to install two lay-bys on Hertfordshire County Council Land, with the locations to be approved by HCC.

They had introduced a booking system, which be managed by the site manager, to ensure that deliveries did not arrive outside of the delivery slot timetable.

They had also agreed with Hertfordshire County Council that, where possible, they would cut back trees that would restrict visibility on bends.

Mr Wright concluded by advising there were 78 mitigation measures taken by CALA Homes in conjunction with this route that had been considered by NHDC and Hertfordshire County Council as the most suitable route for construction traffic.

He acknowledged that there would be a lot of construction traffic for a two year period, but this was needed to provide the development that would go towards the 5 year land supply and the proposed route for access and egress was the safest it could possibly be for both residents and construction vehicles.

Mr Wharton thanked the Chairman for the opportunity to address the Committee and advised that he had been employed by CALA Homes to look at construction routes.

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He had been present at the Planning meeting where this item was deferred without discussion and understood from both that meeting and this the strength of feeling of the local population.

CALA Homes were seeking to develop the proposed site in the safest way possible.

The outline planning permission and subsequent reserved matters application deemed the site as deliverable and therefore construction traffic to the site had to be accepted.

There were a limited number of routes on the local highway network that could be used to bring deliveries to and from the site.

He acknowledged the suggestion that a direct route from the A 600 or Hitchin Road would be preferable. But CALA Homes did not have control over the land that would be required to provide this and this option would involve crossing a number of footpaths and bridleways as well as incurring significant engineering and construction costs in order to provide a suitable road for construction traffic therefore neither of these options were viable.

Since the previous Planning Committee they had tabled four potential options for access to and from the site and routes through Pirton or Holwell were viable subject to the mitigation measures being put in place,

The amount of mitigation being considered was over and above that required for the construction management plan

The construction management plan was a live document that was under constant review and had feedback from stakeholders and the local community. CALA Homes, as a responsible developer, considered that feedback and addressed issues where it was at all possible.

Following some questions and answers, the Chairman thanked Mr Wright and Mr Wharton for their presentations.

The Chairman referred to a comment by Mr Wharton that, as planning permission had been granted the construction management plan had to be accepted and advised that the Committee was not bound to accept a construction management plan if it was not acceptable.

The Development and Conservation Manager, in response to the presentations, referred to the mitigation measure of lay-bys on the Holwell Road and the concern that the exact placement of these was uncertain asked the Highways Officer to outline how this would work.

The Highways Officer advised that following the deferral of this application at a previous Planning Control meeting he had held meetings with CALA Homes in order to provide more information in the construction management plan.

There were now four construction route options and Highways had indicated their preference for Route 1.

Colleagues considered many applications, over 5,000 each year, many with construction management plans, and in this case many colleagues had looked at this application and considered the various options, including looking at the assets along the routes, the road widths, the accident records and the structures along the routes.

In respect of the passing places, these should not be referred to as lay-bys, as this term implied that there would be vehicles parked in them and this was not their purpose,

It was not possible to advise the agreed locations of the passing places although they had started to look at the detailed design and were seeking to identify locations within the existing highway and it may be that areas currently being used for this purpose become more formal or that new locations, away from houses could be identified.

The Chairman asked Members whether, in view of the irregular access to the planning portal and the possibility that this had restricted the democratic opportunity for the public to respond, as well as the amount of information received in the last 24 hours, Members wished to determine the application at this meeting or defer it in order to consider the late information and allow more time for people to make further representations on the application.

Members debated the application including whether or not the application should be determined at this meeting or deferred. There was some concern expressed about access to the planning portal

Members noted that table top exercises had been carried out in regard to the routes and asked the Highways Officer whether officer had visited the area and queried how the passing places would be controlled to prevent misuse such as other road users using them to park in and thereby prevent use by construction vehicles or HGVs using the passing places or local roads to park up overnight or whilst awaiting their allotted delivery time. They queried whether safety audits had been undertaken.

The Highways Officer advised that the construction management plan would be in place as part of the planning legislation and that enforcement would be under highways enforcement, however, depending upon what infringements took place, it was possible to invoke sections of the Highways Act or planning enforcement measures, vehicles parking overnight or not adhering to clearways was a Police matter.

In respect of safety audits, these had been undertaken on all of the proposed permanent changes to the highway. Temporary routes and changes to the highway were dealt with via the construction management plan and existing routes had not been subject to road safety audits.

A Member referred to another development in the area where a similar construction management plan was in place, yet when HGVs were lining up along the road to gain entry to that site, the police, highways and planning were all unable to act and the problems remained throughout the build.

The Highways Officer advised that he was not familiar with the case being referred to, but in this case there would be a detailed construction management plan and the A600 already had lay-bys where vehicles could park up or wait if required.

Members who expressed concern regarding the construction management plan and supported the view that the application should be deferred stated that much more detail should be included in the construction management plan including:

- which Holwell Road would have passing places installed;
- a passing place was considered unsuitable to be installed in a hollow lane that would destroy the nature of the area;
- more investigation into the temporary track option, which although stated as unviable should be considered when all of the suggested routes were unsafe.

Some Members acknowledged that alternative routes to those proposed may be difficult to identify and made the following points:

- There were two options regarding the route, one was to use existing highways the other was to build a new highway. The second option would have to be costed and the owners of the land may not wish this to happen;
- If a decision was taken that there was no access to this site part of the Local Plan could be put in jeopardy;
- It was unusual for a construction management plan to come to Committee. This aspect was usually decided by officers who were professionals.

In response to a question the Development and Conservation Manager confirmed that, of the application was deferred, all aspects discussed at this meeting would then be discussed with the developer and Highways colleagues.

It was proposed and seconded that the application be deferred to enable further time to interrogate recently submitted information, the applicant to submit more detailed information regarding mitigation measures and the suggested direct cross country route to be explored in more detail.

