

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH  
GARDEN CITY ON THURSDAY, 14 DECEMBER, 2017 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors David Barnard (Chairman), Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Bill Davidson, Jean Green, Tony Hunter, Ian Mantle, Mike Rice, Harry Spencer-Smith and Martin Stears-Handscomb*

**In Attendance:**

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

**Also Present:**

*At the commencement of the meeting Councillor Julian Cunningham and 66 members of the public, including 6 registered speakers and 1 Member Advocate (Councillors Claire Strong).*

**88 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Cathryn Henry and Adrian Smith.

**89 MINUTES - 9 NOVEMBER 2017**

**RESOLVED:** That the Minutes of the meeting of the Planning Control Committee held on 9 November 2017 be approved as a true record of the proceedings and signed by the Chairman.

**90 NOTIFICATION OF OTHER BUSINESS**

There was no other business notified.

**91 CHAIRMAN'S ANNOUNCEMENTS**

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;
- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;

- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

## 92 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers and 1 Member Advocate (Councillor Strong) were present.

## 93 17/02807/1DOC - LAND ADJACENT TO ELM TREE FARM, ELM TREE FARM CLOSE, PIRTON

Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 2/11/17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 (as Discharge of Condition of planning permission 15/01618/1 granted 25/05/2016).

The Development and Conservation Manager presented a report, supported by a visual presentation consisting of plans, drawings and photographs of the site.

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

### Holwell Parish Council

Members had been sent an email to all Members containing the letter of objection to this application from Holwell Parish Council.

This stated that Holwell Parish Council continued to object to the proposed construction traffic route through Holwell as they considered the route to be unsafe for large HGVs and in particular not wide enough to accommodate HGVs operating on a two-way carriageway.

### Environmental Health – Noise

The Council's Environmental Health officer had confirmed that they raised no objection to the application on noise grounds.

### Legal Advice - Receipt

The Development and Conservation Manager had circulated to all Members a copy of a letter sent to David Scholes (Chief Executive) together with an opinion from the applicant's legal adviser, Peter Vaughan QC.

The Council had received these documents on the evening of Monday 11 December 2017 and, following a meeting with CALA Homes on Tuesday 12 December 2017, sought clarification from them as to the status of these documents.

The Applicant's confirmed at lunchtime today, 14 December 2017, that the documents were additional supporting documents for this application as well as application 17/02778/1DOC, which was not being presented at this meeting, but was referred to in Paragraph 1.29 of the report.

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Both documents had been placed on the Council's website on the afternoon of 14 December 2017 as further supporting documents relating to both applications.

Paragraph 1.29 of the report stated that the statutory determining period for application 17/02778/1DOC had been extended to 31 January 2018, with a report for the Planning Committee meeting due to be held on 18 January 2017.

Following the meeting with CALA Homes, a further extension had been agreed to the statutory expiry date to 28 February 2018. This extension would enable time to consult on any revised proposals which may come forward as a result of the on-going negotiations taking place between the applicant, officers and Hertfordshire County Council Highways Authority. On this basis he advised that he did not anticipate this application to be reported to the January meeting of this Committee.

#### Content of Legal Advice and Context for Decision Making

The Development and Conservation Manager highlighted the key points from the legal advice and the context for decision making.

He clarified that this summary was not his opinion and the advice was being reviewed and what that meant for enforcement and any future decisions by the Committee. The review of this advice was ongoing, however there was no reason to change the recommendation of refusal as set out in the report.

The advice questioned the enforceability of the condition and stated that the council could not force the developer to undertake work outside of the application site, such as new passing places or a whole new road to enable construction of the development.

There was no requirement under the terms of planning permission to require works off site, other than for access to the site off the highway.

The condition required the applicant to provide a construction route and it was implicit in this context that any such construction route must be on the existing public highway.

The advice also stated that, in their opinion, the applicant would have a strong case for an award of costs against the Council in any appeal.

As advised in the report, the applicant had already lodged an appeal against the decision of the Committee to refuse the last application for a Construction Management Plan at the special meeting of this Committee held on 28 September 2017.

The Development and Conservation Manager confirmed that, in his opinion, this advice had no bearing on the recommendations set out in the report. The condition required the Council's written agreement to a Construction Management Plan and in accordance with the advice received from Hertfordshire County Council's Highways Authority, this proposed Construction Management Plan, which contained less mitigation than the previous Plan, was not acceptable for the reasons set out in the recommendation.

CALA Homes continued to work proactively with officers and the County Council to try to achieve a Construction Management Plan that is acceptable to the Highway Authority.

