

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERONON ROAD, LETCHWORTH GARDEN CITY  
ON THURSDAY, 19TH SEPTEMBER, 2019 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors Councillor Terry Tyler (Chairman), Councillor Daniel Allen (Vice-Chairman), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Val Shanley and Michael Weeks*

**In Attendance:** *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Advisor), Amelia McInally (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

**Also Present:** *At the commencement of the meeting approximately 25 members of the public, including registered speakers.*

**40 APOLOGIES FOR ABSENCE**

*Audio Recording – Session 1 – 19 Seconds*

Apologies for absence were received from Councillors Ruth Brown, David Levett and Mike Rice.

Having given due notice the following Councillors advised that they would be substituting:

Councillor Michael Muir for Councillor David Levett; and  
Councillor Tom Tyson for Councillor Ruth Brown.

The Chairman informed the Committee that Councillor Ian Moody would be in attendance, however, he would be late arriving.

**41 MINUTES - 22 AUGUST 2019**

*Audio Recording – Start of Item – Session 1 – 56 Seconds*

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 22 August be approved as a true record of the proceedings and be signed by the Chairman.

**42 NOTIFICATION OF OTHER BUSINESS**

*Audio Recording – Session 1 – 1 Minute 14 Seconds*

There was no other business notified.

**43 CHAIRMAN'S ANNOUNCEMENTS**

*Audio Recording – Session 1 – 1 Minute 19 Seconds*

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- (1) The Chairman welcomed those present at the meeting, particularly those who had attended to give a presentation;
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and 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.

#### **44 PUBLIC PARTICIPATION**

*Audio Recording – Session 1 – 3 Minutes*

The Chairman confirmed that the 11 registered speakers were in attendance.

#### **45 19/01758/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE**

*Audio Recording – Session 1 – 3 Minutes 53 Seconds*

Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas.

The Principal Planning Officer updated the Committee as follows:

- The applicant had agreed to a Section 106 Obligation making a financial contribution totalling £117,346.22 towards GP Core Services as requested by the NHS Bedfordshire Clinical Commissioning Group;
- Formal comment had been received by Ickleford Parish Council which had been circulated to all Members prior to the Meeting.
- Ickleford Parish Council had raised objections to the development on various grounds including flood risk, loss of agricultural land and highway impact;
- The applicant had submitted an additional plan as part of the flood risk assessment which the Principal Planning Officer advised would be included in his presentation; and
- Councillor Sam North had submitted a statement in objection to the application. The Principal Planning Officer informed the Committee that the statement had been circulated to all Members, but would read it out to all present at the appropriate time.

The Principal Planning Officer further drew the attention of the Members to Paragraph 4.3.93 on page 39 of the report:

“In the light of the above and particularly in view of the Committee’s unequivocal support for this development at its meeting in July 2019 on an identical proposal, together with the fact that there are no other material changes that would warrant a different conclusion being reached, the Committee are recommended to agree the recommendation as set out”.

The Principal Planning Officer presented the report in respect of application 19/01758/FP supported by a visual presentation consisting of photographs and plans.

Mr Ryan Harper, Vice-Chairman of Ickleford Parish Council, thanked the Chairman for the opportunity to address the Committee in objection of application 19/01758/FP and drew attention to the following:

- Flood risk;
- Road safety;
- The increase of traffic on Bedford Road (A600);

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- Harm to historic assets;
- Bus service that was not fit for purpose; no service after 18:30 or to train stations;
- There had been 200 individual objections to this development.

The following Member asked questions:

- Councillor Daniel Allen,

The Chairman invited Mr John Rumble, Lead Local Flood Authority, Hertfordshire County Council, to address the Committee.

Mr Rumble referred to the July submission and informed Members that mapping had been revised and superseded. The modelling was now more accurate and Members should be guided to the revision.

The following Members asked questions of Mr Rumble:

- Councillor Michael Weeks
- Councillor Mike Hughson
- Councillor Terry Tyler.

Mr Rumble confirmed that the applicant had worked with the Environment Agency who were satisfied that the model used was accurate and were content with the result.

Councillor Sam North was unable to attend the meeting, however, he would have been speaking as a Member Advocate in objection to the application. He had provided a written statement, which had been circulated to all Members of the Committee prior to the meeting and was read out by the Principal Planning Officer.

