

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**  
**PLANNING CONTROL COMMITTEE**  
**MEETING HELD AS A VIRTUAL MEETING**  
**ON TUESDAY, 24TH NOVEMBER, 2020 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors: Councillor Ruth Brown (Chair), Councillor Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Moody and Tom Tyson, Sam Collins (substitute), Ian Mantle (substitute) and Michael Muir (substitute)*

**In Attendance:** *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Andrew Hunter (Senior Planning Officer), Melissa Tyler (Senior Planning Officer), William Edwards (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

**Also Present:** *At the commencement of the meeting approximately 6 members of the public, including registered speakers. Councillor Elizabeth Dennis-Harburg was present as Member Advocate. Nick Molyneux, Matthew Armstrong and Ania Jakacka were present to advise the Committee.*

**58 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY**

*Audio Recording – 4 seconds.*

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 and
- Voting

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.

**59 APOLOGIES FOR ABSENCE**

*Audio recording – 3 minutes 35 seconds.*

Apologies for absence were received from Councillors Sean Prendergast, Sue Ngwala, David Levett and Mike Rice.

Having given due notice Councillor Sam Collins advised he would be substituting for Councillor Sean Prendergast, Councillor Ian Mantle advised he would be substituting for Councillor Sue Ngwala, and Councillor Michael Muir advised he would be substituting for Councillor David Levett.

**60 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 4 minutes.*

There was no other business notified.

**61 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 4 minutes and 7 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.

A warning would be given at 4 ½ minutes and speakers would be asked to cease at 5 minutes.

- (5) The Chair advised that the meeting would adjourn for a comfort break around 9pm or after the first item, whichever was sooner.

**62 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes and 49 seconds.*

The Chair confirmed that the registered speakers and Member Advocate were in attendance.

**63 20/00073/FP North Hertfordshire College, Cambridge Road, Hitchin, Hertfordshire, SG4 0JD**

*Audio recording – 6 minutes and 9 seconds.*

**Tuesday, 24th November, 2020**

The Senior Planning Officer advised that Hertfordshire County Council Growth and Infrastructure Unit had informed him that paragraph 3.1.1 of the report should instead read “towards childcare provision as part of the new 2FE primary school on the Highover Farm Hitchin development site.”

The Senior Planning Officer advised that there had been two updates to the Section 106 agreement: the £122,000 contribution to the Hitchin Station Access scheme had been reinstated by the applicant and two new grass pitches are included as well as the full size artificial pitch in the off-site developments for the Priory School.

The Senior Planning Officer presented the report in respect of application 20/00073/FP supported by a visual presentation in consisting of photographs and plans.

The following Councillors asked questions of clarification regarding the report:

- Councillor Daniel Allen
- Councillor Ian Mantle
- Councillor Sam Collins
- Councillor Val Bryant

In response to questions the Senior Planning Officer noted that:

- The reduction in amenity area size applied to all flats in the development;
- The play area would be managed by a private management company which was secured by the Section 106 agreement;
- Phasing agreements as part of the Section 106 agreement would ensure that both parts of the development would be delivered if approved;
- Condition 10 stated the details of electrical charging facilities to be provided for each dwelling;
- Advice would need to be sought from the Air Quality Officer on the appropriate level of EV provision for the blocks of flats.

In response to questions the Legal Regulatory Team Leader and Deputy Monitoring Officer advised that:

- The play area would be kept in perpetuity;
- The public open space scheme includes the equipment in the children’s play areas which would be managed by the management company engaged;

In response to questions Matt Armstrong, the Highways Development Manager – HCC advised:

- Modelling showed that during peak hours at the signalised junction the biggest increase was during the AM peak with 5 extra queuing vehicles, adding 14 seconds to journey time; at the roundabout the model showed an extra 2 queueing vehicles during the PM peak;
- The increase in traffic was not large.