Mr John Burdon, Holwell Against CALA Traffic (HACT), thanked the Chairman for the opportunity to address the Committee in objection to application 17/02807/1DOC.

Mr Burdon informed Members that he was speaking on behalf of the hundreds of residents in Holwell and Pirton and other road users, who had objected in the strongest terms to the proposed construction route through the centre of Holwell village.

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This application was considered to be an insult to the planning system, officers and local people. Moreover, it was an irresponsible waste of precious officer and committee time.

CALA had been asked to investigate more acceptable alternatives for the construction route, including the off-road option from Hitchin Road, south of Pirton, which would avoid both villages.

They totally ignored this request and have placed before the Committee this wholly unacceptable proposal that was a deliberate slap in the face of the Committee. This action clearly demonstrated the total disdain that CALA has for local authorities and local people. They could not be trusted to honour any commitment they made.

Condition 6 was there to ensure that permitted development was constructed without harming highway safety and efficiency.

The safety and efficiency of the entire Holwell construction route could be reliably tested using tracking or swept path analysis, a computer modelling tool that could simulate proposed traffic conditions.

The potential for accidents could only be assessed with a risk assessment of proposed conditions, not with a review of existing conditions, as CALA had done.

In addition, tracking would compare existing and proposed traffic levels and the existing and proposed content of traffic, including heavy goods vehicles and the scores of contractors' vans travelling to and from the site.

It could also factor in additional domestic vehicles using the route as new houses were completed during the three- year construction period.

Given the huge increase in the number of maximum width heavy goods vehicles travelling through Holwell in directions, some 50-60 per day, and the dimensions of geometry of the road also required assessment. This was needed to ensure that vehicles could flow freely and safely in both directions, without undue delay or the need for dangerous reversing.

None of this had been done to the required standard such as testing the whole route to see if an HGV could pass a bus safely, or if it had been done, it had not been made public.

It could only be assumed that such analysis would be damaging to CALA's case.

Mr Burdon concluded by stating that, as a representative of local residents he would strongly urge the Committee to reject this application and require CALA to substantiate their belief that a safe and efficient route was possible, by providing the appropriate tracking evidence that had been requested for a very long time.

The Chairman thanked Mr Burdon for his presentation.

Councillor Claire Strong, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02807/1DOC.

Councillor Strong Informed Members that the last time that the Construction Management Plan came to the Committee Members were asked to discharge the condition and leave it to the Highways Authority to enter into a Section 278 agreement with CALA Homes but very wisely took the decision not to do so and rather maintain the Committee's involvement by asking that consideration be given to alternatives.

The Committee's main reason for refusal of the previous Plan was on safety grounds in that there was not a safe construction route through the village of Holwell, which was agreed by a majority decision. CALA had submitted an appeal against the Committees decision.

The Construction Management Plan being considered here had very little mitigation to even try to make this unsafe route safe for all those who wished to use it.

Paragraph 4.3.3 stated that the applicant had submitted a road safety appraisal which concluded that the proposed route was not likely to result in a 'material increase in risk to road users'. This appraisal only considered that traffic in the village as it was now, it had not considered what traffic would be like with the construction traffic

The appraisal did highlight how bad the entrance into the village was and, when the application for the crematorium was considered, Highways advised that the entrance to this facility had to be changed due to the dangerous nature of the road.

It was astonishing that Highways had done nothing to the Bedford Road to make it safe, despite there being four accidents on that road.

Councillor Strong drew attention to Paragraphs 4.3.4 and 4.3.5 and the reasons for refusal in the report. The reasons for refusal were mainly regarding the lack of mitigation, the Committee had refused the previous application on safety grounds.

She asked the Committee to consider adding another reason for refusal with the same wording used as for the previous application, which would strengthen the validity of the earlier refusal and would demonstrate consistency in decision making on this application.

Officers could not include this in their recommendations as Highways had not said this was an unsafe route, but the Committee had decided this was an unsafe route.

Councillor Strong concluded by asking the Committee to refuse the application unanimously and to include the additional reason for refusal.

The Chairman thanked Councillor Strong for her presentation.

A Member asked whether Councillor Strong had any comment to make regarding the timing of the analysis by the Highways Authority, which was conducted during the school half term period.

Councillor Strong stated that she hoped that Highways would undertake a full safety analysis of the whole of the route and they would consider the entrance and exit to the village as well as every bend and carriageway width, whilst considering the width of the vehicles that would be potentially using the road.

The width of the route was already an issue, with cars following a refuse truck being unable to pass it and passing a bus was also difficult.

