

## **NORTH HERTFORDSHIRE DISTRICT COUNCIL**

### **PLANNING CONTROL COMMITTEE**

#### **MEETING HELD AS A VIRTUAL MEETING ON WEDNESDAY, 14TH APRIL, 2021 AT 7.30 PM**

#### **MINUTES**

**Present:** *Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Mike Rice and Tom Tyson*

**In Attendance:** *Simon Ellis (Development and Conservation Manager) and Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Anne McDonald (Acting Principal Planning Officer), Mark Simmons (Conservation Officer), Andrew Hunter (Senior Planning Officer), William Edwards (Committee, Member and Scrutiny Officer), Matthew Hepburn (Committee, Member and Scrutiny Officer)*

**Also Present:** *At the commencement of the meeting approximately 15 members of the public, including registered speakers.*

#### **135 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY**

*Audio Recording – 0 minutes.*

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online.

There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live onto YouTube and recorded via Zoom.

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate;
- Part 2 Items.

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Planning Control Committee, Councillor Ruth Brown, started the meeting proper.

**136 APOLOGIES FOR ABSENCE**

*Audio recording – 4 minutes 40 seconds.*

Apologies for absence were received from Councillors Sean Prendergast and Morgan Derbyshire.

Having given due notice Councillor Carol Stanier advised she would be substituting for Councillor Sean Prendergast.

Having given due notice Councillor Michael Muir advised he would be substituting for Councillor Morgan Derbyshire.

**137 MINUTES - 24 MARCH 2021**

*Audio Recording – 4 minutes 57 seconds.*

Councillor Ruth Brown proposed, Councillor Daniel Allen seconded and it was:

**RESOLVED:**

- (1) That the Minutes of the Meeting of the Committee held on 24 March 2021 be approved as a true record of the proceedings;
- (2) That the Committee, Member and Scrutiny Officer be authorised to apply the Chair's digital initials and signature to the approved minutes.

**138 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 5 minutes 45 seconds.*

There was no other business notified.

**139 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 5 minutes 46 seconds.*

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (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) To clarify matters for the registered speakers the Chair advised that members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applied to Member Advocates.
- (5) The Chair advised that items 10 & 11 and 13 & 14 would be presented together and that the Committee would hear the reports for the paired items back to back then hear representations from registered speakers as usual.

- (6) The Chair advised that Item 14 would be presented before Item 13.
- (7) The Chair advised that a comfort break would be taken around 9pm at a suitable break between business.

#### **140 PUBLIC PARTICIPATION**

*Audio recording – 7 minutes 58 seconds.*

The Chair confirmed that the registered speakers were in attendance.

#### **141 20/01638/FP LAND TO THE REAR OF Nos 61 AND 61A RADCLIFFE ROAD, HITCHIN, SG5 1QG**

*Audio Recording – 8 minutes 10 seconds.*

The Senior Planning Officer presented the report in respect of application 20/01638/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Val Bryant

In response to questions the Senior Planning Officer advised that the proposed parking spaces would be 2.4 x 4.8 m and that a condition relating to bin storage could be considered.

The Chair invited Mr Duncan Leach and Ms Lisa Montague to address the Committee.

Mr Duncan Leach thanked the Chair for the opportunity to address the Committee and gave a presentation including the following:

- He objected to the application.
- The officer's recommendation was made on the basis of policy documents not relevant to the NPPF and was therefore flawed.
- The 2019 Parking Strategy referred to was not part of the local development plan and should not be considered.
- There was a vehicle parking Supplementary Planning Document from 2011 which should have been considered.
- The vehicle parking SPD stated that there should be no unacceptable residual parking from new developments in a controlled parking zone.
- The norm of parking provision for new developments was 2 spaces per dwelling which should be met in all cases unless a strong evidence case was presented and no such evidence had been provided.
- Paragraph 5.2 of the officer's report stated no alternative options were considered where there were alternative proposals put forward during the consultation phase which would not have the same parking access problems;
- Policy 24 of the NHDC car parking strategy included in the SPD stated the Council will consider the need to include new residents in controlled parking zone permit schemes on a case by case basis taking into consideration planning conditions; the TRO would not need amendment as the Officer claimed;
- This development did not meet the requirements of the local plan and constituted the privatisation of public land for private development at the expense of the local community.