**RESOLVED:** That, the determination of planning application 17/00335/1DOC be **DEFERRED**, to enable further time to interrogate recently submitted information, the applicant to submit more detailed information regarding mitigation measures and the suggested direct cross country route to be explored in more detail.

Councillor Henry and Shanley left the meeting.

The Chairman announced that there would be a 10 minute recess.

**8 16/02759/1 - LAND ADJACENT ROYSTON ROAD, BARKWAY**

Outline application with all matters reserved other than strategic point of access onto Royston Road for the erection of up to 100 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage.

The Chairman had previously advised that this application had been withdrawn.

**9 16/02915/1 - LAND AT HAMONTE, JACKMANS ESTATE, LETCHWORTH GARDEN CITY**

3/4 storey building to provide 71 x 2-bedroom assisted living apartments together with communal facility and amenity area, provision of refuse & cycle store and 76 parking spaces for residents, staff and visitors and all associated works following demolition of existing 39 unit sheltered apartment scheme (as amended by plans received on 5th April 2017).

The Development and Conservation Manager advised that there were three updates to the report as follows:

- Hertfordshire County Council had removed their requirement for fire hydrants therefore condition 16 was no longer necessary;
- The Unilateral Undertaking had been completed with financial contributions for library services to Hertfordshire County Council;
- The Informative on waste and recycling regarding capacity requirements in line with guidelines should be changed to be 20L food recycling per resident and 40L general waste per resident.

The Development and Conservation Manager introduced the report, supported by a visual presentation.

He advised that officers had worked tirelessly to seek amendments to the development in order to reduce the impact on the neighbouring properties.

Mr Alsitwari addressed the Committee in objection to application 16/02915/1

Mr Alsitwari thanked the Chairman for the opportunity to address the Committee and advised that he lived in one of the house affected by the scale of this development.

The road leading to the development was quite narrow and was sometimes difficult to get through.

He stated that the development was in violation of his human rights under the European Convention on Human Rights article 1 and article 8.

Article 8 stated that everyone had the right to respect for his private and family life, his home and correspondence.

The proposed building would violate his privacy as many flats would face directly into his and his children's bedrooms through 13 windows in 7 apartments. This would impact greatly on his privacy as it would force the family to have the blinds down most of the time to maintain privacy, this would also have an impact on the health of the children.

Article 1 stated that every natural or legal person was entitled to the peaceful enjoyment of his possessions.

His house was his possession and the proposed development would make it less enjoyable due to the following:

- The impact on the amount of sunlight received after blocking it with a five storey building opposite the house that would be quite imposing;
  - The impact on his young child's development and health during the construction period, as they were of pre school age and slept during the day;
  - The impact on the health of the family during the demolition period due to the dust and fine materials that would be deposited in his house.
- There would be a detrimental impact on the house price with an independent estate agent advising that the price of the house would be devalued by at least 10 percent and little chance of finding a buyer during the construction period of two to three years.

There would be an impact on local roads with the road leading to the proposed development was a bottleneck, with parked cars already making it difficult to pass and the area would suffer massively once the construction phase started.

There would not be enough space for large vehicles to manoeuvre and parking for local residents would suffer as all of the road space would be used by contractors and workers on the site.

The Chairman thanked Mr Alsitwari for his presentation.

Mr John Welch (Howard Cottage Housing Association) addressed the Committee in support of application 16/02915/1

Mr Welch thanked the Chairman for the opportunity to address the Committee and advised that Howard Cottage Housing Association owned the current sheltered housing scheme at Hamonte which consisted entirely of one-bedroom flats and was constructed in the early 1970s.

Hamonte had many issues that made it unsuitable for today's residents such as poor layout, lack of level access and deficiencies in insulation.

Back in 2013 Howard Cottage Housing Association estimated the cost of improvements at around £3 million, but even if that amount had been spent it would not have produced an ideal solution.

A proposal was developed and presented it to the Hamonte residents who were asked if they would be prepared to vacate their homes temporarily so that the building could be demolished and rebuilt. Residents were informed that the homes in the new scheme would be equipped with far better individual facilities and that there would also be enhanced communal amenities.

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This project represented a huge undertaking for Howard Cottage and was also a massive undertaking for the elderly residents at Hamonte, who were being asked to move twice.

After this consultation with residents and their families, Howard Cottage was delighted to learn that the support for the new scheme was almost unanimous and this level of support was a mark of how desperately this scheme was needed.

Since that time all of the Hamonte residents had been sympathetically moved to their temporary homes.

Howard Cottage had worked with the planning officers to produce a design that would meet their needs and fit in really well with the surrounding area.

Just as importantly, this was a scheme that addressed a huge need in our communities at a number of levels.

Firstly, there was a growing need to address housing and support for older people and Dementia was one of the fastest growing conditions in our society.

In Letchworth Garden City all demographic studies showed that provision for older people to be housed in homes that met their aspirations and needs whilst enabling them to receive the care and support they needed was hugely under-supplied.

The new Hamonte scheme addressed that need and reduced that under-supply and a degree of future flexibility had been built into the scheme, so that it would be able to adapt to meet as yet unidentified needs.

Mr Welch advised that we were in the midst of a housing crisis with affordable rented accommodation in the district being massively over-subscribed and supply unable keep up with demand.

One of the mechanisms for creating supply was the release of family-sized houses that were currently under-occupied and, in order to achieve that, it was only fair that any resident who agreed to move out of under-occupied homes received a good offer of alternative accommodation.

Most people would not give up their family home, even it may be far too big for them, in order to move into a one-bedroom flat. The new Hamonte would offer all residents a two-bedroom home at an affordable rent and he was absolutely certain that this was the type of offer that would encourage people to downsize. So in that sense, as well as benefiting the former and future residents of Hamonte, the new scheme would provide much-needed help to people in housing need within Letchworth Garden City and North Herts generally.

Mr Welch concluded by stating that the proposed new scheme would provide over 70 brand-new, easy-to-heat homes with excellent facilities that would include built-in support designed to meet the needs of current and future generations.

