NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERNON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF ON TUESDAY, 15TH APRIL, 2025 AT 7.00 PM

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Amy Allen, Ruth Brown, Ian Mantle, Bryony May, Louise Peace, Tom Tyson, Martin Prescott, Val Bryant, Jon Clayden and Mick Debenham.*

In Attendance: *Sam Dicocco (Principal Planning Officer), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Tom Rea (Senior Planning Officer), Douglas Traill-Stevenson (Property Solicitor) and Melissa Tyler (Senior Planning Officer).*

Also Present: *At the commencement of the meeting there were no members of the public.*

157 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 18 seconds

Apologies for absence were received from Councillors Sadie Billing, Emma Fernandes, Nigel Mason and Caroline McDonnell.

Having given due notice, Councillor Val Bryant substituted for Councillor Billing, Councillor Mick Debenham substituted for Councillor Mason and Councillor Jon Clayden substituted for Councillor McDonnell.

158 MINUTES - 20 MARCH 2025

Audio Recording – 2 minutes 2 seconds

Councillor Ruth Brown advised that under Paragraph 3 of Minute 145, '23/02935/FP' should be amended to '23/02935/OP'.

Councillor Elizabeth Dennis, as Chair, proposed, as amended, and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 20 March be approved, as amended, as a true record of the proceedings and be signed by the Chair.

159 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 35 seconds

There was no other business notified.

160 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 39 seconds

(1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.

(2) 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.

(3) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

161 PUBLIC PARTICIPATION

Audio recording – 4 minutes 27 seconds

There was no public participation at this meeting.

162 24/02624/RM LAND AT, HEATH ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8PL

Audio recording – 4 minutes 35 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02624/RM and advised that:

- An amended landscaping plan which included boundary treatment along the north, south and west parts of the site in the form of a 1.8m close board fence had been received.
- Because of this, the recommendation at paragraph 4.3.26 in the report to add a boundary treatment condition was no longer necessary.
- They had received an amended site plan with a two-meter-wide green corridor along the northern boundary of the site as required by condition 8 of the outline permission. The Highways Authority had raised no objection to these details.

The Senior Planning Officer then presented the report in respect of Application 24/02624/RM supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Louise Peace

In response to questions, the Senior Planning Officer advised that:

- Permitted Development Rights (PDR) had not been withdrawn from the outline permission for the development.
- The developer had submitted a pre-construction energy and sustainability statement as part of the outline permission which detailed solar panels and ground source heat pumps to be included on the development.
- A swept path drawing had been received and a means of access had been included within the outline permission.

Councillor Ruth Brown proposed to grant permission, and this was seconded by Councillor Ian Mantle.

Councillor Ruth Brown proposed an amendment to include an additional condition limiting PDR on the site, and this was seconded by Councillor Louise Peace.

The following Members took part in the debate on the amendment:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Martin Prescott
- Councillor Mick Debenham
- Councillor Val Bryant
- Councillor Martin Prescott
- Councillor Elizabeth Dennis
- Councillor Amy Allen

The following points were raised as part of the debate on the amendment:

- Having developments in the district with a high percentage of 3-bed dwellings and 1 to 2-bed dwellings was desirable and the already undesirable housing mix of all 4-bed dwellings on the proposed development would be made worse if they were developed into 5-bed or 6-bed dwellings.
- The affordability of the properties would be impacted if they were extended into 5-bed or 6-bed dwellings.
- Adding one or two bedrooms to each property would increase the number of vehicles used by future occupiers which would lead to more traffic and potentially congestion on the nearby roads.
- Removing PDR would not stop future occupiers from applying for planning permission to increase the number of bedrooms in the dwellings.
- Roof extensions, particularly dormers would impact the appearance of the dwellings and cause harm in this aspect to the existing site.
- There was more concern over additional bedrooms being added through the enlargement of roof space rather than outbuildings or extensions as they would need planning permission if they were larger than a certain size.