Ms Lisa Montague thanked the Chair for the opportunity to address the Committee and gave a presentation including the following:

- It had been argued that the CPZ had not been altered because the dashed lines remained unchanged and an H-bar had been installed; this was a disingenuous interpretation;
- On this basis no public consultation was required which set a precedent that planning officers be able to drop curbs and make alterations to the street under delegated authority;
- The functionality of the CPZ could be continuously eroded by developers at the expense of residents provided the dashed lines did not change;
- Residents' ability to park was going to be affected;
- The application was not materially different to the proposal put forward in December with residents losing parking, putting more cars on the street, with inadequate parking provision within the development;
- The site could be developed with an alternative scheme with adequate parking without a second drive way.

The Chair invited Councillor Ian Albert to address the Committee.

Councillor Ian Albert thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- Public consultation on the removal of parking spaces from the road was necessary;
- There had been no consultation on the TRO;
- The logical end point of the scheme in the report was that no public consultation would ever be necessary;
- The scheme of consultation on planning applications was different from wider consultation on parking matters for the whole road;
- 226 parking permits were issued for Radcliffe Road where there were around 70 residences;
- A reduction in parking spaces with an increase in residences would have a negative impact on an already congested site;
- The fact the site had been deemed a sustainable location where car parking was not necessary was inaccurate;
- Proposed bin storage solutions were not adequate and the bin collection location was too far away from the development and would negatively impact the narrow pavements;
- The developer had alternative proposals to consider and this application should be rejected.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Sue Ngwala

In response to questions Councillor Ian Albert advised:

- In his view conditions restricting the sale of further parking permits and requiring bin storage to be an adequate distance from the road were necessary;
- He believed the application should be rejected and the applicant should re-apply with an alternative proposal.

The Chair invited Mr Tom Donovan to address the Committee.

Mr Tom Donovan thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was an agent of the applicant speaking in support of the application.
- The question for the Committee was whether planning policy could support the imposition of conditions or requirements on a development and they should not be permitted unless they meet the relevant legal tests.
- There was no requirement to amend the TRO and as such no monetary implications to consider; though residents could apply for permits the development was small and the highways authority concluded the effect of new residents would be minimal.
- There was no justification for requiring conditions on parking in this case.
- This development would require a relaxation of parking space provision standards but such a relaxation was permitted under the SPD because of the developments sustainable location.
- The committee had to be mindful of the shortfall of housing in the District and the presumption in favour of sustainable development.
- There was no evidence to suggest the development would have a severe residual impact on the highway and the relevant statutory consultees had not objected on that basis.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Sue Ngwala

In response to questions Mr Tom Donovan advised:

- The NPPF was supportive of the reuse of vacant buildings and underutilised land.
- The provision of residential dwellings was the most significant benefit of the proposal and there was no evidence that any residual impact on parking conditions would be severe.
- The committee had to determine the application before it and could not consider it against an alternative scheme of design that had not been submitted.

The Chair invited the Senior Planning Officer to respond to issues raised during the presentations.

The Senior Planning officer advised on matters including:

- The 2011 Parking SPD was a planning document which was taken in to consideration but the Parking Strategy document was a parking services document which does not form part of the development plan and was therefore not considered.
- The location was sustainable and the development was small-scale and officers considered there was justification for a reduced level of parking for the dwellings.
- An additional parking space was proposed for N. 61A.
- The length of the parking bay removed by the development would be 5.4 M in length which represents one on-street parking bay, not two.
- The impact on the CPZ and TRO was considered by the Strategic Infrastructure and Development Manager and the report takes their professional advice.