The scheme was not only accessible to all in physical terms. It's also accessible in financial terms as the entire development project would be paid for by Howard Cottage

Everything was now lined up and ready to go with the plans having been developed, elderly residents in temporary accommodation, a waiting list for new residents for Hamonte and a waiting list of young families who would benefit from family accommodation released by this scheme and urged Members to support the application

The Chairman thanked Mr Welch for his presentation.



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In response to the presentation the Development and Conservation Manager advised that the case officer had considered the privacy issues and drew attention to recommended condition 14 which required the windows, first floor level and above, of the sitting rooms facing Goldons, to be permanently glazed with obscure glass.

In terms of dominance and aspect from Mr Alsitwari's property, there was no doubt that this would be a larger building that would have more of an effect however the end result would not be unduly worse than the existing situation.

In respect of concerns raised regarding construction traffic, there was a construction management plan.

In regard to house prices, the effect on the value of a property was not a material consideration.

Members debated the application and commented that this was a worthwhile scheme which was not out of keeping architecturally with the area. The benefits to Letchworth were great and there were no planning reasons to object to the application.

It was proposed, seconded and

**RESOLVED:** That application 16/02915/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, the removal of Condition 16 and the amended informative below:

Informative on Waste and Recycling

That the final bullet point to read:

"The capacity requirements as per NHDC's developer guidelines are:

45L mixed recycling per resident

10L paper recycling per resident

20L food recycling per resident

40L general waste per resident".

## **10 17/00525/1 - 8 SANDOVER CLOSE, HITCHIN**

Two storey side extension to create additional 3 bed dwelling and single storey rear and side extension to existing dwelling.

The Area Planning Officer advised that there was one update to the report in that the applicant's agents had requested clarification regarding the description of the development in order to reflect the plans that had been submitted and consulted on.

The description of the proposal on page 113 of the agenda report should therefore read:

"Two storey side and rear extension and part single storey side extension to create an additional 3 bed dwelling and two storey rear and single storey side and rear extension to existing dwelling. Roof alterations to existing dwelling."

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

The Area Planning Officer reminded the Committee that permission had already been granted for a similar development, to sub-divide the existing plot and provide two storey side and rear extensions.

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This application had been carefully assessed on its merits, in particular the direct impact on the surrounding properties in terms of overbearing impact, loss of light and privacy and the impact on the street scene and the conclusion was that there were no significant impacts that would warrant a refusal of planning permission. In addition the parking provision met the required standards and it should be noted that there were no highway objections raised by the Highway Authority.

Mr Mike Wells addressed the Committee in objection to application 17/00525/1

Mr Wells thanked the Chairman for the opportunity to address the Committee and informed Members that he was speaking in behalf of neighbours in Sandover Close.

The residents of the close had never objected to the extension of number 8 provided it was done as one house, sympathetically to the neighbours and in keeping with what had already been done.

Sandover Close was a road of detached houses, however in December 2016 permission was granted to redevelop No. 8 into two three-bedroomed semi-detached properties. Not content with this, within 14 weeks the developers were back with new proposals for a pair of much larger Semis.

The footprint of the building in this new Application had more than doubled the existing Planning Consent with two additional rooms planned in the attics. Although these attic rooms were not called bedrooms that is how they would potentially be used, thus each property will go from one double and two single bedrooms to four double bedrooms.

Part of the concern was in respect of the parking arrangements for the development. The plans showed two parking spaces for each house and the pair of tandem spaces for 8a were now being encroached on by the new utility room and the relocation of the front door and porch making the spaces impractical to get a car door open. There were also fire hydrant and gas hydrant marker posts, not shown on the plans, which further limited the width of the drive way.

In any case Policy 55 of the North Herts District Local Plan No 2 with Alterations stated that four bedroom properties should have parking for three cars. In a previous application for Planning Permission for this property which was refused, one of the reasons for refusal was "The Council will normally refuse proposals for extensions which would result in a deficiency, or worsen an existing deficiency, of off-street car parking spaces based on standards in Policy 55."

This proposal did not address the parking problems that the Council refused permission for on application 15/03244/1 and would result in permanent on-street parking, causing access problems for other residents, the refuse collection and emergency vehicles.

Paragraph 4.3.11 of the Delegated File Note relating to the refused application stated:

"Space for parking is tight, such that there would be very little room left over for front gardens or planting. I consider this would provide a visually unsatisfactory site frontage, detrimental to the overall appearance of the development."

This latest proposal did nothing to address this issue.

In respect of the enlarged house, the attic rooms would have Velux type windows in the roof overlooking the front of the house and the street. Paragraph 4.1.1 of the Delegated File Note relating to the refused application stated:

"The treatment of the site frontage would disrupt the pattern of development in the street and would be detrimental to the character and appearance of the area."

Again this new application did nothing to address this issue.

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The current consent had a single storey extension at the back running some 10 metres alongside and close to the boundary with number 9 and an upstairs extension of approximately two metres in the line of sight from the building line. This new application extended the upstairs by a further four metres into the line of sight and with the proposed roof being a gable end rather than the existing Hip roof, the combined effect was nine metres of shadow.

The new extended downstairs room now was 14 metres long, with a large window which would overlook the garden of number 9, thus the south facing aspect of number 9's garden would be in continual shadow during the winter months when the sun is low and in periods of frost the garden would not thaw to the detriment of any plants in the shadow of this new extension. This would substantially detract from the amenity that the current owners of number 9 had enjoyed for some 37 years.

Mr Wells concluded by advising that Policy 28 of the NHDC Local Plan No.2 stated that: "Rear extensions should not dominate adjoining properties and should be well related to the levels of adjoining properties."

As well as wholly overlooking and dominating the garden of number 9 and due to the drop in the land level and closeness to the properties in Uplands Avenue, this development would dominate the skyline of numbers 41, 43 and 45 in that road, which would seriously detract from the amenity enjoyed by those residents, since they purchased their properties from new in the 1950's.

