

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON THURSDAY, 18TH JUNE, 2020 AT 7.30 PM**

MINUTES

Present: *Councillors: Ruth Brown (Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Advisor), Tom Rea (Principal Planning Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 4 members of the public, including registered speakers.*

1 WELCOME AND INTRODUCTION

Audio Recording – 0 Seconds

The Chair welcomed everyone to the virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Officer gave advice regarding the following:

Attendance

A roll call was undertaken to confirm that the required Members, Officers and Registered Speakers were present and could hear and be heard.

If for any reason the meeting was not quorate an Officer would interject the meeting and the meeting would adjourn immediately. Once the meeting was quorate the meeting would resume.

If a remote Member were to lose connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment. Only Members present for the entirety of debate and consideration of an item were entitled to vote.

Live Streaming

The meeting was being streamed live on the Council's YouTube channel. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a time and date fixed by the Chair. If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

If technology failed for a member of the public who had attended to participate and was unable to do so, the Chair may decide to adjourn or proceed to the next item of business to allow for connection to be re-established. If connection could not be restored within a reasonable period, the Chair could decide to conclude the remaining business.

If a Member or Member of the Public dropped out of the meeting and was unable to connect by video, an email had been sent with instructions on how to join the meeting via telephone.

Noise Interference

The Committee, Member and Scrutiny Officer asked all in attendance to ensure that electronic devices were muted.

Rules of Debate

If a Member wished to speak they should use the raise hand button and this would alert the host that they wished to speak.

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

Voting

When requested to vote, Members were informed to vote using the Green tick for 'Yes', Red Cross for 'No' and Blue Raise Hand for 'abstain'.

Details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded.

The Committee, Member and Scrutiny Officer would clearly state the result of the vote and the Chair would proceed to the next agenda item.

The Chair, Councillor Ruth Brown, started the meeting proper.

2 APOLOGIES FOR ABSENCE

Audio Recording – 6 Minutes

Apologies for absence were received from Councillor Daniel Allen.

3 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 6 Minutes 14 Seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio Recording – 6 Minutes 18 Seconds

- (1) The Chair welcomed those present at the meeting;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded and live streamed on the Council's YouTube;

- (3) The Chair 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;
- (4) The Chair clarified matters for the registered speakers and informed members of the public that they 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. The 5 minute time limit also applied to Member Advocates.

The bell would sound after 41/2 minutes as a warning and again at 5 minutes to signify that the speaker must cease.

- (5) The Chair advised that if the Meeting were to be still underway at 9pm, a comfort break would be called at 9pm.

5 PUBLIC PARTICIPATION

Audio Recording – 8 Minutes

The Chair confirmed that the 4 Registered Speakers were present.

6 20/00895/FPH HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB

Audio Recording – 8 Minutes 14 Seconds

Single storey rear extension

The Principal Planning Officer presented the report in respect of application 20/00895/FPH supported by a visual presentation consisting of photographs and plans.

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

RESOLVED: That application 20/00895/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

7 20/00896/LBC HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB

Audio Recording – 13 Minutes 32 Seconds

Single storey rear extension

The Principal Planning Officer presented the report in respect of application 20/00896/LBC supported by a visual presentation consisting of photographs and plans.

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

RESOLVED: That application 20/00896/LBC be **GRANTED** listed building consent subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

8 20/00865/FP 1A KINGS ROAD, HITCHIN, HERTFORDSHIRE, SG5 1RD

Audio Recording – 14 Minutes 57 Seconds

Residential development of 5 units comprising 1 x 2-bed flat and 4 x 1-bed flats together with associated bike storage, bin storage and amenity space following the demolition of existing MOT garage.

Before presenting the report, the Principal Planning Officer advised that there were some updates to be provided, as follows:

- In relation to reducing the double yellow line parking restrictions, the Strategic Infrastructure & Projects Manager advised that the yellow lines should be maintained to ensure adequate vehicle turning space; and
- Hertfordshire Highways also advised that yellow line parking restrictions should remain in place to ensure highway safety and access.