The following Members asked questions and participated in the debate:

- Councillor David Levett
- Councillor Carol Stanier
- Councillor Tony Hunter
- Councillor Sue Ngwala

Points raised included:

- The removal of permitted development rights;
- Bin storage;
- The failure to comply with the standards of the Emerging Local Plan and the SPD on Parking in new developments;
- The provisions of the NPPF superseding the requirements of a supplementary planning document;
- Highways safety.

In response to questions the Development and Conservation Manager advised that if the Committee was minded to reject the application on highways grounds any appeal would require the Council to produce evidence demonstrating severe adverse impact.

Councillor David proposed, Councillor Sue Ngwala seconded and it was:

**RESOLVED:** That application 20/01638/FP be **REFUSED** planning permission for the following reason:

The proposal, by reason of the loss of on-street parking in a locality that experiences parking pressures, insufficient parking provision for the proposed development and the associated creation of additional parking demands, will result in a detrimental loss of parking provision that will adversely affect the locality. The proposal does not therefore comply with Policy 55 of the 1996 Adopted Local Plan; Policies SP6 and T2 of the Emerging Local Plan; Section 9 of the National Planning Policy Framework; and the Supplementary Planning Document 'Vehicle Parking at New Development' September 2011.

**142 20/02599/S73 LAND AT THE JUNCTION OF ASHWELL STREET AND, STATION ROAD, ASHWELL, HERTFORDSHIRE**

*Audio Recording – 1 hour 1 minute.*

Councillor Tom Tyson advised he would be acting as Member Advocate on this item and would take no part in the debate or vote.

The Senior Planning Officer presented the report of the Development and Conservation Manager in respect of application 20/02599/S73 supported by a visual presentation consisting of photographs and plans including the following updates to the report:

- A new condition to read “22. The garage hereby approved for plot 6 shall be retained for car parking purposes and for no other purpose incidental to the enjoyment of the dwellinghouse unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this garage is larger than others associated with this development to ensure its use is maintained for the stated purpose” was recommended.

The following Members asked questions:

- Councillor David Levett
- Councillor Michael Muir
- Councillor Mike Rice

In response to questions the Senior Planning Officer advised:

- The housing mix resulting from this permission would have been less acceptable if it had been proposed with the initial application but not enough to have resulted in a recommendation for refusal;

- The buildings were the same height as originally approved;
- Residents of these properties would not require planning permission to convert loft spaces into bedrooms;
- An applicant seeking alterations to original planning permission was not unusual and at while the timeline of this application was not ideal at this time there was no relevant enforcement issue .

The Chair invited Mr Norton Mahy to address the Committee.

Mr Norton Mahy thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- Section 73 was not an appropriate mechanism for this application;
- Policy HS3 required that a range of house types be considered which was not undertaken for this report;
- The original planning application passed the policy test on the basis of a mixture of 3 and 4 bedroom houses; if the policy were applied here it would find the housing mix unacceptable;
- Acceptable housing mix was an important aspect of the Ashwell neighbourhood development plan;
- That future residents of the development would be able to convert loft spaces into bedrooms was a spurious argument in favour of developers being permitted to do so;
- Marketing from the developers indicated their intention was always to sell these dwellings with additional rooms.

The following Members asked questions:

- Councillor Sue Ngwala

In response to questions Mr Norton Mahy advised that the Ashwell neighbourhood plan outlined the housing mix requirements of the area clearly and there was a need for development of 2-4 bedroom dwellings.

The Chair invited Councillor Tom Tyson to address the Committee in his capacity as a Member Advocate.

Councillor Tom Tyson thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- It appeared that the houses in the development had been built and marketed as 4-5 bedroom dwellings as envisioned by this application, not the earlier application which had been approved;
- This process appeared to circumnavigate the planning permission procedure;
- The assessment of need of housing mix in the Ashwell area suggested there was only a 1% need for 5 bedroom dwellings;
- The Section 73 procedure allowed for minor amendments or variations to conditions, not for the developer to change the nature of the development;
- This application rendered the development approved self-contradictory and Section 73 was not the correct mechanism for seeking approval.