The majority of the route was so narrow that, once a construction vehicle was on it, only 1.5 metres was available for other traffic and parts of the route were so narrow that there was no white line in the middle of the road. That was why this route was so unsafe.

Undertaking the analysis during the school holidays was a pointless exercise.

The Development and Conservation Manager clarified that the recommendation contained in the report presented on 28 September 2017 was not to discharge the condition, but rather to resolve to discharge the condition, subject to completion of a Section 278 agreement and only to discharge the condition once the Section 278 agreement was completed.

Members commented that they were disappointed that a complete and thorough analysis of the route had not been undertaken and they remained concerned about the safety aspects of the route.

A Member clarified that the aim was not to block the development, as suggested in the submission from CALA, but rather to find a safe construction route. This Member also queried whether there would be a case for corporate manslaughter if there were an accident.

The Development and Conservation Manager advised that the reason for refusal of the previous application was included in the report at Paragraph 4.3.2. He had asked the Highways Authority to comment on whether the proposed construction route would be safe without passing places and the response was included at Paragraph 4.3.11 and the recommendation was as suggested by the Highway Authority.

An appeal had already been lodged against the decision made on 28 September 2017, although the timing and method of this appeal had not yet been advised.

If the recommendation in the report is agreed, then the early decision would be undermined, particularly as this application had less mitigation than that previously refused. However, as an officer who had taken advice, he could not professionally recommend that the previous reason for refusal be used, as there was not sufficient evidence to make that declaration.

If this application is refused, either for the reasons set out in the report or for any other reason, it was likely that the Inspector would co-join the appeals and consider them at the same time.

Members were concerned at the equivocation of the advice given by the Highways Authority as detailed in Paragraph 4.3.11 and queried whether this equivocation was in itself a reason for refusal.

Members also considered that the recommendations in the report should be strengthened by including the previous reason for refusal

The Development and Conservation Manager advised that the Committee could chose to amend the wording of the last paragraph in the reason for refusal as follows:

“Notwithstanding these inadequacies, the Local Planning Authority does not consider that there could be a satisfactory or safe construction route through Holwell. The proposal therefore conflicts with Policy T1 of the North Hertfordshire Submission Local Plan (2011-2031).”

**RESOLVED:** That, in respect of application **17/02807/1DOC**, subject to the amendment below, the details submitted pursuant to condition no. 6 of planning permission **15/01618/1** be **REFUSED** for the reasons set out in the report of the Development and Conservation Manager, and that the requirements of condition 6 are not discharged.

The final Paragraph of the reason to read:

“Notwithstanding these inadequacies, the Local Planning Authority does not consider that there could be a satisfactory or safe construction route through Holwell. The proposal therefore conflicts with Policy T1 of the North Hertfordshire Submission Local Plan (2011-2031).”

**94 17/02563/1- LAND OFF HOLWELL ROAD, PIRTON**

Outline planning application for the erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access.

The Area Planning Officer advised that there were a number of updates to the report as follows:

Pirton Parish Council

Pirton Parish Council had advised that the report did not provide an update on the progress of the Pirton Neighbourhood Plan.

They advised that the Plan was now being examined, with the Inspectors report due before Christmas.

The Parish Council asked that this be acknowledged in the weight given to the Neighbourhood Plan in the decision on this application.

The Area Planning Officer had checked with the Council's Neighbourhood Plan Officer who had confirmed that the examination was nearing completion and that the examiner's report was imminent.

As stated in the officer's report, the weight that could be attributed to the Neighbourhood Plan as it stood, remained limited in terms of planning decisions.

Formal comments had been received from Hertfordshire County Council as the Highway Authority.

The Highway Authority advised that it did not wish to raise an objection to the development, subject to 8 planning conditions and highway informatives.

In addition, the Authority would require Section 106 to secure a Construction and Logistics Plan and support for a travel plan.

The County Council Archaeologist advised that a Written Scheme of Investigation for the site had been agreed with the applicant's archaeological consultants.

Work to commence archaeological trial trenching on the site had not yet commenced, that applicant advised that this would now take place in January.

The Historic Environment Advisor at the County Council had advised that the recommendation for refusal on archaeological grounds until such time as the WSI and field work had been carried out, a satisfactory report received and that it was sufficiently certain that no further archaeological investigations were required prior to determination of this application. However, if the officer was satisfied with the data relating to the geophysical survey and therefore recommended that the reason for refusal 3 be amended to delete the words "geophysical survey or" from the penultimate sentence.

A consultation response had been received from Historic England who advised that they did not wish to offer any comments. They recommended that views be sought from the Council's specialist conservation and archaeological advisors as relevant.