Dixon Searle Senior Consultant, Nick Molyneux presented the Viability Report as follows:

- the housing scheme in itself was viable; the threat to viability of the project came from the college facilities;
- In the applicants own appraisal the college sporting facilities were of no revenue generating value which was normal;
- After disagreement over the works cost a quantity surveyor was commissioned; the agreed position after the survey was £1.6 million below the submitted works cost and

the viability appraisal was conducted with that cost in mind in addition to other figure figures disputed with the applicant;

- The appraisal indicated residual land value of £1.5 million;
- The latest appraisal assumed that a land value no more than £1.5 million was allowable alongside the enabling cost, effectively counting the provision of sports facilities as an abnormal cost in the enabling housing development;
- The application asked Councillors to agree to a trade-off between a development which was not policy compliant with regards to social housing but provided benefits in the form of sports facilities for the college and off-site provision;
- The appraisal assumed there would be nil development profit return on the college facilities and a 17.5% profit on the residential development which was mid-range rather than the upper range suggested by the applicant;
- There was no additional surplus available for affordable housing;
- The submitted development appraisal included £1.8 million non-residential development contributions including improvements to Hitchin station;
- The Council was being asked to consider the principle of the trade off and to decide whether it strikes the balance between the need to improve college facilities and other infrastructure developments and the lower than policy compliant social housing contribution.

Mr Gordon McPhail thanked the Chair for the opportunity to address the Committee in objection to application 20/00073/FP including:

- He was a resident living nearby and had consulted with other local residents;
- Any sensible residential development for Hitchin would not include cramming housing on to the grass playing fields used by the college and community and next to a wildlife reserve;
- It would not add entries to one of the busier and more congested roads in Hitchin;
- Recent knife and gang crime on the alleyways around the development was already a concern;
- The proposal was based on the financial desperation of the college;
- There is no counterbalancing necessity; the 116 houses proposed, if they were necessary, did not need to be positioned on the college playing fields;
- The current proposal harms the college and is a compromise on the part of the developer;
- The Committee should consider negotiating planning permission for a more sensible development in return for the donation of the playing fields into community ownership;
- Traffic congestion would be exacerbated;
- Noise and light pollution would increase during construction; emissions would be significantly worse;
- The visual impact of the development would be significant; the tallest buildings in the plan were on the highest elevation in the site which has the most impact on the view across the nature reserve;
- The valley next to the reserve would suffer from a heat bubble during summer

The following Members asked questions of clarification to Mr McPhail:

- Councillor Sam Collins

In response to questions Mr McPhail noted:

- Residents were already suffering as a result of parking in Chaucer Way and Gibson Close and the Station and the change in the plan to open the development on to footpath 83 would give rise to additional non-resident parking in these areas.

The Chair thanked Mr McPhail for his presentation.

Councillor Elizabeth Dennis-Harburg thanked the Chair for the opportunity to address the committee as a Member Advocate regarding application 20/00073/FP including:

- She fully endorsed the issues and concerns Mr McPhail raised;
- This application required Members to set aside their ethics and accept the developer's proposal because of the wider good of investment in new football facilities across Hitchin;
- The reinstatement of a contribution to station access works was welcomed and essential as more houses are built on this side of Hitchin;
- This reinstatement was only negotiated by officers after a difficult meeting and pressure from Members; the developer had been difficult to deal with;
- The Council requires a 40% quota of affordable housing (in government terms). This proposal only offers 15% - 17 homes, rather than the 46 which there would be if it was policy compliant;
- Within that allocation the split between rented and shared ownership was not satisfactory; 59% rented to 41% shared ownership was not acceptable in view of present and forecast economic conditions;
- This application did not meet the needs of the community of Hitchin;
- The application proposed to replace a large green space with concrete and residential gardens smaller than they should be;
- The application did not specify any ecological measures such as building methods, materials or solar panels;
- The balance of cycle parking vs motor car parking was not favourable to the sustainability goals of the Council;

The following Councillors asked questions of clarification to Councillor Dennis-Harburg:

- Councillor Sam Collins

In response to questions Councillor Dennis-Harburg advised:

- The issue of waste collection wagon access had been discussed in a meeting;
- At present the width of the access road would not accommodate one of the usual wagons, necessitating the use of a smaller farm vehicle, which would have operational impacts on other areas of the service that she would not welcome;
- Officers would be able to comment on this in more detail during the debate.

The Chair thanked Councillor Dennis-Harburg for her presentation.