The Chair thanked Councillor Tom Tyson for his presentation.

The Senior Planning Officer responded to issues raised in the presentations including:

- The Ashwell Neighbourhood Plan was not at a stage where its requirements could be considered to have full weight in regards to making a decision on this application;

- The availability of permitted development rights of future residents was given significant weight;

The Development and Conservation Manager advised that the description of the development had not changed and this application was to vary condition 2 of the approved application, as allowed by the Section 73 mechanism.

Councillor Tom Tyson was removed to the waiting room before the debate commenced.

Councillor David Levett asked for clarificatory advice on the Section 73 mechanism and the prospect of deferral.

The Development and Conservation Manager advised that policy HS3 had been considered in the report, that the existence of permitted development rights was considered significant, and that Section 73 gave room for the Committee to consider all planning considerations they felt relevant.

The following Members asked questions and participated in the debate:

- Councillor David Levett
- Councillor Ruth Brown
- Councillor Tony Hunter

Issues raised in the debate included:

- Sales price of the dwellings with additional bedrooms;
- Removal of permitted development rights;
- Housing mixture in Ashwell.

Councillor Tony Hunter proposed, Councillor Mike Rice seconded and it was:

**RESOLVED:** That Application 20/02599/S73 be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the following additional conditions:

“22. The garage hereby approved for plot 6 shall be retained for car parking purposes and for no other purpose incidental to the enjoyment of the dwellinghouse unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this garage is larger than others associated with this development to ensure its use is maintained for the stated purpose.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and C 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.”

*N.B The Chair called for a comfort break and the meeting adjourned at 9:15.*

*The meeting resumed at 9:24 PM. The Committee, Member and Scrutiny Officer conducted a roll-call to confirm all Members, Officers and registered speakers were in attendance.*



**143 20/03073/FP LAND AT NORTON COMMON, ICKNIELD WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE**

*Audio Recording – 1 hour 56 minutes.*

The Acting Principal Planning Officer presented the report of the Development and Conservation Manager in respect of application 20/03075/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Sue Ngwala
- Councillor Daniel Allen
- Councillor David Levett

In response to questions the Acting Principal Planning Officer advised:

- No trees would be removed but some bushes/shrubs would be, with their loss mitigated by the condition requiring planting and landscaping;
- The space occupied would be smaller than a standard car parking space;
- Cladding around the container had not been considered as a dark green colour combined with planting was considered sufficient;
- A wooden shed or similar would still require planning permission as the site had no permitted development rights.

The Chair invited Councillor Ian Mantle to address the Committee.

Councillor Ian Mantle thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- Visual amenity was the central issue at hand;
- Norton Common was a precious community asset and the location for this development was poorly chosen;
- It was situated at the highest point on the road and overlooked the Common;
- A shipping container was not attractive and should not be visually prominent anywhere;
- An air raid shelter and other structures had been situated on the Common without damaging its visual amenity.

The Chair thanked Councillor Ian Mantle for his presentation.

The following Members asked questions and took part in the debate:

- Councillor David Levett
- Councillor Sue Ngwala
- Councillor Daniel Allen
- Councillor Tony Hunter
- Councillor Michael Muir
- Councillor Mike Hughson

Issues considered during the debate included:

- Security of the shipping container;
- Cladding and visual amenity;
- Location;

Councillor Tony Hunter proposed, Councillor Michael Muir seconded and it was:

**RESOLVED:** That application 20/03073/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**144 20/03038/FP 103 BANCROFT, HITCHIN, HERTFORDSHIRE, SG5 1NB**

*Audio Recording – 2 hours 16 minutes.*

The Chair advised that Items 10 & 11 would be presented and considered together.