Mr Geoff Armstrong, ARP Planning, thanked the Chairman for the opportunity to address the Committee in support of application 19/01758/FP as follows:

- The application was identical to that which was subject to a pending appeal;
- At the Planning Control Committee in July 2019, it was resolved that had North Hertfordshire District been a determining authority, it would have granted planning permission to the 17/01622/FP application;
- The Council had a 5 year shortfall in its housing supply;
- The site was identified in the Council's emerging local plan;
- The site would help address future housing needs;
- There had been a large number of objections to the development. However, no objections had been received from statutory consultees.

The following Members asked questions of Mr Armstrong:

- Councillor Michael Muir;
- Councillor Val Bryant.

In response to questions raised, Mr Armstrong confirmed that:

- The 10 percent provision of car parking spaces designated for plug-in Electric Vehicles was in line with the Council's policy;
- £1,918,226 would contribute to the expansion of Derwent Lower School in Henlow, Central Bedfordshire and £371,931.00 would contribute to the expansion of the Priory School in Hitchin, Hertfordshire.

NB: Councillor Ian Moody arrived at 20:02.

The following Members asked questions of the Principal Planning Officer:

- Councillor Terry Tyler;
- Councillor Michael Weeks;
- Councillor Michael Muir; and
- Councillor Ian Mantle

The Principal Planning Officer advised that:

- There was no right-hand turn requirement, as the Highways Authority had deemed the T-Junction satisfactory;
- The 10 percent provision of Electric Vehicle charging points had been recommended by the Environment Protection Officer and it was not in the remit of this Committee to increase the percentage.

The Development and Conservation Manager advised that the condition regarding Electric Vehicle Charging Points could be amended to read that the applicant shall submit a scheme of Electric Vehicle Charging points in the proportion agreed by the Council this being at least 10 percent. This would, however, be subject to agreement by the Environment Protection Officer.

It was proposed by Councillor Ian Mantle and seconded by Councillor Morgan Derbyshire that the application be granted permission, subject to the amendment of Condition 15 of the report.

Upon the application being put to the vote, it was:

**RESOLVED:**

That application 19/01758/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the amendment of condition 15 to read as follows:

“Prior to the commencement of the development hereby permitted, full details of Electric Vehicles (EV) car parking spaces provision (of between 10% and 20% of all spaces) within the parking courtyards shall be submitted to and approved in writing by the Local Planning Authority. All approved spaces will have designated plug in points and served by EV charging points prior to the first occupation of the development and shall be retained for that purpose thereafter”.

**REASON:** To contribute to the objective of providing a sustainable transport network and to help off-set the adverse impact of the development on local air quality.

**46 16/01797/1 LAND REAR OF 4-14, CLAYBUSH ROAD, ASHWELL SG7 5RA**

*Audio Recording – Session 2 – 38 Seconds*

30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).

The Senior Planning Officer introduced the report in respect of the Application 16/01797/1 and provided the Committee with the following updates to the report:

- A note had been received from Ashwell Parish Council. A response to this was provided on 18 September 2019 and this had been circulated to all Members of this Committee prior to the commencement of the meeting.
- Concerns regarding drainage had been received from Mr and Mrs Hodson. The Lead Local Flood Authority team had confirmed that the design of the drainage system was the subject of a condition.

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- A letter from Mr and Mrs Hare had been received on 13 August 2019 objecting to the application on the basis of traffic and safety concerns regarding both the proposed vehicle and pedestrian access. They raised concerns regarding incorrect terminology within the submitted documents and concluded that the proposed development was unsustainable and contrary to the NPPF.
- An amendment was required to Paragraph 4.3.38. Condition 25 requires that the safety measures to Ashwell Street be done before any other development commenced on site.

The Senior Planning Officer presented the report in respect of application 16/01797/1 supported by a visual presentation consisting of photographs and plans.

Mr Norton Mahy, Parish Councillor, Ashwell Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 16/01797/1 as follows:

- Safety of pedestrian access;
- The resurfacing of and installing of street light on Ashwell Street to address safety issues;
- There was no footpath between the site and the public highway;
- Heritage impact;
- Contrary to saved policy SP8; and
- Details of the planning application history for the site were not mentioned within the report.