Progress on Section 106 matters had been made as mentioned in Paragraph 4.3.41 of the report, however, at this stage, matters had not progressed sufficiently to the satisfaction of the Council and therefore reason for refusal 4 remained as set out in the report.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Parish Councillor Diane Burleigh, Pirton Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02563/1.

Parish Councillor Burleigh informed Members that Pirton Parish Council objected in the strongest terms to this application and supported, in the main, the full, considered and balanced report of the Officers.

She referred Members to page 32 of the Officer's report for a clear list of the Parish Council's detailed objections.

This application is virtually the same as the application that was refused in September.

Gladman had not addressed the environmental issues, nor dealt with Section 106 matters or the archaeology.

The development was not sustainable and therefore not in accordance with policy contained in the National Planning Policy Framework. It was also contrary to the adopted and emerging Local Planning Policies.

Although the Planning Officer had advised that the Neighbourhood Plan could not be given more weight, every step forward that the Plan took gave more weight. The Neighbourhood Plan examination was complete and the report was due before Christmas.

Parish Councillor concluded by emphasising the lack of sustainability, the sensitivity of the archaeology, the overdevelopment on the edge of Pirton and the prematurity of the application.

The application was not only premature due to the state of both the Neighbourhood Plan and the Local Plan, but also because no safe route had been established for construction traffic to the site next door and, if no route was found, that site would not be developed and this site would be left isolated in the countryside.

She asked that the application be refused planning permission.

The Chairman thanked Parish Councillor Burleigh for her presentation.

Councillor Claire Strong, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02563/1.

Councillor Strong informed Members that the application being considered had very little that was different to the application considered in September 2017.

This site was not in the Local Plan, it was never in the draft Local Plan nor was it ever considered as a site for development.

The site was outside of the village boundary and on a previous similar application she requested that the reasons for refusal be strengthened by mentioning the effect that the development would have on the village and its amenities and she would ask the Committee to consider doing the same for this application.

She expressed disappointment that Highways seemed to be unaware of the development due to be built next door to this site that did not, at present have an agreed construction route and questioned the potential impact of two lots of construction traffic travelling through the villages at the same time.

Councillor Strong concluded by stating that this development was unwelcome and was not wanted and urged Members to refuse the application and in doing so add as many reasons for refusal as they could including: the lack of a safe construction route and the impact on the surrounding areas.

The Chairman thanked Councillor Strong for her presentation.



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Members sought clarification regarding the access to this development and queried whether the impact of two developments potentially being developed at the same time could be considered as a reason for refusal. They also questioned whether this was in accordance with the Local Plan.

The Area Planning Officer advised that the means of access was through the adjoining site, this could be achieved through a condition or a Section 106 agreement.

Any cumulative impact would have been considered by the Highway Authority when making comment regarding the application. The Highway Authority still made no objection and officer had to take that advice.

Reason for refusal 1 mentioned that the development was beyond the village boundary and was contrary to Policy 6 of the current Local Plan.

Members complimented the officer on a full and detailed report, but expressed concern about the responses received from Hertfordshire Highways regarding the effect of traffic from this and the previous application on the villages.

It was suggested that the lack of access for construction to this site should be listed as an additional reason for refusal.

The Area Planning Officer advised that it would be difficult to add a highways reason for refusal, bearing in mind this was a reduced number of dwellings from the previous application and this was not used as a reason for refusal at that time.

A Member commented that the site was adjacent to an Area of Outstanding Natural Beauty and that the views across the site were beautiful. Once this was concreted over this would be lost forever. If a large number of houses were built on the edge of this vibrant village, it would become a semi-urban dormitory and suggested an additional reason for refusal that the development would have an adverse impact on the rural aspect.

The Area Planning Officer advised that reason for refusal 1 included detail regarding the harm done to the intrinsic beauty of the countryside.

In respect of the suggested Highways reason for refusal, the previous application had now been submitted to appeal and there had been no material changes since refusal of that application and in the absence of support for such a reason from Hertfordshire Highways, it would be difficult to add one now.

Members were very concerned that construction traffic for this proposed development would travel through the development in the previous application. They queried whether the Highway advice was regarding this development only, both consecutively or both concurrently.

The Area Planning Officer advised that the advice related solely to this application.

Members suggested that a reason for refusal should include concern regarding the cumulative effect of the two developments on the highway for both construction traffic and ongoing traffic, particularly as the access for one was through the other

**RESOLVED:** That, subject to the amended reason for refusal 3 below, application **17/02563/1** be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

Reason for refusal 3 to read:

The proposed development lies within an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of significant archaeological potential.