*N.B The debate and consideration of both items is recorded here at Minute 144.*

Councillor Ian Moody declared an interest in that he knew the applicant from their previous work as a business in Codicote and therefore he would take no part in the debate or vote on this item.

Councillor Daniel Allen called for a recorded vote.

The Acting Principal Planning Officer presented the reports of the Development and Conservation Manager in respect of Applications 20/03038/FP and 20/03039/LBC supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Liam Jordan and Ms Cath Cole to address the Committee.

Mr Liam Jordan and Ms Catch Cole both thanked the Chair for the opportunity to address the Committee.

Mr Liam Jordan gave a presentation including:

- Residents were in regular discussions with the local council about issues surrounding the influx of dining and take-away establishments into the area;
- An additional business of this type in the conservation area would compound the negative impact;
- Parking for take-aways in the area was unsustainable and unsafe;
- Pedestrian queuing along Bancroft was causing access issues for residents;
- Antisocial behaviour was an increasing problem in the area due to the proliferation of take-away establishments;
- There was not sufficient chimney extraction for the premises;
- There was no rear parking for the premises.

Ms Cath Cole gave a presentation including:

- The conversion of restaurants in to café/takeaway establishments in the area had caused problems with parking, antisocial behaviour, smell, litter and crowding, and demonstrated the negative impact of inundating an area with café/takeaway businesses;
- The conversion of a further unit to café/takeaway use would further exacerbate these problems which harm residents and would cause further highways issues;
- Residents are impacted by antisocial behaviour from customers.

The following Members asked questions of the speakers:

- Councillor David Levett

In response to questions Mr Liam Jordan advised that the alleyways on the side of the shop provided access to business premises.

The Chair invited Councillor Ian Albert to address the Committee.

Councillor Ian Albert thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He endorsed the points raised by the public speakers in objection;
- Hitchin had a thriving night-time economy and Bancroft had a number of popular establishments which drew people to the area;
- Business owners in the area were cognisant of the issues including parking which impacted local residents;
- There can be one too many café/restaurant/takeaway premises in one area and this could be the tipping point;
- There were now significant parking problems in the area which was causing problems for residents;
- The application should be rejected on the basis that there were too many similar establishments in the area already and the customers attracted would exacerbate parking problems;
- There were considerable environmental health issues from extraction systems in the area where the system was not adequate to handle the nature of the business and its capacity; the adequacy of the extractive system proposed for this development had to be demonstrated.

The following Members asked questions:

- Councillor Carol Stanier
- Councillor Daniel Allen
- Councillor Val Bryant

In response to questions Councillor Ian Albert advised:

- options for parking enforcement were being explored with parking enforcement officers and the police but the regularity of issues meant that daily monitoring was necessary and a further establishment would exacerbate the issue;
- Individual establishments could not by themselves resolve the parking issue;
- The area outside the premises were double yellow lined already and there was no parking available for guests, and customers were occupying spaces in the nearby taxi rank.

The Chair invited Mr Tom Donovan to address the Committee.

Mr Tom Donovan thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- The applicants had run a business in Codicote which became a key part of the local community and expanding in to Hitchin was a natural next step;
- The business intended to contribute to the Hitchin community and take part in projects such as the Business Improvement District;
- They were understanding and appreciative of the Hitchin area and the impact the business would have on the locale;
- The premises were a grade II listed building which was currently sitting empty;
- The premises were authorised under Use Class E and the application was for approval of a hot food takeaway component; the premises were already allowed to open as a restaurant;
- The application had already made concessions in the form of an internal flueless extraction system and a reduction in opening hours to mitigate the impact on the locale;
- The Conservation Officer was satisfied with the application;

- Other outlets in the area had led to inconsiderate parking by customers but it was unfair to assign responsibility to proprietors who had no responsibility for the public highway;
- There were other more appropriate mechanisms to control parking in the area;
- The applicant intended to show notices encouraging considerate parking;
- The application had been shown to be acceptable and there were no material reasons to justify refusal.