He urged Members to refuse permission for this ill thought out proposal.

The Chairman thanked Mr Wells for his presentation.

Mr Steven Barker (Applicant's Agent) and Mr Narainder Shergill (Applicant) addressed the Committee in support of application 17/00525/1.

Mr Barker thanked the Chairman for the opportunity to address the Committee and advised that he was a Chartered Town Planner.

He informed Members that, as far as he was aware, six people had objected to the application.

The previous application contained the essence of what was in the proposal being considered, namely two storey extensions to number 8 in order to create a co-joined semi together with a wrap around single storey extension.

This proposal sought to extend the approved scheme deeper into the plot by up to four metres for the double story element and about 2.5 metres for the single story element at number 8.

In some circumstances, the original approval or this application could be overbearing to neighbours but owing to the shape, size and orientation of this plot, it was, in his opinion, achievable without affecting the character or appearance of the area or the privacy and amenity of the neighbours. Officers had reached similar conclusions and recommended the application.

In respect of Mr Wells' observations he made the following comments:

- The foot print was not any where near double that of the approved permission;
- The tandem parking spaces were not encroached upon;
- The previous refused proposal was for two narrow detached house, with very small gaps around them, whereas this proposal was a side extension that was similar to others in the street;
- The owners of number 9 had made objections, but had not commented on over shading and shadowing.

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Following some questions and answers, the Chairman thanked Mr Barker for his presentation.

In response to a question the Area Planning Officer confirmed that two parking spaces per dwelling would meet the Council's minimum parking standards.

Members who expressed concern regarding the application made the following points:

In respect of the planning history of the site, an application for two detached dwellings had been refused in 2015, a further application for two dwellings was approved in 2016 and now this application sought to expand those two dwellings.

The Council's parking standards of two spaces per dwelling, no matter the size of that dwelling did not seem fair and they commented that parking in Sandover Close was already difficult and the proposed spaces at this development appeared to be extremely narrow,

The proposed development was trying to squeeze too much onto the footprint, the building was over dominant in the street scene and the negative effect of the large rear extension on the neighbours.

It was proposed and seconded that the application be refused permission on the grounds of over development and that it did not fit in with the street scene, the over bearing character and over dominance of the rear extension, contrary to Policy 28 of North Herts Local Plan.

Upon the vote this proposal was lost.

Members acknowledged that this was a difficult decision, but noted that many of the other properties in the Close had been extended, almost to the full width of the plot and although this application was at the limit of acceptable development, there were no planning reasons to refuse the application.

It was proposed and seconded that the application be granted permission and upon the vote it was

**RESOLVED:** That planning application 17/00525/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**11 17/00135/1HH - 7 UPPER GREEN, ICKLEFORD, HITCHIN**

Two storey rear extension. Single storey front porch extension (amended plans received 07/04/2017).

Prior to the commencement of the item Councillor Mike Rice declared a declareable interest in that he knew the applicant personally.

The Property and Planning Lawyer advised that the Councillor had to decide whether his relationship with the applicant would in any way bias his decision. If he decided that it would compromise his decision making abilities, he could speak on the item and leave the room during the debate and vote.

Councillor Rice advised that his relationship with the applicant would not compromise his decision and therefore he would remain in the room and take part in the debate and vote.

The Area Planning Officer advised that there was one update to the report and drew attention to Paragraph 4.2.1 of the report that stated:

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“The Parish Council has been re-notified of the amendments but no further representation has been received.”

This was incorrect as the Parish Council had sent a further letter dated 25 April 2017 with comments.

The Parish Council recognised that amendments had been made to the proposals but still raised concerns on two grounds:

- That the proposed development would be an inappropriate development and also out of keeping with the street scene in the Conservation Area of the village:
- That the window details are not sympathetic to the dwelling contrary to Policy 28 of the local plan.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation.

The Area Planning Officer advised that the proposals had been amended from those originally submitted to delete the first floor side extension and reduce the height of the new rear gable. The amount of glazing has also been reduced at ground and first floor level and the amount of grey cladding reduced.

The Conservation Officer had assessed the scheme and considered that the amended proposals were a significant improvement and that the proposals would not be harmful to the Conservation Area. It was also noted that Historic England did not wish to comment on the scheme but deferred to the advice of the local Conservation Officer.

Whilst the concerns of the Parish Council were noted, the officer’s view was that the proposals did not harm the visual amenities of the area or were harmful to the character of the Conservation Area.

Mr Charles Speakman (Applicant’s Agent) addressed the Committee in support of application 17/00135/1HH

Mr Speakman thanked the Chairman for the opportunity to address the Committee and informed Members that the plans were the result of proactive discussions with the Planning Officer, following concerns over the form of the initial submission in regard to the bulk of the side extension and the glazing and balcony.

The initial concerns had been listened to and these elements had been removed, which had simplified the form of and shape of the structure and he felt that the alterations, particularly the removal of the low level glazing would result in privacy to neighbours.

The proposal had been scaled down and simplified in order to address the Planning Officer’s comments and after several discussions, the scheme presented here was arrived at.

He concurred with the officer’s report and considered that the proposal was in keeping with the surrounding properties and would not result in any loss of amenity to neighbours or church goers alike.

The generous separation and setback from the neighbour’s house, roads and church building allowed this large extension to be comfortably accommodated in this location and his client hoped to improve the appearance of the house by using high quality contemporary external finishes that would blend in well with the varied mix of buildings and styles in the vicinity.

Mr Speakman concluded by thanking the Planning Officer for her positive assistance in the discussions and for her support of this amended application.

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Following some questions and answers, the Chairman thanked Mr Speakman for his presentation.

Members commented that this was a positive proposal that changed a 1960's house into a property that looked somewhat different.