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Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a suitable archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.

The Chairman announced that there would be a brief recess

**95 17/02500/1HH - 9 CHURCH LANE, KIMPTON, HITCHIN, SG4 8RR**

Part single and part two storey rear extension.

Councillor John Bishop advised that he had supported the request of the Parish Council that this application be called in as he felt there was enough merit to require examination by the Committee. He had not however yet formed an opinion regarding this application.

The Area Planning Officer advised that amended plans had been submitted to show a refuse bin storage area and arrangement for surface water drainage.

These details covered two areas of concern raised by Kimpton Parish Council in their formal comments.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Mrs Sally Clark thanked the Chairman for the opportunity to address the Committee in objection to application 17/02500/1HH.

Mrs Clark informed Members that she was speaking on behalf of the Kimpton residents, who strongly objected to the plans.

The Heritage Statement and application stated that the 19th Century buildings were being removed, yet omitted to state that a large proportion of the 17<sup>th</sup> Century pitched roof would be removed to accommodate the 2 storey extension.

This rear roof was typical of a cottage of this era and provided a historic and picturesque view from the church, the road and the neighbouring gardens. To change this so dramatically would ruin the character of the row of cottages and lose a piece of history for ever.

The proposed extension would be built along the length of, and directly on top of the shared drainage that runs along the rear of all 3 cottages. There was no plan to re-route drainage piped and this was unacceptable.

The design was aimed at a family with potentially 3 or 4 cars. There was no room in Church Lane for more cars and parking for residents was already a problem. More cars would probably prevent emergency vehicles from accessing the top of the road. Cars were already parking on the grass in the churchyard.

The application stated that the plans did not include storage areas for waste and recyclables, this would need addressing to prevent bins being left on the road.

The sole purpose of this development was to increase the value of the property for the owner, who did not live in it, or even live in the village, to the detriment of losing a little piece of local history for ever and that is apart from the parking problems.

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Mrs Clark advised that, from her point of view, daylight into her kitchen would be reduced, her view would change from looking at trees and the churchyard to looking at a brick wall a few yards from her window, her garden would also suffer from reduced daylight.

This development would reduce light into Church Lane and block views from the church to the green opposite.

The bulk of the extension was totally out of place and inappropriate for such an historic, picturesque row of listed cottages and was for no reason other to increase its value.

Mrs Clark concluded by stating that surely a listed building was listed to retain its history and character for future generations and should not be allowed to be changed so dramatically.

On behalf of the Kimpton residents, she urged the Committee to reject the application.

The Chairman thanked Mrs Clark for her presentation.

The Area Planning Officer advised that the matter of drainage was covered by building regulations. He acknowledged that there was a parking problem in the area, however as this application did not increase the number of bedrooms, an additional parking space would not be required. The bin storage area had been addressed and was proposed to be behind a retaining wall on the property.

Members asked for clarification regarding the proposed footprint of the development in relation to the footprint of the existing buildings and asked for further clarification regarding loss of light to the neighbouring property.

The Area Planning Officer advised that the footprint of the proposed development was approximately the same size of that of the existing buildings, however the new extension would be less imposing on the view from the road.

In respect of any loss of light for the neighbouring property, the proposed extension was in two parts with the walls of the first floor being no nearer to the neighbouring property. It should also be noted that the house was set back from the adjoining property and therefore the proposed 3.3 metre extension would not be so severe.

Members acknowledged the neighbours concern, but noted that bricks from the existing building would be reused and that clay tiles would be used for the roof.

**RESOLVED:** That application **17/02500/1HH** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**96 17/02501/1LB - 9 CHURCH LANE, KIMPTON, HITCHIN, SG4 8RR**

Demolition of rear single-storey lean-to and detached external WC building. Part single and part two storey rear extension. Install roof light to north elevation, replace windows in east elevation and internal alterations.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

**RESOLVED:** That application **17/02501/1LB** be **GRANTED** Listed Building Consent, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

97 **17/02602/1 - WYMONDLEY NURSING HOME, STEVENAGE ROAD, LITTLE WYMONDLEY, HITCHIN, SG4 7HT**

Two storey side extension including five dormer windows to west elevation and three dormer windows to east elevation to provide 15 no. additional bedrooms and en-suite bathrooms with associated residents & staff facilities. Alterations and extension of existing car park so as to provide parking for 31 cars and ancillary works.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Members noted that this was an amendment to a previous approved application and agreed that the amendments were relatively minor.