Councillor Tom Tyson, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection of application 16/01797/1 as follows:

- Ashwell Street was too narrow;
- Larger vehicles such as vans and trucks were not able to drive down the street;
- The additional houses would increase the volume of pedestrians using the street. However, the road was not suitable for pedestrians;
- Condition 24 and 25 were not robust enough to mitigate safety of pedestrians;
- The site failed to meet the requirements of the NPPF which ensured suitable access to the site could be achieved by all users. The site was not suitable for people with mobility issues;
- Future occupiers would be forced to use vehicles to access the facilities in the village if they felt the walk into the village was too strenuous or hazardous and this undermined the objective of sustainability.

The following Members asked questions to Councillor Tyson:

- Councillor Michael Weeks;
- Councillor Ian Mantle.

Councillor Tyson responded to questions as follows:

- Pedestrians were not able to duck into driveways when vehicles came as there were no driveways; and
- The bus service was non-existent.

Mr Richard Kelly, Croudace Homes, thanked the Chairman for the opportunity to address the Committee in support of application 16/01797/1 as follows:

- 30 houses were proposed, 12 of which were affordable homes – 8 for rent and 4 shared ownership;
- This was an allocated site in the emerging local plan;
- The application had complied with policy AS1;
- There were no objections from statutory consultees

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- Sympathetic design and impact to existing area;
- Legal and safe pedestrian access had been provided;
- There was a need for housing; and
- The S106 agreement included affordable housing and a contribution to the replacement of the Ashwell Pavilion.

The following Members asked questions of Mr Kelly:

- Councillor Michael Weeks;
- Councillor Terry Tyler;
- Councillor Daniel Allen; and
- Councillor Michael Muir.

Mr Kelly provided the following responses to questions:

- There was a 30 metre stretch of lane;
- Pedestrians would be able to see vehicles and wait accordingly;
- Vehicles would be driving at a low speed;
- The road would be resurfaced and vegetation cut back to help widen the road;
- It would not be recommended that pedestrians walked alongside the road as it was narrow. However, measures would be put in place to ensure pedestrians could see oncoming vehicles; and
- The steps into the village were already providing a service to the village.

In response to a question, the Senior Planning Officer advised that the affordable homes would be restricted to people with a local connection to Ashwell in the first instance.

As Councillor Tom Tyson had spoken as Member Advocate on this item, he left the Chamber and took no part in the debate or vote.

The following Members took part in the debate:

- Councillor Ian Mantle;
- Councillor Sean Prendergast;
- Councillor Michael Weeks;
- Councillor Daniel Allen;
- Councillor Tony Hunter; and
- Councillor Terry Tyler.

The following points were raised by Members:

- There was a concern with the sustainability of this site as it did not encourage other forms of transport other than cars;
- Villages had to play their part in building new homes;
- The development design was sympathetic to the village;
- Pedestrian access was a concern;
- Pedestrians needed to include those who were cycling, in a wheelchair, mobility scooters or pushing a pushchair.

In response to the points discussed by Members, the Senior Planning Officer advised that:

- The development was Category A, meaning that there were facilities within the village that made it a sustainable development;
- Conditions 24 and 25 needed to be met before any work commenced;
- The road was a shared space thus both pedestrians and drivers needed to be aware of each other; and

- The application would enhance the safety measures of the road by improving visibility to make it as safe as possible.

Members recommended that Condition 24 be amended to take into account all users of the road.

It was proposed by Councillor Michael Muir and seconded by Councillor Ian Mantle that the application be granted subject to the amendment of condition 24.

Upon being put to the vote it was

**RESOLVED:**

That application 19/01758/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the amended condition 24 as follows:

“Prior to the commencement of the development hereby permitted, full details of a scheme for the safety of all road users”.

**47 19/01213/FP BROOKSIDE, BEDFORD ROAD, HOLWELL, HITCHIN, HERTFORDSHIRE SG5 3RX**

*Audio Recording – Session 3 – 1 Minute*

Erection of one detached 4-bed dwelling with associated garden and parking area (following demolition of existing garage) (as amended by plans received 31 July 2019).

The Principal Planning Officer introduced the report and updated the Committee. He advised that comments from Hertfordshire Highways had been received and there were no objections, subject to imposition of a construction traffic management condition, which the applicant had agreed to.