The Principal Planning Officer presented the report in respect of application 20/00865/FP supported by a visual presentation consisting of photographs and plans.

Mr Ian Barker thanked the Chair the opportunity to address the Committee in objection to application 20/00865/FP, including:

- Kings Road was a small road running in a northerly direction off Nightingale Road in Hitchin;
- The proposed development was on 3 floors, and would be a higher construction than the next residential property at number 1 Kings Road;
- There would be windows on the 1st and 2nd floor which would give a very clear and considerable overlook into my garden; and
- The proposed development extended as far back as the existing properties and had windows at its rear which extended back significantly – the windows would allow very considerable overlook of a type simply not enabled anywhere else on Kings Road.

The following Members asked questions of Mr Barker's presentation:

- Councillor David Levett; and
- Councillor Mike Rice.

In response to questions raised, Mr Barker responded as follows:

- He had not raised objections to the previous application; and
- He could not see into the rear of other people's garden.

Councillor Ian Albert thanked the Chair for the opportunity to address the Committee as Member Advocate, including:

- Hitchin did need further residential accommodation;
- Residents of Kings Road fully recognised that a development both near the station and near the town was desirable;
- The Planning Officer recognised that the new building was considerably higher than the existing building but believed that it was acceptable due to other similar developments nearby;
- This development would have a significant impact upon residents and would be intrusive;
- Obscured glass on the bottom half of windows would not resolve the problem;

- Another alternative was that the whole of the overlooking windows should be opaque;
- The development would increase traffic congestion; and
- Despite the accessibility to the station and the town, residents still required a vehicle.

The following Members took part in the debate:

- Councillor Tony Hunter;
- Councillor Mike Hughson;
- Councillor David Levett;
- Councillor Val Bryant;
- Councillor Sue Ngwala.

Points raised by Members:

- Proposing fully obscured glass to prevent overlooking;
- Obscured windows could impact on the quality of the living space;
- Car parking and the use of a nearby car park for residents to use; and
- Parking was intolerable for residents.

In response to points raised, the Principal Planning Officer responded as follows:

- The garage did cause congestion; and
- Having totally obscured windows in the bedroom was not ideal.

Councillor Levett proposed and Councillor Hunter seconded that a condition be added to the bedroom windows of flats 2 and 4 that they be fully obscure glazed.

The proposal was put to the vote and it was a tied vote. In accordance with the Council's Constitution 4.8.16 (b), the Chair had the casting vote. The Chair voted in favour of the proposal.

Members voted on the Officer's recommendation and it was:

RESOLVED: That application 20/00865/FP be **GRANTED** planning permission subject to the conditions and reasons contained in report of the Development and Conservation Manager and the following additional condition:

Condition 7:

Notwithstanding the submitted details, the bedroom windows to flats 2 and 4 as shown on the proposed north elevation at first and second floor level on plan no. 403A shall be fully obscure glazed.

Reason: To prevent overlooking and to maintain the privacy of adjoining residents.

9 20/00627/S73 TALLY HO, LONDON ROAD, BARKWAY, ROYSTON, HERTFORDSHIRE, SG8 8EX

Audio Recording – 50 Minutes 18 Seconds

Two storey rear extension to provide enlarged kitchen and ground floor and additional residential accommodation on first floor (Section 73 application to vary condition 3 of permission granted under ref 05/00469/1 to allow ancillary residential accommodation for the public house but not for any additional operational floor space in connection with the public house).

The Development and Conservation Manager provided the Committee with one update before presenting the report, as follows:

- The Asset Community Value was created on 7 September 2016 and would expire on 7 September 2021.

The Development and Conservation Manager presented the report in respect of application 20/00627/S73 supported by a visual presentation consisting of photographs and plans.