**RESOLVED:** That application **17/02602/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

98 **17/01858/1 - 1A CHURCH VIEW, PORTMILL LANE, HITCHIN, SG5 1EU**

Installation of 3 wall mounted air conditioning units on north (car park) elevation (as amended by plan nos. 010 Rev F and 011 Rev D received 02/11/17 and 14/11/17).

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Area Planning Officer advised that the placement of the air conditioning units had been changed at his suggestion and would now be placed inside the car park.

One of the issues raised had been the proposed installation of an extraction fan on the side elevation.

Ms Tracey Grainger thanked the Chairman for the opportunity to address the Committee in objection to application 17/01858/1.

Ms Grainger informed Members that when the residents bought their apartments at Church View, it was made clear by the joint estate agents, Country Properties and Putterills, the developer Whitebarn and solicitors acting for Whitebarn, that the planning consent for the retail unit, 1 Church View, whilst A3, was specified as 'cafe use only', with such restriction specifically put in the lease by the developer to protect purchasers of the apartments.

Residents were advised in writing that it would most likely be a family coffee shop/deli with facilities for minor food preparation only. The lack of ventilation was emphasised to us as an important reason why it would never be viable as a hot food outlet. Opening hours were restricted from 8 am to 8 pm and we were advised there was no prospect of a license to sell alcohol ever being granted.

Mr Tom Rea, NHDC planning officer, confirmed that when the planning conditions for the old Post Office site were agreed, it was anticipated the retail unit would be a low key, discreet cafe in tune with this, up market, development and surrounding Conservation Area.

As new landlords, having recently purchased the freehold via Church View Hitchin Ltd, we have already advised the applicants through our solicitors, that what they proposed was outside the terms of their lease.

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The original application was for 3 air con units on the outside, east elevation wall. Mr Rea was evidently not keen on this location, from both an aesthetic and security point of view and suggested an alternative site in our garage/car park, as per the amended application.

Either location, however, was very close to apartment balconies and windows and would have attendant noise pollution, smells and fumes which would negatively impact on our amenity and right of enjoyment of our homes, and we do agree with Mr Rea that the initial proposal was visually unsightly, not secure and prone to vandalism.

The second proposal in the undercover garage area would, in addition to reducing the space of our bike store amenity, potentially cause noise escalation plus impact on bikes/cars in terms of dust/spray etc.

Also, the units, as submitted, actually failed the NHDC noise requirements without the addition of noise reduction treatment in the form of large louvre covers. At this stage, no application has been made for these covers.

We have however agreed to consider an internal water cooled air conditioning system subject to acceptable noise levels.

The Chairman thanked Ms Grainger for her presentation.

The Area Planning advised that there were some louvered screens to be placed around the air conditioning units, which were included as part of the noise mitigation measures.

Following the suggested re-siting of the units Environmental Health requested a full noise survey which the applicant carried out. Once the results of this had been received the Environmental Health Officer considered that the mitigations would result in a noise level that was acceptable.

Members commented that strict conditions had been placed on the trading unit when it was first approved and queried whether these conditions could be taken into account when considering this application. There was some concern that residents purchased properties prior to the thought that any noise or smells would emit from the property below and queried whether there was any mitigation regarding potential smells.

The Area Planning Officer confirmed that the retail unit was granted A1 or A3 (café use), however the use of the unit was not being discussed, this application was purely regarding the air conditioning units.

Whilst looking at the air conditioning units, the Environmental Health Officer was asked to consider an extraction fan which serviced the interior of the café and the officer had commented on this.

The extraction unit was for the purpose of exchanging air within the café, it was not about fume extraction from heavy cooking facilities.

Members considered whether or not any conditions should be attached regarding any future potential noise and/or fumes and discussed that any noise issues would appear to have been dealt with and the reasons for the extractor unit had made clear and that this was not about fume extraction.

The Area Planning Officer advised that the applicant had submitted a maintenance programme regarding the air conditioning units and that Condition 3 covered the installation and maintenance of the equipment.

**RESOLVED:** That application **17/01858/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

99 17/02297/1 - 1A CHURCH VIEW, PORTMILL LANE, HITCHIN, SG5 1EU

Installation of 3no. retractable awnings (as amended by drawing 015A).

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

He advised that the applicant had agreed to reduce the depth of the awnings from 2.5 metres to 2 metres to prevent any overhand to the footway.

Ms Tracey Grainger thanked the Chairman for the opportunity to address the Committee in objection to application 17/02297/1.

Ms Grainger informed Members that the size and proposed bright red vermillion colour of the awnings is completely out of character with the red brick building and the conservation area. We suggested east elevation awnings of a more tasteful grey or green colour, with matching parasols at the front, but this offer was declined.