It was proposed and seconded that the application be granted planning permission and it was

**RESOLVED:** That planning application 17/00135/1HH be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

## 12 17/00553/1 - BURY FARM HOUSE, BURY LANE, CODICOTE, HITCHIN

Erection of three x 4 bedroom dwellings with associated garages and parking spaces, widening of existing vehicular access onto Bury Lane and ancillary works following demolition of existing barn and stables.

The Area Planning Officer advised that there were two updates to the reports as follows:

1. Amended plans had been received on 10 May 2017. It was therefore recommended that the description of the development be amended to include the words:  
"as amended by drawing numbers 422A, 425A, 426A, 427A, 428A and 429A received on 10 May 2017."  
The amendments were largely cosmetic but did improve the overall appearance of the dwellings in this rural location and included:
  - Increased use of feather boarding on north east elevation;
  - Reduced size of two dormer windows and another two replaced with roof lights;
  - Reduced size and extent of glazed doors;
  - Bat boxes and bat tiles shown clearly on plans.
2. Hertfordshire County Council Fire & Rescue Service had requested a condition requiring details of fire hydrants or other measures to protect the development from fire.  
This condition was considered reasonable given the location of the development from Bury Lane and it was recommended that this condition be attached if permission is granted.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation.

Parish Councillor Helena Gregory (Codicote Parish Council) addressed the Committee in objection to application 17/00553/1.

Parish Councillor Gregory thanked the Chairman for the opportunity to address the Committee and informed the Committee that Codicote Parish Council simply could not support, or agree with the recommendations in the report.

The application did not meet the criteria for acceptable development within the green belt and the proposed dwellings would have a significantly greater impact than the existing structures.

She doubted that the Planning Officer had satisfactorily familiarised themselves with the site, as throughout the report the location of the area of land and how it sat in relation to adjacent properties, had consistently been consistently misrepresented,

The report stated that open countryside lay to the west of the site and that a large timber building and grazing land lay to the west, In fact this site lay on the north eastern fringe of the village, so the open countryside was to the east of the site and the Bury and Bury Farmhouse lay to the west and south west of the site These mistakes were repeated elsewhere in the report, which led to the conclusion that adequate research had been wanting.

The Area Planning Officer advised that the development would have no greater impact on the openness of the Green Belt than existing building, however the site was mainly viewed from the footpaths that traversed the field towards Rabley Heath and the existing barn, albeit a functional timber and concrete structure, was built at an angle that did not intrude unnecessarily on the landscape. The proposed residential dwellings intruded further into current grazing pasture and were in a horseshoe formation, the main expanse of which would be viewed from the open countryside, the gardens, enclosed by paddock fencing and indigenous hedging would also impinge on the current open agricultural aspect. The impact of this development would be significant.

The Area Planning Officer also highlighted that there was some ambiguity within the NPPF in regard to the use of the phrase "land that has been occupied by agricultural buildings", this had been interpreted in a manner to support the recommendation for approval by stating in the report "it would not be unreasonable to view this building as an industrial building, rather than an agricultural building" however the current building differed very little in appearance from its original design and was, in essence, a barn.

The Parish of Codicote may soon be hugely affected by the proposals contained in the emerging Local Plan and the Parish Council had been liaising with residents very closely over the last three years and they were clear that there should be no further development in the Green Belt.

Parish Councillor Gregory concluded by asking Members to think carefully about the implications of the decision regarding this site as it may have far reaching consequences for other sites in a Parish which was already struggling to understand how to accommodate the Local Plan proposals.

The Chairman thanked Parish Councillor Gregory for her presentation.

District Councillor Jane Gray addressed the Committee as a Member Advocate in objection to application 17/00553/1

Councillor Gray thanked the Chairman for the opportunity to address the Committee and advised that she was the Ward Members for Codicote and there was really only one very simple point. It's the Green Belt.

She advised Members that she wished to support and repeat the points of objection raised by Codicote Parish Council and by the Johnson Housing Trust.

It was worth mentioning that the other consultee responses referred to in the officer's report were not consultees that one would usually expect to give any consideration to Green Belt issues and so the fact that they have not done so was neither surprising nor relevant.

This site was and will remain in the Green Belt whatever the outcome of the current local plan process.

The report stated that, the basic tenet in such applications was that inappropriate development in the Green Belt was by definition harmful to the Green Belt and should not be approved except in very special circumstances.

The construction of new buildings in the Green Belt was inappropriate development and no-one was suggesting, in this case that there were any very special circumstances and very obviously they would be wrong to do so.

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At a time when this council had placed Codicote and one or two other vulnerable villages directly in the firing line of the development threatened by the draft Local Plan and in our Green Belt, we should be now very much erring on the side of caution when deliberating over the grant of any other development in the Green Belt, especially when, as here, it was bang up against the edge of the built village and therefore at a point where the Green Belt was, and will be, most particularly supposed to provide a strong and clear defence to building sprawl and we should be extremely hesitant before erring on the pro-development side even where, as the officer suggests, in my view wrongly, there is an ambiguity in the wording of the NPPF.

There was a strong prima facie Green Belt defence here so that the basic position, the starting point and the finishing point, was that that the development was in Green Belt, the proposed development was inappropriate and there were no extenuating very special circumstances and neither, in this case most importantly, was there any NPPF brownfield exemption.

The report stated that there was the possibility of an exception under Paragraph 89 of the NPPF as this is effectively a brownfield site and therefore falls within this Green Belt development exception and did not fall foul of the exception as being excluded from it for having been land that has been occupied by agricultural buildings.

The all-important words here were "has been", this land has been occupied by agricultural buildings in that the barn itself was previously in agricultural use. So, the NPPF exception had its own exceptions and it is as plain as a pikestaff that this case fell within the exception to the exception because the land in question "is or has been occupied by agricultural buildings."

The officer sought, at paragraph 4.3.5 of the report, to persuade us that there was some ambiguity in the wording "is or has been occupied by agricultural buildings" by stating that it is not clear whether the definition referred to land which does now or once had an agricultural building but it is no longer there, an agricultural building, whether it is still used or no longer in use, meaning vacant, or whether it referred to an agricultural use of the building on the land at any time.