The Principal Planning Officer informed the Committee that there was a typing error on paragraph 2.3. and it should read ‘deliverable housing’.

The Principal Planning Officer presented the report in respect of application 19/01213/FP supported by a visual presentation consisting of photographs and plans.

Members commented that, if an item was “called in” by a Councillor, he or she should be present to address the Committee.

The Planning Lawyer advised that Councillors who had “called items in”, could not be compelled to attend the Planning Committee, however, she stated that the issue would be reiterated at the training sessions held for Members of the Planning Committee.

It was proposed by Councillor Daniel Allen, seconded by Councillor Morgan Derbyshire and upon being put to the vote, it was:

**RESOLVED:** That application 19/01213/FP be **GRANTED** planning permission subject to the conditions and reasons contained within the report of the Development and Conservation Manager and the additional Condition 8 below.

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction traffic of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of the following:

- Construction vehicle numbers, type, routing;
- Traffic management requirements;
- Construction and storage compounds (including areas designated for car parking);
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Demolition and removal plan for the exiting house;
- Timing of construction activities to avoid school picks up/drop off times;
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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

**48 19/01505/FPH KIMORO, GUN ROAD, KNEBWORTH, HERTFORDSHIRE SG3 6BP**

*Audio Recording – Session 3 – 8 Minutes 15 seconds*

Detached garage to front of property.

The Principal Planning Officer informed the Committee that the reason for the referral to the Committee was due to the item being called in by Councillor Lisa Nash.

The following details were also updated:

- Paragraph 5.6.1 should read “that there were no pre-commencement conditions”; and
- Condition 3 was not required as it was a repeat of the proactive statement. Therefore, the report should contain Conditions 2 and 3 only.

The Principal Planning Officer presented the report in respect of application 19/01505/FPH supported by a visual presentation consisting of photographs and plans.

Councillor Lisa Nash, Member Advocate thanked the Chairman for the opportunity to address the Committee in objection to application 19/01505/FPH as follows:

- The housing line would alter the street scene significantly;
- There was very little turning room into the garage; and
- Concern that the garage would be converted at a later date under permitted development rights.

The following Members asked questions of Councillor Nash:

- Councillor Michael Weeks

In response to questions raised, Councillor Nash clarified that vegetation would be cut back to allow more parking which would negatively affect the street scene.

The Principal Planning Officer advised that, due to the space in the garage roof being limited, it would not be suitable for the purpose of accommodation.

It was proposed and seconded that the application be granted planning permission subject to a permitted development condition to prevent the garage being converted.

The Development and Conservation Manager, for clarification, explained to Members that the condition was not a permitted development right and would rather that any additional condition would be to retain the building as a garage.

Upon being put to the vote, it was

**RESOLVED:** That application 19/01505/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

**49 19/00455/FP LAND AT THE JUNCTION OF ASHWELL STREET AND STATION ROAD, ASHWELL, HERTFORDSHIRE**

*Audio Recording – Session 3 – 16 Minutes 28 Seconds*

Erection of 9, (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road, (as amended by plans received on 14/06/19 and 23/07/19).

The Development and Conservation Manager presented the report in respect of application 19/00455/FP supported by a visual presentation consisting of photographs and plans.

Mr Norton Mahy, Parish Councillor, Ashwell Parish Council, thanked the Chairman for the opportunity to address the Committee in objection of application 19/00455/FP and expressed concern that the village settlement boundaries would be moved.

The Chairman thanked Mr Mahy for his presentation.

Councillor Steve Jarvis, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 19/00455/FP. Councillor Jarvis stated that his main concern was that a footway was required to connect the development to the existing footways in Ashwell to allow suitable safe form of movement.

The Development and Conservation Manager stated that the footpath and cycle provision could be added to the recommendations.

The following Members took part in the debate:

- Councillor Michael Muir;
- Councillor Michael Weeks;
- Councillor Mike Hughson; and
- Councillor Daniel Allen.

In response the Development and Conservation Manager advised:

- That footpath and cycle provision conditions could be added.
- A condition could ensure that the garage would be retained as such.