In response to points raised in the debate on the amendment, the Principle Planning Officer advised that:

- PDR only came into effect once a dwelling had been occupied, not during the construction phase. Therefore, the ten 4-bed dwellings would be built as proposed in the application and could not be extended in terms of number of bedrooms per property by the developer.
- If PDR was removed, future residents could still apply for planning permission to build additional bedrooms in the roof space of their dwellings. Their applications would be delegated to officers as householder planning applications.
- Reserved Matters were limited to appearance, layout, landscape and the amendment should be based on one of these factors, not a factor such as housing mix which was considered within the outline permission.
- Members could choose to remove PDR from all dwellings or from a specified number within the development.
- Removing rights from the development should not be done without a justified reason as they were established at a national level by the government.
- The possibility of future occupiers increasing the number of bedrooms in the dwellings should not be a reason for removing PDR on this application alone.
- Roof extensions, particularly on corner properties could impact the scale and appearance of the dwellings.

Following a vote, the amendment was ***CARRIED.***

Having been proposed and seconded and, following a vote, the substantive motion was:

RESOLVED: That Application 24/02624/RM be ***GRANTED*** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the additional Condition 5, as follows:

'Condition 5:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B 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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.'

163 23/00407/FP NODE COURT, DRIVERS END, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8TR

Audio recording – 31 minutes 6 seconds

The Chair advised Members that the reports for Applications 23/00407/FP and 23/00408/LBC would be presented together.

The Senior Planning Officer informed Members that a representation had been received from a neighbour of the site and advised that:

- Their main concern around the proposed development was with the state of Drivers End Lane.
- They described the road as difficult to navigate with few passing places, having no pathway for pedestrians and being frequently flooded.
- They were looking forward to seeing Node Court restored, but before this could happen, the site access for vehicles would have to be improved.

The Senior Planning Officer then presented the reports in respect of Applications 23/00407/FP and 23/00408/LBC supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Jon Clayden
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Elizabeth Dennis
- Councillor Ian Mantle

In response to questions, the Senior Planning Officer advised that:

- No alternative proposals had been put forward for the use of the site.
- The terraced houses would cause harm to the listed building in its setting, therefore they were undersized and uncompliant with policy to limit the damage.
- Highways had not provided any conditions for the application.

- Where the site was previously used for commercial purposes, traffic was concentrated at certain times, whereas traffic would be spread throughout the day if the site was to be used residentially as proposed.
- S106 contributions from the developer would be waived in exchange for the district gaining a listed building.
- The width of Drivers End Lane was unknown.
- There was no information on the volume or type of construction vehicles that would be deployed during the construction phase of the development.
- Drivers End Lane had several residencies along it.
- Whether the apartments would be sold on a freehold or leasehold basis would not be for the Council to decide as it was outside their remit.

In response to questions, the Principle Planning Officer advised that:

- Highways had not wished to attend the meeting and had not provided conditions for the application, however, they recommended that the visibility splay condition in the addendum should be implemented.
- If the Council decided to enforce a condition on the application for the developer to provide a construction traffic management plan, this would need approval from Highways. However, they had objected to the application in principle and would be unlikely to agree this which could cause problems for the developer going forward.
- The objection from Highways was based on visibility splays and the site location which they deemed to be unsustainable as it was car dependent.
- An objection to construction traffic resulting from the development had not been raised by Highways, therefore they would be unlikely to support the Council if they put a condition on the application for there to be a construction traffic management plan.
- Highways agreed that vehicle movement on Drivers End Lane would be greater if the site was used commercially rather than residentially as proposed.

Councillor Martin Prescott proposed to grant permission, subject to the resolution of negotiation of a S106 or legal agreement which secures the heritage benefits, which will be negotiated post-resolution and the additional Condition 25 as set out in the supplementary document. This was seconded by Councillor Amy Allen.