This was unnecessarily meant to confuse and obfuscate what is really quite simple, given that there was no question that the site we are talking about did once have an agricultural purpose and hosted the agricultural barn, albeit not in very recent years.

The report continued to state that "in these circumstances and for the purpose of interpreting the definition of previously developed land, it would not be unreasonable to view this building as an industrial building, rather than an agricultural building. Whilst there is some ambiguity, there is a fair and reasonable argument to support the site as fitting the description of previously developed land."

Councillor Gray informed Members that, whilst she would agree that this land had previously been developed, she could not agree with the officer's view that there was any ambiguity in the wording of this section of the NPPF nor that the interpretation of it was fair and reasonable.

This building was once agricultural, but in recent years had been used for light industrial purposes. Therefore, whilst it was not currently an agricultural building, it had been an agricultural building and there was no other way of interpreting the text of the NPPF other than to say that the site in question falls foul of the Brownfield site exemption by virtue of the fact that it is excluded from the exemption because it has been occupied as an agricultural building..

If Members allowed the brownfield site to stand as a viable mechanism for getting around the shield of the Green Belt in this case, it effectively meant that this Council was happy to allow the use of a loophole in the NPPF, which wasn't the intention.

The Chairman thanked Councillor Gray for her presentation.



Mr Al Morrow (Applicant's Agent) addressed the Committee in support of application 17/00553/1.

Mr Morrow thanked the Chairman for the opportunity to address the Committee and informed the Committee that the proposal was to demolish an existing industrial building and stable in order to allow the construction of three cottages, arranged in a U shape to create the character of a converted farmyard. The existing slab-sided asbestos building would be replaced with buildings of a pleasant domestic scale, constructed of natural materials such as wood, brick and slate.

The site was located just outside the village boundary and in the Green Belt and was Previously Developed Land, as defined in the National Planning Policy Framework. Under current policy, redevelopment of sites such as this could be acceptable in the Green Belt as long as the impact on the openness of the Green Belt was no worse than the existing development.

The proposal had a positive impact on the openness of the Green Belt for the following reasons:

- The volume of the buildings on the site would be reduced by 40 percent;
- The footprint of the buildings on the site would be reduced by 41 percent;
- The overall height of the buildings would be reduced by 1.2 metres;
- 600 square meters of concrete hard standing would be removed
- A large, monolithic building would be replaced with three modestly proportioned cottages'
- The scheme would open up views through the site into the surrounding open countryside, particularly from the Bury.

The proposal would enhance the character and appearance of the area by reducing the height and bulk of the buildings on the site and replacing an unattractive industrial style building with three well designed cottages that reflected their rural setting.

The scheme would also have a positive impact on the setting of The Bury, a listed building, by reducing the height and bulk of buildings on the site and by moving them further away from the boundary.

The site formed part of the village and was in a sustainable location, which would allow residents to access local facilities on foot if they wished to. A primary school, nursery school, butchers, convenience shop, post office, two public houses and community and sports centre were all within walking distance of the site.

This scheme would contribute towards the Council's supply of housing by redeveloping a site which already had buildings on it.

Mr Morrow concluded by addressing the points raised by the points raised by other speakers by made the following observations:

- In his view this was an industrial building that had been given planning permission as an industrial building and was in use for industrial purposes and therefore was classified as previously developed land;
- In respect of impact on the Green Belt, this was a well designed scheme that would reduce the impact of the existing large monolithic building;
- The Committee was asked to consider this application on its merits, not on the backdrop of wider housing allocations issues.

The Chairman thanked Mr Morrow for his presentation.

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The Area Planning Officer advised Members that, as with planning matters generally, there was always the matter of interpretation of planning policy. In this case the existing building had been used as an industrial building for over 30 years.

Members needed to consider whether this development had a greater impact on the Green Belt than the existing structure, and the report made clear that there would be a substantial reduction in the floor space and bulk of this proposal than that of the existing building, thereby improving the openness of the Green Belt.

This was a high quality development that would be visually more pleasing when viewed from adjoining footpaths, which would potentially generate less traffic than the existing building being used for industrial purposes.

Members asked for clarification regarding the claimed inaccuracies in the report and asked whether the existing building was still being used for industrial purposes.

The Area Planning Officer advised that Members had seen a visual presentation that showed clearly where the development would be sited and its relationship to the existing settlement. The development site was flanked on two sides by residential properties and was within the village boundary.

In respect of the existing building, this was currently being used for storage of machinery and equipment.

A Member expressed concern about applications being received to develop active employment sites for residential purposes.

Although there was some sympathy for the views of the Parish Council regarding extending into the Green Belt it was proposed and seconded that the application be granted planning permission.

**RESOLVED:** That planning application 17/00553/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager and the additional Condition 18 below:

Condition 18

“No development shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.”

**13 17/00264/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON**

Reserved matters application for approval of appearance and landscaping for outline planning application 15/01724/1 granted 27.8.15. for one x 4 bedroom detached dwelling.

The Planning Officer advised that this was a reserved matters application for one detached four bedroomed dwelling for which the matters of layout, scale and access had been determined in the outline application. The reserved matters for this application were regarding landscaping and appearance.

**Thursday, 25th May, 2017**

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

Parish Councillor Dr Bob Davidson (Barkway Parish Council) addressed the Committee in objection to application 17/00264/1.

Parish Councillor Davidson thanked the Chairman for the opportunity to address the Committee and informed Members that the application was originally presented to Barkway Parish Council as a four bedroomed residence which was a necessity for the current owners of the Tally Ho in order to help them manage the business. As soon as permission was granted this was turned over to developers and the owners continued to manage the pub from afar.

The Parish Council originally supported the application for those reasons but, whilst this was not a planning consideration, had they been aware of what would happen, they would have changed their recommendations for the original planning application.