The awnings logo includes the word 'Wine' but no alcohol license has been applied for or granted.

NHDC set certain parameters around planning for this site and this was subsequently written into the 13 apartment leases and 1 retail lease to protect the leaseholders.

Notwithstanding these proposals are outside the terms of the applicants lease, our objections are legitimate on both planning grounds and on a stand alone basis.

You yourselves have admitted that you did not envisage a restaurant/wine bar but something more discreet such as a light touch cafe or deli and all we ask is that the terms and spirit of the original planning and our rights to enjoy our new homes are fully respected.

The Chairman thanked Ms Grainger for her presentation.

The Area Planning Officer advised that the awnings would be fully retractable and therefore may not be extended all of the time.

Members commented that normally when awnings were attached to a business, this was followed by table and chairs being placed outside which often caused problems for those using the pavements and queried whether a condition could be added that forbade the placing of chairs and tables on the footways.

They queried whether the colour of the awnings had been discussed during negotiations

The Area Planning Officer advised that the land under the awnings was within the curtilage of the building and therefore would not encroach on the highway.

In respect of the colour of the awnings, discussions were held with the applicant, however they did not wish to amend the colour as this was a corporate branding.

Members debated the introduction of café culture in this area and mixed views were expressed regarding whether this was an appropriate place and how this would affect the residents of the apartments above. They also discussed in some detail the proposed colour of the awnings and whether or not colours would clash with surrounding businesses or compliment the area.

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The Development and Conservation Manager advised that the canvass, that created the colour, was not technically the development and as such could be changed at any time without the need for further permission. It was therefore not within the power of the Committee to determine the colour.

**RESOLVED:** That application **17/02297/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

**100 17/02298/1AD - 1A CHURCH VIEW, PORTMILL LANE, HITCHIN, SG5 1EU**

Installation of 3no. retractable awnings including integral advertisement logos and text Logo's and text written.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Members expressed some concern regarding the wording that may be placed on the awning and queried what enforcement powers were available should the wording not be as stated. Concern was also expressed at the word "wine" being used when a licence was required to sell wine.

**RESOLVED:** That application **17/02298/1AD** be **GRANTED** advertisement consent, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

**101 17/02008/1HH - 22 BROADMEAD, HITCHIN, SG4 9LU**

Raising of roof to provide first floor and to facilitate conversion of single storey bungalow into a chalet bungalow with additional single storey side and rear side extension, following demolition of existing rear conservatory. (as amended by plan nos. 01SC and 01SP A received on 9/11/17).

The Area Planning officer advised that a letter had been received from the occupier of 180 Whitehill Road who raised no objection to the increase in the height to the property at 22 Broadmead. The resident commented that many bungalows in the area were being converted into 2 storey dwellings suitable for growing families.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Mr Brian Foreman thanked the Chairman for the opportunity to address the Committee in objection to application 17/02008/1HH.

Mr Foreman informed Members that he lived at 24 Broadmead which was a chalet bungalow.

The original architects design statement stated that this was a conversion form a single storey bungalow to a double storey house. The revised application had changed little and showed a 6 bedroomed house from a 3 bedroomed bungalow.

This was not just using the existing loft space, but raising the roof approximately 12 feet above his property.

According to Wikipedia, a chalet bungalow was where the area enclosed within pitched roof contains rooms and is fully integrated into the fabric of the property.

The Oxford English Dictionary had a similar definition that it was a type of bungalow in the style of a chalet, specifically a bungalow with living space in the loft.

To try to get this passed as a chalet bungalow seemed false and misleading. It was an overdevelopment which was totally out of character with other nearby properties in Broadmead.

At one time a 33 percent increase seemed to be the norm, but this, with a front porch and rear kitchen extension was more like 3 times the existing bungalow.

Crucial errors by the architects in terminology and the important omission of a parking plan made this unacceptable.

The Planning Officer had compounded the errors with too many factual mistakes and a failure to include the wrap around material changes to the garage and kitchen walls, not using brick made it totally out of character. This confusing report and conclusion was therefore unreliable.

Mr Foreman highlighted some of the areas that he perceived as inaccurate as follows:

Paragraph 3.1

Broadmead was one word not two and the last paragraph stated no 22 instead of no 24.

Paragraph 4.1.1

The windows in the second storey were not dormer. Chambers Dictionary stated that a dormer window was a small window with a gable projecting from a sloping roof.

Whitehorse Lane did not exist in Hitchin and if Whitehill Road was intended to be used, this had a different colour of brick and was unrelated to the street scene in this part of Broadmead.