Councillor Gerald Morris thanked the Chair for the opportunity to speak as Member Advocate in objection to application 20/00627/S73, including:

- Parish Councillors were concerned that The Tally Ho did not repeat what had happened to the Cabinet pub, in the adjacent village of Reed where the owner had converted the entire building into a house without permission;
- At the Cabinet pub, owing to planning refusal and appeal dismissal, an application was submitted similar to the Tally Ho to subdivide the pub into ground floor, part residential and part wet trade only bar - that application was refused by NHDC in April 2019;
- The entire ground floor area of this pub, including its kitchen had been in business for a long time;
- The case officer stated that the application was adapting and improving the living conditions of the person running the local community facility;
- The applicant's planning consultant stated that the first-floor lacked living space. However, as illustrated from the approved plan 1.2, the first floor included two bedrooms, two bathrooms, a living room and study/office;
- The existing owners had lived on the first floor for many years. To expand the residential accommodation at the expense of the ground floor pub would not benefit a local community facility; and
- Many villagers have said that the owners were setting up the business to fail in order to attempt to use the entire building residentially.

The following Members asked questions of Councillor Morris' presentation:

- Councillor Sue Ngwala

In response to the Member's question, Councillor Morris said that along with himself, the Parish Council were concerned that the pub would be lost as a community facility.

Mr James Gran thanked the Chair for the opportunity to address the Committee in support of application 20/00627/S73, including:

- The use of the ground floor at the rear extension would not increase parking on demand at the site;
- Officers were of the view that permission should be unconditional and not restrict the use of the ground floor to residential only;
- It would allow the owner to use the space for ancillary residential accommodation or for Public House use, increasing viability of the pub not reducing it;
- Officers were seeking to allow full flexibility of the ground floor space in the best interest of the long-term viability of the Public House;
- The application needed to be judged on those merits only;
- The residential use was ancillary to the Public House use and would remain as such even if the ground floor were to change to habitable residential space;
- The proposal still supported the need for a local community facility through improving the living conditions of the persons running the Public House;

- The owner has sought to provide a quality community facility and their intention was to continue with that aim;
- Instead of a full food offer being prepared in the premises, the owners now provided outside catering services which has proved popular with passing customers;
- This had allowed the owners to focus on wet-sales which was their main source of income;
- The ceasing of serving food in house had increased their profit;
- There was no aim to close the pub.

The following Members sought clarification of Mr Gran's presentation:

- Councillor Mike Hughson;
- Councillor Tom Tyson; and
- Councillor Sue Ngwala

In response to questions, Mr Gran advised as follows:

- The pop-up catering services were mobile units that offered a variety of different cuisines.

The Development and Conservation Manager responded to points raised as follows:

- There were no restrictions on the ground floor extension, enabling the occupiers to manage the whole floor space as they felt fit;
- The application was not a material change of use; and
- The owners were not required to use the ground floor in a certain way or for certain purposes.

The following Members took part in the debate:

- Councillor David Levett and
- Councillor Tony Hunter.

Points raised during the debate included:

- Removing the condition that hindered flexibility of the use of the ground floor;
- The opening hours of the business;
- The use of the building as a community facility;
- The viability of a wet-sales only pub; and
- The future use of the premises.

Councillor Tony Hunter proposed to refuse the application. However, as there was no seconder to the proposal, the motion to refuse was lost.

It was proposed by Councillor Ngwala to move the Officer's recommendation to grant planning permission which was seconded by Councillor Levett. Upon the vote, it was:

RESOLVED: That application 20/00627/S73 be **GRANTED** planning permission unconditionally.

10 PLANNING APPEALS

Audio Recording – 1 Hour 24 Minutes 27 Seconds

The Development and Conservation Manager presented the Planning Appeals and advised that there was one update for Members, as follows:

- Planning appeal ref. 19/02365/FP - The Exchange, Queen Street, Hitchin. Delegated decision to refuse planning permission for 10 flat apartment block. Written representations appeal and Ward Members could make representations to the Inspector.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 8.57 pm

Chair