The following Members asked questions:

- Councillor Val Bryant

In response to questions Mr Tom Donovan advised that there were many viable options for parking in Hitchin and that it was unfair to couch the view that all customers parked inconsiderately.

The Acting Principal Planning Officer advised the following in response to issues raised:

- ETC5 supported these developments;
- The café use class was a deemed changeable use and did not require planning permission; this application was for the hot food takeaway component of the business;
- Parking was a matter for parking enforcement and the police to address.

The following Members asked questions and took part in the debate:

- Councillor David Levett
- Councillor Michael Muir
- Councillor Sue Ngwala
- Councillor Tony Hunter

Issues raised included:

- Material planning considerations and the prospect of appeal;
- Legal responsibility for parking issues;
- Bins.

In response to questions the Acting Principal Planning Officer advised that an informative on the provision for an on-street bin to be placed at the start and removed at the end of opening hours could be added.

Councillor Michael Muir proposed, Councillor David Levett seconded and the result of the recorded vote was:

**For:** Councillors: Daniel Allen, Ruth Brown, Tony Hunter, David Levett, Mike Rice, Tom Tyson, Michael Muir, Carol Stanier

**Total: 8**

**Against:** Councillors: Val Bryant, Mike Hughson, Sue Ngwala

**Total: 3**

**Abstain:**

**Total: Nil**

Therefore it was:

**RESOLVED:** That application 20/03038/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager and the following additional informative:

“BIN INFORMATIVE:

A rubbish bin is to be placed on the pavement outside of the front window of the premises during trading hours only. It is the responsibility of the user of the unit to empty the bin and ensure that it is not left out during the hours the unit is closed.”

**145 20/03039/LBC 103 BANCROFT, HITCHIN, HERTFORDSHIRE, SG5 1NB**

*Audio Recording – 2 hours 55 minutes.*

*N.B the report, consideration and debate of this item is recorded at Minute 144.*

Councillor Daniel Allen proposed, Councillor Michael Muir seconded and it was:

**RESOLVED:** That application 20/03039/LBC be **GRANTED** Listed Building Consent subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

**146 20/02573/FP LAND ADJACENT, COACH DRIVE, HITCHIN, HERTFORDSHIRE**

*Audio Recording – 2 hours 57 minutes.*

The Development and Conservation Manager presented the report in respect of Application 20/02573/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Peter Hope to address the Committee.

Mr Peter Hope thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was opposed to the development;
- The proposal would result in development out of keeping with the general character of the area;
- The development was in-fill with significant visual impact on the surrounding area impairing its character and quality;
- The proposed plot was smaller than that of surrounding residences and a development of this size on a small plot would impact neighbouring buildings;
- Plans submitted indicated the north and south walls were 85 and 90 centimetres respectively from the border fences;
- The site was elevated and had rear windows that would overlook neighbouring gardens resulting in loss of light and invasion of privacy;
- The front aspect of the building was away from the main building line of the road and therefore out of keeping with the area;
- Vehicles emerging from the site would exit on to a blind section of Gosmore Road at increased risk and as such the development contravened NPPF highways requirements.

The Chair invited Councillor Simon Harwood to address the Committee.

Councillor Simon Harwood thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- The development would substantially alter the prevailing character of the area;
- The dwelling would grossly in-fill the land between existing properties;

- The proposal would impact both the built and environmental character of the area;
- Section 5.1.1 of the report states that the site was not development in the Green Belt which was not accurate where the access drive to the property sits on green belt land;
- Access to the property off Gosmore Road was problematic for the reasons outlined above;
- The front aspect of the property would form a new building line significant in front of existing properties;
- The proposed dwelling would be too close to neighbouring dwellings;
- The garden was not redundant before recent occupation;
- The application should be rejected on the basis that the development sets a precedent for infill of garden land between properties changing the character of the local area.