Paragraph 4.2.1

This was a two storey rather than a one and half storey house and the windows was not dormer.

Paragraph 4.3.2

The Planning officer accepted that the development seemed to be "at odds with the prevailing form of development, that were dwelling with single storey eaves height".

This application should have been rejected on these grounds alone and was a disproportionate development.

Paragraph 4.3.2

The significant falls in levels was further than indicated down to no 24 and therefore the property, despite its position, would dominate no 24, matching materials were not specified in the report and the trees were deciduous.

The phrase "on balance" suggested that the Planning officer had doubts.

Paragraph 4.3.3

The owners of no 20 were both elderly and seriously ill and had asked Mr Foreman to raise their concerns, which had been done.

These neighbours questioned whether, with building regulations becoming stricter, the foundations were adequate for a 2 storey house and there were concerns regarding the safety of all 3 houses if this was the case.

Paragraph 4.3.4

It was a front not a rear extension and light was already restricted.

Paragraph 4.3.5

The windows in the master bedroom would affect the privacy of his garden.



Paragraph 4.3.6

Broadmead was used as a parking place for those using Whitehill School, which was on a busy road.

Four parking spaces were needed for a 6 bedroomed house. Turning on the property and access onto the highways was difficult and a parking plan was essential

Mr Foreman concluded by stating that there appeared to be more than enough reasons for the Committee to consider rejecting the officer's advice including:

The overbearing impact on amenities of adjacent properties;

Out of character with the street scene;

Inappropriate scale and form in that locality;

Lack of a parking plan;

Loss of light to the living room of no 24;

Lack of privacy in neighbouring gardens;

Setting a precedent for further development in the character of Broadmead.

There was also the misleading terminology of the architects together with the number of errors and important omissions in the Planning officers report

He asked the Committee not to approve this application.

The Chairman thanked Mr Foreman for his presentation.

Mr Mike Percy, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of application 17/02008/1HH.

Mr Percy informed Members that he was not an architect, but an engineer.

The property at 22 Broadmead was a chalet bungalow and the original application called the conversion a house, but it was at the request of the planning officer that this was changed.

The conversion was to a double storey dwelling, but it was not to make a 6 bedroomed property as the bedrooms, currently downstairs, would be moved upstairs.

This had been the family's house for six years and they reserved the right to use other rooms as guest bedrooms if they wished.

Other properties in the area had been developed, with some of them being overdeveloped.

This house was built in the 1950s as a family house, but was no longer fit for purpose as a 21st century family house.

This was currently a bungalow made of brick and tile and these materials would be used for the extension, whereas the original application aimed to make a statement by using metal for the roof.

The roof height would be raised by 1.5 metres, not the 4 metres stated by Mr Foreman.

Mr Percy asked the Committee to grant the proposal as presented.

The Chairman thanked Mr Percy for his presentation.

The Area Planning Officer advised that no objection had been received from the occupiers of 20 Broadmead and that a parking plan was recommended as one of the conditions.

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Members queried whether a light impact assessment had been carried out regarding the claim of loss of light to 24 Broadmead and asked for clarification regarding the increase in ridge height, the style of windows to be used in the second storey and whether there were any windows that should be conditioned to be obscured.

The Area Planning Officer advised that a light impact assessment had not been carried out but that the assessment was a judgment by him as a professional planner with 30 years experience in town and country planning.

The windows were flat roofed dormer windows that would be inserted into the roof space.

There was a window on the side elevation that faced 24 Broadmead, but this was an existing window that would not be changed.

The height of the eaves would be raised by 1.5 metres.

Members discussed that other properties in the area had been extended and that this development would not look out of place in the street scene.

**RESOLVED:** That application **17/02008/1HH** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

## **102 PLANNING APPEALS**

The Development and Conservation Manager presented the report entitled Planning Appeals and drew attention to the following:

### Appeals Lodged

Land North of Luton Road Offley

The Planning Inspectorate originally advised that this was to be held as a public enquiry however officers had asked them to reconsider this method of inspection and were awaiting a decision.

### Appeal Decisions

Whitwell West

The appeal decision had not been included with the agenda and therefore had been tabled. The appeal had been allowed and costs had been awarded for two reasons. Firstly, that the reason for refusal could not be substantiated in any meaningful way and secondly, that the appellant claimed that the Council was not proactive enough in helping him in negotiating a Section 106 agreement and the Inspector agreed with his assessment.

Land at Junction of Pottersheath Road and Danesbury Park Road

The appeal was withdrawn and a new application had been received for the same development.

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

The meeting closed at 10.06 pm

Chairman at the meeting on  
Thursday, 14 December 2017