The Parish Council was concerned about the proximity of the sewerage farm and the poultry farm, which were within 200 metres of the site.

As the dwelling would not be related to the Pub, this could become problematic to the residents.

Parking continued to be a concern for residents and road users, particularly with cars parking on the perimeter of the site, with the police being called on numerous occasions to address dangerous parking.

The owners of the pub had assured them that, if they were granted planning permission, they would be able to manage parking on the site, but this would no longer seem to be the case.

The entrance to the site was regularly used as a parking place, with cars parking in the areas to the north and south of the site, on a restricted section of the road that regularly suffered from excessive traffic speeds in both directions past the junction and the pub.

The application met the minimum standards for parking, but this was not enough for a four bedroomed house in this location in a village.

It was a worry that any family living in the proposed property would face problems from noise from the public house and this may risk the viability of the business, which was the only public house left in the village.

Parish Councillor Davidson concluded by summarising the objections as follows:

- The inappropriate positioning of the property facing onto the pub;
- The exacerbation of parking problems in and around the public house;
- The additional problems relating to the creation of a new entrance;
- The public health risks of the proximity of the poultry farm and sewerage works as well as the noise from the adjoining public house;

He requested that, based on the intimate knowledge of the business and the area, the planning application be refused.

The Chairman thanked Parish Councillor Dr Davidson for his presentation.

Surely NHDC had a duty of care to children in ensuring that they could get a good nights sleep.

Had the house faced the road, as do most houses in the village, this would largely mitigate the problem.

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The house would be located 200 metres from both Barkway Sewerage Treatment Plant and a large commercial poultry unit. Environmentally, this must surely be unacceptable.

Anglian Water Services Ltd, who operated the treatment plant, produced a document for NHDC which stated that it was particularly important on the sewerage side to ensure that use of land within 400 metres of works was carefully controlled and that inappropriate development was not allowed to proceed. It further stated that there should be a Cordon Sanitaire 400 metres from the boundary of any proposed waste water treatment works.

The owner of the poultry unit had provided Government documentary evidence that his business should not be within 400 metres of a dwelling house and stated "Development was not permitted of any building to be used with accommodation of livestock would be within 400 metres of the curtilage."

This works both ways, his poultry unit should not be with 400m metres of a new property and vice versa.

Paragraph 70 of the NPPF stated "Guard against the unnecessary loss of valued facilities and services and that they are retained for the benefit of the community". In other words, don't jeopardise the future of the only pub in the village.

Paragraph 120 of the NPPF stated "to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location, the effects including cumulative effects) of pollution on health."

Paragraph 123 of the NPPF stated "Avoid noise from giving rise to significant impacts on health and quality of life as a result of new development"

There were houses within the Cordon Sanitaire, but they were built prior to the current legislation.

Surprisingly the owner of the poultry unit was not consulted or informed about this application despite his business being in a very sensitive location and he was extremely concerned that this house could jeopardise his business.

In 2015 there was an application for several houses within the Cordon Sanitaire and the North Herts Planning Policy department said that the site was discounted on advice from Environmental Health, who had concerns regarding the odour from the poultry unit, the application was withdrawn.

Councillor Morris concluded by stating that the proposed house had the potential to jeopardize the future of the only pub in the village and cumulatively have a detrimental effect on the Poultry unit.

He asked the Committee to refuse permission.

Following some questions and answers, the Chairman thanked Councillor Morris for his presentation.

Mr Dominic Padalino (Applicant's Agent) addressed the Committee in support of application 16/02915/1

Mr Padalino thanked the Chairman for the opportunity to address the Committee and reminded Members that this was a reserved matters application for a new dwelling for which outline planning permission was granted in 2015.

**Thursday, 25th May, 2017**

The principle of a dwelling was granted along with the siting and access. The reserved matters application was to resolve all other matters such as external design and layout.

The principle of development was established and agreed by the planning department and he had worked closely with the department to ensure that the external designs were in keeping with the locality and were sympathetic to the existing development.

The materials chosen were slate tiles, rendered brick walls and new chimney stacks to create a visual break.

The Parish Council's objections were contrary to a previous application that suggested that the public house would retain the house for their own use. The fact remained that an approval for the dwelling was not restricted to the use of the pub owners and the pub owners decided to sell the building plot.

The Parish Council raised concerns regarding the removal of a willow tree, this tree had to be removed as it was within the footprint of the dwelling and no permission was required as the site did not lie within a conservation area,

The new design and the orientation of the dwelling did not cause harm to the new owners as there was sufficient space between the front garden and the pub.

Mr Padalino concluded by stating that all of the requests made by the planning department had been met and asked that the application be granted approval.

Following some questions and answers, the Chairman thanked Mr Padolino for his presentation.

Members asked for clarification regarding the how the outline planning permission was granted when there seemed to be serious concerns regarding the proximity of the poultry farm and sewerage works.

The Planning Officer advised that Environmental Health had not raised any objections regarding this at the time,

Members acknowledged the concerns regarding the poultry farm and the sewerage work as well as the parking and speeding issues in the area and felt that the orientation of the building did not fit in with the area, but this was all part of an outline planning permission that had been agreed without these issues being raised.

Members queried whether negotiation regarding the orientation of the house could form a condition of any approval of reserved matters.

The Development and Conservation Manager advised that the layout was approved as part of the outline permission and the layout clearly showed the orientation of the house as facing the pub. The appearance to yet to be agreed was about the external finish and the fenestration and therefore there could not be a condition requiring it to be re-oriented.

It was proposed and seconded that the application be granted planning permission.

**RESOLVED:** That planning application 17/00264/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

14 16/03082/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON

Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017).

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

The Planning Officer advised that there was one update to the report in that she had consulted Anglian Water regarding the application and had received the following response:

“The Developer Services Pre-Development team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. As your query is below this threshold we will not be providing comments.”