The following Members asked questions:

- Councillor Daniel Allen

In response to questions Councillor Simon Harwood advised that he lived around 1km from the proposed development and was not adversely affected by the proposals.

The Chair invited Mr Jerry Fiore to address the Committee.

Mr Jerry Fiore thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- The report of the Development and Conservation Manager was comprehensive and he endorsed its contents and recommendation;
- The proposal was a high quality design in keeping with the surrounding area and acceptable on planning grounds;
- The architect was keen to incorporate design elements that made the development sympathetic to the area including matching materials, a similar scale of property, with a reduced ridge height and set at an acute angle to avoid overlooking;
- Shadow diagrams were not called for by the Planning department and the report did not consider loss of light to be an issue;
- There were no trees removed as part of this proposal; mature trees had been removed from neighbouring properties on professional advice;
- If it was necessary a landscaping scheme including planting of screening or hedges could be considered;
- The development was to be a family home built to a high standard and incorporating energy saving measures.

The Development and Conservation Manager addressed points raised by the speakers including:

- The plans clearly demonstrated that the development site was not situated in the green belt; a very small portion of the access drive crossed the boundary in to green belt land; none of the built portion would be in the green belt;
- The site was situated at a transition point on a corner between two building lines and therefore its deviation was not relevant;
- The proposal was well designed for a tighter plot of land compared to the large plots in the surrounding residences;
- Its impact would not constitute gross infill in particular as the site was situated in a built residential area in Hitchin.

The following Members asked questions and took part in the debate:

- Councillor Daniel Allen

- Councillor Mike Hughson
- Councillor Carol Stanier

Issues raised during the debate included:

- Material planning considerations;
- Boundary distances;
- Screening and landscaping.

In response to questions the Development and Conservation Manager advised:

- The issues of boundary distance and the 30 meter rule were policy guidance rather than hard legal limits and in view of the whole scheme the distances proposed were acceptable;
- A condition requiring a landscaping scheme to be submitted for approval by the planning authority could be added.

Councillor Daniel Allen proposed, Councillor Mike Hughson seconded and it was:

**RESOLVED:** That application 20/02573/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager and the following additional condition:

“Prior to the commencement of the development hereby permitted, full details of additional soft landscaping/planting within the site shall be submitted to and approved in writing by the Local Planning Authority. Such planting shall thereafter be carried out in accordance with the approved details within the first planting season following the first occupation of the development. The additional trees and planting shall thereafter be retained for five years following planting and should any trees die or are damaged within the first five years they shall be replaced by trees of a similar size and species and thereafter retained for the remainder of the five year period.

Reason: To achieve a high quality soft landscaping scheme associated with this development in the interests of amenity and biodiversity.”

**147 20/00643/LBC RYE END FARM, GREEN LANE, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8SU**

*Audio Recording – 3 hours 20 minutes.*

*N.B The presentations, debate and consideration of Items 13 and 14 are recorded here at Minute 147.*

The Conservation Officer presented the report in respect of application 20/00643/LBC supported by a visual presentation consisting of photographs and plans along with the following update:

- The description of the proposal should be amended to omit reference to the single storey extension to front (east side) of West Stables.
- The application has been amended by drawing nos. 11F, 12F, 13E, 14F, 15D, 16D, 17B, 18G, 19E, 20D and 22B received on 16 December 2020 and amplified by drawing nos. REF-MNP-WSC-SK-S-4011 Rev P1 and MBS-280 East Stables and MBS-280 West Stables received on 21 January 2021.

The following Members asked questions:

- Councillor David Levett

In response to questions the Conservation Officer advised that the buildings at risk register categorised sites according to their condition and state of occupancy; if a property was vacant and in fair condition it would be considered vulnerable; if vacant and in poor condition it is 'at risk.' According to structural assessments this was in fair condition and as are considered 'vulnerable' and if left unoccupied and unmaintained could fall in to a higher 'at risk' category.

