

NORTH HERTFORDSHIRE DISTRICT COUNCIL

DECISION SHEET

**Meeting of the Planning Control Committee held in the Spirella Ballroom,
Icknield Way, Letchworth Garden City
on Thursday, 19th April, 2018 at 7.30 pm**

1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors David Barnard (Chairman), Bill Davidson and Harry Spencer-Smith.

Having given due notice Councillor Faye Frost advised that she was substituting for Councillor Barnard.

2 MINUTES - 15 MARCH 2018

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 15 March 2018 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.

4 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.

5 PUBLIC PARTICIPATION

The Chairman confirmed that the 8 registered speakers and 1 Member Advocate were present.

6 17/01781/1 - LAND NORTH OF, LUTON ROAD, OFFLEY

RESOLVED: That, in respect of application **17/01781/1**,

(A) the Council's putative reason for refusal of this application to be presented at the forthcoming Public Inquiry be revised to the following:

1. By reason of its siting beyond the built limits of Offley, on open allotments and farmland in an area of countryside adjacent to the village, the proposal would be detrimental to the rural character and appearance of the area. The urban form of the development would afford significant and demonstrable harm to the intrinsic character and beauty of the countryside in this sensitive location adjacent to the village of Offley. The proposal would be harmful to the landscape qualities of the area and given that the site is prominent from several public vantage points it would be harmful to the visual amenity of the area and in particular the users of public footpaths within and in the vicinity of the site. The proposal is therefore contrary to saved Policy 6 of the North Hertfordshire District Local Plan No. 2 with alterations and specific policies of the Framework. The development would also be contrary to Policy SP5 of the North Hertfordshire Emerging Local Plan 2011-2031.
2. The proposed development would afford harm to the setting of Great Offley Conservation Area and the setting of nearby listed buildings. The site presents an attractive open setting to the Conservation Area and these nearby listed buildings and the ability to appreciate these designated heritage assets. The proposed development would fail to preserve or enhance the Conservation Area and would detract from the setting of the listed buildings. The proposal would cause less than substantial harm to the significance of these designated heritage assets, which would not be outweighed by the public benefits of delivering new housing development. The proposal would therefore conflict with the aims of Section 12 of the National Planning Policy Framework which seeks to conserve and enhance the historic environment.
3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) setting out how the shop would be delivered, along with the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations and provision of the allotments is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework.
4. [Not now required].

5. The proposed development lies immediately adjacent to an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of extremely significant archaeological potential. 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 full 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; and
- (2) That, in the event of further progress on Archaeology or the Section 106 Obligation, the Council's case to be updated in advance of the Public Inquiry depending on progress in relation to these specific matters.

7 17/01622/1 - THE STATION, STATION APPROACH, KNEBWORTH, SG3 6AT

RESOLVED: That application **17/01622/1** be **REFUSED** planning permission, for the following reasons:

1. The proposed development, due to the loss of most of the public house garden and the introduction of residential units in such close proximity to the public house, would be prejudicial to the retention and development of this important community facility, which is a designated Asset of Community Value and the only public house in Knebworth. As such, the development would be contrary to paragraphs 28 and 70 of the National Planning Policy Framework and contrary to the spirit of Policy ETC7 of the submitted Local Plan 2011 – 2031.
2. The proposed block of 9 flats, due to its size, would present a cramped appearance in the street scene and this, together with its overall design, would be out of keeping with the character and visual amenities of Station Approach and Park Lane. As such the development would be contrary to the National Planning Policy Framework, Section 7. Requiring good design, Policy 57 – Residential Guidelines and Standards of North Hertfordshire District Local Plan No. 2 with Alterations and Policy D1 – Sustainable Design of the submitted Local Plan 2011 – 2031.
3. The proposed development would fail to provide a sufficient number of parking spaces to serve the new flats, to meet the Council's current minimum car parking standards and would result in the reduction of the parking space available for the public house. This would result in severe harm upon the parking capacity of the local highway network. The development would, therefore, be contrary to the National Planning Policy Framework, Section 4 - Promoting Sustainable Transport; North Hertfordshire District Local Plan No 2 with Alterations, Policy 55 – Car Parking Standards; and the submitted Local Plan 2011 – 2031, Policy T2 – Parking.
4. Due to the close proximity of the proposed flats and the residential conversion of the store building of the existing public house, the living conditions of the future occupiers would be prejudiced by the general noise and odour associated with the public house. In addition to this, insufficient outdoor amenity space would be provided to meet the needs of the future occupiers. The development would, therefore, be contrary to the National Planning Policy Framework, paragraph 17; North Hertfordshire District Local Plan No.2 with Alterations, Policy 57 – Residential Guidelines and Standards; and submitted Local Plan 2011 -2031, Policy D3 – Protecting Living Conditions.

5. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of planning obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

8 18/00572/FP - LAND REAR OF THE ROOKERY, KINGS WALDEN ROAD, OFFLEY, SG5 3DX

RESOLVED: That application **18/00572/FP** be **GRANTED** planning permission, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/ or samples of materials to be used on all external surfaces of the development including roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: In the interests of visual amenity

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class(es) A, B, C, D, E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

5. No development shall take place (including site clearance) until an adequately detailed Biodiversity and Landscape Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan need only indicate:

The location of the hedgerows that are to be retained and any management measures proposed;
The location of bird boxes / tubes;
Measures to translocate the existing orchard;
A suitable lighting strategy; and
A timetable for implementation

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the development results in no net loss of biodiversity.

6. Before occupation of any of the houses hereby permitted, a landscaping scheme shall be submitted to and have been approved in writing by the Local Planning Authority. The scheme shall include the following details: a) which, if any, of the existing vegetation is to be removed and which is to be retained b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed, location and the size and density of planting c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed d) details of any earthworks proposed e) the future management and maintenance of the landscaping.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed scheme in the interests of the visual amenity of the locality and the ecological protection and enhancement of the site.

7. Electric vehicle (EV) charging infrastructure shall be installed in each of the properties hereby permitted and maintained for the lifetime of the development or as otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the environmental impact of the development.

8. Prior to the commencement of the development Harris Lane shall be widened in accordance with the approved in principle plan (drawing number P/1035/4) and reconstructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

9. Prior to commencement of the development the access from Harris Lane shall be constructed in a hard surfacing material for the first 6.0 metres from the edge of the carriageway.

Reason: To prevent erosion of the edge of the carriageway and prevent loose material from passing onto the public highway which may be detrimental to highway safety.

10. Any gates proposed to the site shall be set back a minimum of 6.0 metres from the edge of the carriageway and shall open inwards to the site.

Reason: To allow a vehicle to wait clear of the carriageway while the gates are being opened and closed.

11. The Public Right of Way adjacent north of the site along Harris Lane must be protected to its' present width and current surface condition and shall remain unobstructed by vehicles, machinery, materials and tools during construction of the reinstated access.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

12. The condition of the Public Right of Way on Harris Lane must not deteriorate as a result of the construction work associated with the provision of the new access. Any adverse affects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) shall be made good by the applicant to the satisfaction of the Highway Authority.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

13. Before the access from Harris Lane is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 22 metres in both directions as identified on drawing number 15019/05 revision B, shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

14. Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement. The Construction Management Plan/Method statement shall address the following matters (i) Details of a construction phasing programme (including any pre-construction or enabling works); (ii) Hours of construction operations including times of deliveries and removal of waste; (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas; (iv) Access and protection arrangements around the site for pedestrians, cyclists and other highway users; (v)Details of provisions for temporary car parking during construction; (vi)The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; (vii)Screening and hoarding details (viii)End of day tidying procedures; (ix)Construction and storage compounds (including areas designated for car parking); (x)Siting and details of wheel washing facilities; (xi)Cleaning of site entrances, site access roads and the adjacent public highway and; (xii)Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

15. Prior to the commencement of the development hereby permitted a Stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

HIGHWAY INFORMATIVES: HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980: Rights of Way:

1. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service <http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/> (Tel: 0300 123 4047, email at row@hertfordshire.gov.uk) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access (Harris Lane).

Reason: To ensure the surface of Harris Lane does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall follow the link below; <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessand-developer-information/development-management/highways-developmentmanagement.aspx> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

9 17/04392/FP - BAILEYS CLOSE FARM, PASTURE LANE, BREACHWOOD GREEN, SG4 8NY

RESOLVED: That application **17/04392/FP** be **REFUSED** planning permission, for the reasons set out in the report of the Development and Conservation Manager.

10 18/00273/FP - 1 HALF ACRE, HITCHIN, SG5 2XL

RESOLVED: That application **18/00273/FP** be **REFUSED** planning permission, for the reason set out in the report of the Development and Conservation Manager.

11 **18/00322/FPH - 44 NEW CLOSE, KNEBWORTH, SG3 6NU**

RESOLVED: That application **18/00322/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager, but with the removal of Condition 3, which had been included in the report in error.

12 **PLANNING APPEALS**

RESOLVED: That the report entitled Planning Appeals be noted.