It was proposed by Councillor Michael Muir, seconded by Councillor Michael Weeks, and upon being put to the vote, it was

**RESOLVED:** That application 19/00455/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager, with additional conditions as follows:

Prior to the first occupation of the development hereby permitted, a provision of footway (minimum width as agreed with DM- implementation team) towards North direction of proposed access should be provided and connected with existing footway up to 54 Station Road. Also, provision of tactile paving pedestrians crossing point onto Station Road as shown on drawing (Ref- 263-100, Rev-B) should be provided.

Reason: Policy 1, 7 and 8 of HCC's LTP4

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No development shall commence until the details of the type, design of at least 9 residential cycle stands, lighting and access lock to the residential cycle store(s) have been submitted to and approved in writing by the Hertfordshire County Council and the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

**50 19/01093/FPH THE COTTAGE, UPPER GREEN, ICKLEFORD, HITCHIN, HERTFORDSHIRE SG5 3YF**

*Audio recording – Session 3 – 34 minutes*

Remodel brick garage in rear garden with pitched tiled roof; clad walls with timber ship lapped boards to 3 sides & knapped flint and brick banding to rear garden elevation. Rebuild front garden wall with knapped flint and brick banding, (as amended by plan received 08 August 2019).

The Development and Conservation Manager presented the report in respect of application 19/01093/FPH supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager advised that the description needed to be amended so that brick banding was removed from the proposal.

Mr Keith Hooton and Mr Brian Woodhead thanked the Chairman for the opportunity to address the Committee in objection to application 19/01093/FPH as follows:

- The proposed building would impact on their sunlight;
- The applicant wanted to use the building as a bar;
- They would be hemmed in;
- The building was alien to the setting;
- Those who had supported the application did not appear to live near by;
- There would no benefit or enhancement to the local environment.

The following Member asked questions of the objectors:

- Councillor Michael Weeks.

In response to questions raised, the objectors clarified the amount of sunlight they both currently received.

Mr Mike Pearcey, Applicant's Representative, thanked the Chairman for the opportunity to address the Committee in support of application 19/01093/FPH. The following points were raised:

- The pitched roof was considered;
- The garage was in keeping with the house;
- The roof would be increased from 2.4 metres 4.17 metres;
- The garage would not be used for vehicles;
- Inspiration for this garage was taken from a photo of the cottage in 1890;
- There were no issues with overlooking or overshadowing; and
- Amendments had been made following consultation with North Hertfordshire District Council's conservation officer.

The following Member asked questions of Mr Pearcey:

- Councillor Terry Tyler

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The Development and Conservation Manager directed Members to paragraph 3.10 on page 206 and advised that the Conservation Officer had no objections.

The following Members took part in the debate:

- Councillor Daniel Allen;
- Councillor Michael Weeks; and
- Councillor Michael Muir.

Points raised during the debate were as follows:

- The roof height;
- Loss of light;
- The character of the garage; and
- The size of the building.

It was proposed by Councillor Michael Weeks and seconded by Councillor Michael Muir that the application be rejected. Upon being put to vote the motion was lost.

It was proposed by Councillor Daniel Allen, seconded by Councillor Morgan Derbyshire that the application be granted planning permission. Upon the vote, it was:

**RESOLVED:** That application 19/01093/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

**51 19/01094/LBC THE COTTAGE, UPPER GREEN, ICKLEFORD, HITCHIN, HERTFORDSHIRE SG5 3YF**

*Audio recording – Session 3 – 1 hour, 4 mins*

Rebuild front garden wall with knapped flint and brick banding.

The Development and Conservation Manager presented the report in respect of application 19/01094/LBC supported by a visual presentation consisting of photographs and plans.

Mr Mike Pearcey, Applicants Representative,, thanked the Chairman for the opportunity to address the Committee in support of application 19/01094/LBC.

It was proposed by Councillor Morgan Derbyshire, seconded by Councillor Ian Mantle that this application be granted Listed Building Consent.

Upon the vote, it was:

**RESOLVED:** That application 19/01094/LBC be **GRANTED** Listed Building Consent subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

**52 PLANNING APPEALS**

*Audio recording – Session 3 – 1 hour, 5 minutes, 30 seconds*

The Development and Conservation Manager presented the report entitled Planning Appeals.

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The Development and Conservation Manager advised Members that a public enquiry would be held at the District Council Offices on 15 October 2019 regarding application site LS1.

The meeting closed at 10.24 pm

Chairman