Parish Councillor Dr Bob Davidson (Barkway Parish Council) addressed the Committee in objection to application 16/03082/1

Parish Councillor Dr Davidson thanked the Chairman for the opportunity to address the Committee and referred Members to the presentation he made earlier regarding application 17/00264/1 (Minute 13 refers) and stated that all of the issues raised during that presentation applied to this application.

In addition, car parking issues relating to this application would be more of an issue as this application was for two three bedroomed dwellings with the potential for six vehicles, which would be over spilling onto a section of road that caused great concern.

The properties would be facing onto the pub, which would detract from the character of the village where properties generally faced the road.

The concerns remained, as with the previous application, regarding the dwellings being within 400 metres of the sewerage works and the poultry farm.

The Chairman thanked Parish Councillor Dr Davidson for his presentation.

District Councillor Gerald Morris addressed the Committee as a Member Advocate in objection to application 16/03082/1.

Councillor Morris thanked the Chairman for the opportunity to address the Committee and advised that the application to build two houses on this site would have the same negative effect on the pub's future as the previous application (Minute 13 refers).

Similarly the site remained only 200 metres from the sewerage plant and the poultry farm with the same comments and concerns he had made regarding application 17/00264/1. However having two houses on the plot would likely double the likelihood of environmental health problems.

Two Houses would likely mean more children living in a house facing a pub and its car park and if these house were built facing the road, this could mitigate the issue of noise from the pub and would be in keeping with most houses in the village.

As with the previous application, the owner of the poultry farm was not informed of or consulted regarding this application.

The poultry farm was located in a sensitive location and the owner was very concerned that even more cumulatively, this proposal for two houses could jeopardise his business. The potential problems for his business were increased with more houses.

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Councillor Morris reminded the Committee that there had been a previous application for a development nearby which the NHDC Planning Policy Department said that the application was discounted on advice of Environmental Health who had concerns regarding the odour from the poultry unit and the application was withdrawn

Councillor Morris concluded by stating that two houses had the potential to doubly jeopardise the future of the only pub in the village and cumulatively to have a detrimental effect on the poultry unit and these problems were completely avoidable.

He asked the Committee to refuse the application.

The Chairman thanked Councillor Morris for his presentation.

Mr Dominic Padalino (Applicant's Agent) addressed the Committee in support of application 16/03082/1

Mr Padalino thanked the Chairman for the opportunity to address the Committee and informed the Committee that this application simply proposed to sub-divide the approved house into two dwellings on the same plot and footprint.

This application had come from discussions with the applicant and with a local agent with respect to market forces and the need for smaller houses in the village of Barkway, which were within the price range for young professionals.

There was a need for young families to move into the village and smaller houses would be more appealing to a wider range of house buyer including young families and local residents.

There seemed to be a pattern in villages, of people buying houses to retire into and then these houses were passed on through the generations.

Mr Padalino concluded by stating that this was a rare opportunity to create two smaller dwellings for young families and advised that he had worked closely with the Planning Department to make the necessary changes to the application that was sympathetic with the street scene. He asked that the Committee grant planning permission.

Following some questions and answers, the Chairman thanked Mr Padalino for his presentation.

The Planning Officer advised that none of the consultees had any objection to the application.

Members expressed concern regarding the lack of information about potential effect on the business of the poultry farm and the orientation of the houses on the plot and queried whether the application could be deferred in order to challenge Environmental Health about these issues and speak to the developer about re-orientation.

A Member queried whether the only ground for refusal was that two houses were not acceptable whereas one house was.

The Development and Conservation Manager informed Members that they were within their rights to defer the application in order to seek further clarification.

He was concerned that the information given by Councillor Morris regarding agricultural permitted development was being considered as a reason to not grant permission for a dwelling.

In respect of the sewerage treatment works there was no guidance as Anglian Water were not prepared to comment on applications of less than 10 dwellings.

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The Committee could defer the application and ask Anglian Water for more guidance, but it would be difficult to argue for refusal when there was already permission for one additional dwelling.

The Development and Conservation Manager reminded Members that the statutory expiry date for the application was 1 June 2017 and if the Committee were minded to defer the application, the applicant would be asked if he would be prepared to extend that date,

Members commented that each application must be considered on its merits and new information had been presented in regard to this application that had to be investigated to ensure that the right decision was made.

Members queried whether it was conceivable that families could move into the proposed houses and then complained about noise from the pub and/or the smell from the poultry farm and these businesses ended up closing.

The Development and Conservation Manager advised that that scenario was not inconceivable and the Committee should consider the sustainability of neighbouring businesses when granting permission for houses. However one house had been granted permission and this application was for one additional house in the same location and it would be difficult to justify refusal.

A Member commented that this was a new application and she was of the opinion that it was not in keeping with the area, whether it was one or two houses being discussed.

It was proposed and seconded that the application be deferred to undertake further investigations regarding the issues raised and

**RESOLVED:** That, the determination of planning application 16/03082/1 be **DEFERRED**, to enable the following:

- (1) To ask Anglian Water for more guidance in respect of the sewerage treatment plant;
- (2) To challenge Environmental Health advice regarding noise emanating from the public health and odours from the poultry farm and sewerage treatment works;
- (3) To ask the applicant to consider the re-orientation of the proposed houses to face the road.

## **15 17/00743/1 - LAND AT STOTFOLD ROAD, HITCHIN**

Confirmation that there is no class of development appropriate for the land unless acquired by Network Rail Infrastructure Ltd.

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

In response to questions he advised that the certificate considered the current situation and that this related to a compensation issue.

**RESOLVED:** That, in respect of application 17/00743/1, a certificate of Appropriate Alternative Development be **GRANTED**.

## **16 PLANNING APPEALS**

The Development and Conservation Manager presented the report entitled Planning Appeals. He advised that, since the last meeting of the Committee, three planning appeals had been lodged and two planning appeal decisions had been received, all as detailed in the report.

**RESOLVED:** That the report on Planning Appeals be noted.



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The meeting closed at 0.30 am

Chairman