The following Members took part in the debate:

- Councillor Mick Debenham
- Councillor Amy Allen
- Councillor Jon Clayden
- Councillor Elizabeth Dennis
- Councillor Louise Peace
- Councillor Val Bryant
- Councillor Ruth Brown
- Councillor Bryony May
- Councillor Martin Prescott

The following points were raised as part of the debate:

- Permission should be granted as Node Court was an eyesore and it would great to see the listed building restored to its former state.
- Residents would like to see the building restored, but their biggest concern was regarding traffic.
- It was a shame that the applicant was not in attendance to answer questions on the application.

- They were being asked to suspend several important conditions when granting permission such as living space standards, greenbelt impact, sustainability, S106 contributions and an allocation of affordable housing.
- Independent assessment and viability of the site had been undertaken.
- Certain pieces of information were unavailable to help the Committee make an informed decision on the application.
- The number of units in the application were not an issue as it was an enabling development and more units should be added in order for the Council to receive S106 contributions and affordable housing from the site.
- Since 2015, multiple applications for the site had been received and withdrawn.
- It was an enabling development that would bring the listed asset back into use and resolve issues such as anti-social behaviour and fly-tipping at that location, however, it also ignored several planning policy considerations.
- Discussions on the viability of the application had been robust enough for it to be presented to the Committee.
- The Planning Control Committee considered each application based on individual merits and a decision on this application would not set a precedent for decisions on future applications.
- An amendment to defer the application until they received more information could be agreed.
- This application possessed architectural merit and more units within the application could be considered, however, this would increase the harm to the heritage asset in addition to traffic on the nearby roads.
- Single track roads such as Drivers End Lane had advantages to them in that drivers were forced to drive at lower speeds due to their layout.
- On balance, if the Committee wanted to gain a heritage asset and provide additional dwellings that would not cause excessive harm to it, the application should be approved.

In response to points raised in the debate, the Principle Planning Officer advised that:

- It was speculated that previous applications for the site had been withdrawn as evidence from the developer to prove that the bare minimum amount of harm and land usage to restore the heritage asset had not been robust enough.
- The removal of two units from the application had been negotiated to ensure that the minimum possible harm to the heritage asset had been achieved.

In response to points raised in the debate, the Chair clarified that if the application was deferred, there was a risk that it would either be appealed by the applicant, or that it would be considered by the Committee at a future meeting with little to no changes due to the heritage concerns that would make the application difficult for officers to amend.

Having been proposed and seconded, the motion to approve the application was put to a vote, following which the vote was tied.

Therefore, the Chair was required to cast the deciding vote and it was:

RESOLVED: That Application 23/00407/FP be ***GRANTED*** planning permission subject to the resolution of negotiation of a S106 or legal agreement which secures the heritage benefits, which will be negotiated post-resolution; and Conditions and Informative as set out in the report of the Development and Conservation Manager, with added condition as may be required in association with the S106 or legal agreement, and the following additional Condition 25, as follows:

'Condition 25:

Prior to Occupation, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to the both directions 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 ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).'

164 23/00408/LBC NODE COURT, DRIVERS END, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8TR

Audio recording – 1 hour 18 minutes 29 seconds

Councillor Martin Prescott proposed to grant permission with the amended Conditions 2 and 3 and this was seconded by Councillor Amy Allen and following a vote, it was:

RESOLVED: That Application 23/00408/LBC be ***GRANTED*** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with amendments to Conditions 2 and 3, as follows:

'Condition 2:

Node Court together with The Midden shall be re-thatched using Norfolk Reed with wheat straw ridges and not combed wheat reed unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

Condition 3:

Prior to the occupation of any units, the thatched walkway linking Node Court with The Midden shall be refurbished and confirmation of the completed works shall be submitted in writing to the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.'

165 APPEALS

Audio recording – 1 hour 20 minutes 4 seconds

The Principal Planning Officer presented the report entitled 'Planning Appeals' and advised that:

- One appeal had been allowed on a householder application for an outbuilding and PDR had been referenced in the comments from the Inspector which they would take on board for future decisions.

- Another appeal had been dismissed on a new detached dwelling which showed that small sites could be defended by the Council on the grounds of character and appearance.

The meeting closed at 8.26 pm

Chair