The Development and Conservation Manager presented the report in respect of application 20/00642/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Hunter Peace to address the Committee.

Mr Hunter Peace thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He objected to the proposals;
- He had no objection to the conversion of existing buildings on the plot and the conversion of all existing buildings would triple the available floor space on the site;
- The locale was uniquely unspoilt by modern building development and was one of the few truly rural locations in Hertfordshire;
- The site was of high heritage value;
- The owners had already erected two stable buildings in front of the listed barn house and further applications were expected;
- Demolition work had been carried out and no enforcement action by the Council had been taken; the buildings were not at imminent risk of collapse as had been claimed;
- There was a statutory duty to protect heritage assets and to avoid harm but there was no evidence these properties would fall in to the at risk category without this development;
- The proposed cladding of the property and the link buildings between existing structures were out of keeping with the area;
- No landscaping recommendations had been made.

The Chair invited Councillor John Bishop to address the Committee:

- There was a statutory duty to protect heritage assets;
- This proposal represented overdevelopment of the site;
- It was not returning the site to its optimal use;
- There were grounds to refuse these applications on the basis that there was no public benefit to compensate for the harm caused to a listed building; the officer had identified one benefit based on an unfounded assumption only.

The Chair invited Mr Perry Jones to address the Committee.

Mr Perry Jones thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was an agent of the applicant speaking in support of the applications;
- This item had been called in to the Committee earlier in the year by Councillor John Bishop prior to any of the works undertaken to prevent the building from collapsing;
- The site had been purchased two years ago and the applicants had worked very closely with planning and conservation officers to present these applications;
- The Grade-II listed buildings had been unoccupied and fallen in to disrepair and required restoration;
- The proposal would turn them in to a functional family home and preserve their heritage value;
- The proposals were fully funded by the applicants;



- Works that had been undertaken on site were done so under guidance and recently checked by NHDC enforcement officers;
- The applicants were conservationists and wanted to work to safeguard the environment and habitats on the site and were working with Herts Ecology on a rewilding project.

In response to issues raised by speakers the Conservation Officer advised:

- Historic England was not a statutory consultee for Grade-II listed buildings such as these and had expressed no view on the proposals;
- With regard to Paragraph 196 of the NPPF, if there is less than substantial harm to the heritage asset then this is not just weighed against public benefits but also against seeking an optimum viable use. While residential development may not have been the absolute optimal use it was the optimal viable use and the use for which an application had been made;
- Photographic evidence demonstrated that while the condition of the building is fair there were elements which were a cause for concern;
- To refer to works undertaken on the site as 'extensive demolition' would be incorrect. Works to two areas of floor and the removal of tiles from the main barn roof to facilitate repairs to the roof, are not regarded as 'demolition';
- Although CPRE referred to Rye End Farmhouse as a C15 yeoman farmhouse, the barn/stable range is much later and could not be described as yeomanry outbuildings;
- Whilst the original use of the buildings may be their optimal use, these uses were not viable.

The following Members asked questions and took part in the debate:

- Councillor David Levett
- Councillor Sue Ngwala
- Councillor Michael Muir

Issues raised during the debate included:

- Conservation vs Preservation
- Method of heating

Councillor David Levett proposed, Councillor Sue Ngwala seconded and it was:

**RESOLVED:** That application 20/00643/LBC be **GRANTED** Listed Building Consent subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

**148 20/00642/FP RYE END FARM, GREEN LANE, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8SU**

*Audio Recording: 3 hours 42 minutes.*

*N.B The report in respect of this application was presented in conjunction with Item 14. The debate and consideration of these items is recorded at Minute 147.*

Councillor David Levett proposed, Councillor Sue Ngwala seconded and it was:

**RESOLVED:** That application 20/00642/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

**Wednesday, 14th April, 2021**

The meeting closed at 11.32 pm

Chair