Mr Kit Davies, North Herts College, thanked the chair for the Opportunity to address the Committee in support of application 20/00073/FP including:

- This application represented the future of the college which had been at the heart of the Hitchin community for 55 years;
- The facilities of the college needed to grow into the future and protect its long term sustainability;
- The college taught over 9,000 students and apprentices each year with excellent achievement rates;
- Its sports and public service curriculum was a key pillar of the college's offer;
- The sports facilities were in poor condition and were a drain on resources to maintain. Staff and students were having to access alternative facilities to deliver the curriculum.
- New facilities were required to continue the curriculum and develop new aspects of a sports science course;
- The proposed development enabled this investment to happen; it would increase the ability of the college to deliver high level courses;

**Tuesday, 24th November, 2020**

- The Priory School would also benefit significantly from the development as a result of the off-site pitch expansion;
- The NHDC pitch playing strategy identified Hitchin as a hot spot in need of more facilities;
- The high quality housing development was an added benefit;
- The Section 106 agreement brought significant infrastructural improvements to the area including cycle pathways and the Hitchin station access project;
- Against a backdrop of underfunding in the sector the development would put the College on the path to longer term financial sustainability;
- The development of the sporting facilities would improve health and wellbeing in the community; the development of education and training would create jobs and other benefits.

The following Councillors asked questions of clarification to Mr Davies;

- Councillor Daniel Allen;

In response to questions Mr Davies advised:

- The college is classified as 'requires improvement,' in the area of financial health; it meets its obligations and pays its bills; the development would allow them to take positive investment steps in their facilities which they cannot do otherwise.

The Chair thanked Mr Davies for his presentation.

*N.B the Chair called a rest break shortly before 9 PM and the Committee resumed the meeting at 9:05.*

*The Committee, Member and Scrutiny Officer took a roll call to confirm Members, Officers and Registered Speakers were in attendance*

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

- Councillor Sam Collins
- Councillor Ian Mantle
- Councillor Mike Hughson
- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Tom Tyson
- Councillor Michael Muir
- Councillor Ruth Brown
- Councillor Ian Moody

In response to questions the Senior Planning Officer advised:

- Access to the site by refuse lorries and other large vehicles was not inhibited; the road width was sufficient to handle those vehicles as a result of prior consultations with officers;
- The sustainability statement provided by the applicant covered the options available and concluded that a 'fabric first,' approach which aimed to minimise expected emissions through efficient design would be most effective;
- A significant number of trees were proposed in the landscape masterplan with substantial planting which would offset any loss of existing trees; it was estimated there would be 100 or so.
- He did not agree with the view of the Landscape Officer and noted that the Landscape Officer's recommendation in any case did not call for a refusal;

**Tuesday, 24th November, 2020**

- Each house and the flats had proposed bin storage facilities which had not been opposed by the Waste Officer;

The Highways Development Manager – HCC advised that:

- Accesses on to the public highway had been tracked using the largest refuse vehicles and had been shown to work, and late changes to the internal passages in the development showed they could make manoeuvres internally;
- A Grampian condition had been used to request that Cycle access via Chaucer Way be expanded and the path widened to a shared use access;
- A construction traffic management plan had been included in the report and HCC would only agree to the discharge of the condition if their concerns were met;
- The developer had been encouraged to provide a separate access route off the main carriageway including a shared 3m foot/cycle path; the ideal scenario would have been completely separate cycleway routes which was rejected by the developer on landscaping grounds;
- As an alternative the use of the shared access road by cyclists was agreed upon which was compliant with the LTN120 national cycle guidance.

Ania Jakacka, Senior Highways Officer – HCC advised that:

- Cycle parking provision through blocks A, B and C would include 43 cycle parking stations and block D would include 19; two stands for each block would also be positioned for visitors;
- Cycle access to St Michael's Road would be via a 5.5 meters path with ramps which would be sufficient to allow for all cyclists;
- There was one access on the right of way path which had stairs, and two further right of way access points which were fully accessible and compliant.

The Development and Conservation Manager advised:

- Technical issues could be resolved by accepting recommendations and tweaking the conditions;
- Cycle access issues had been addressed by the Highways officers;
- The affordable housing issue was a matter of balance between the development of the sports facilities also in the proposal and the housing development; the phasing plan ensures that the development cannot be split and both parts would be delivered;
- Refusal on the basis of affordable housing policy noncompliance if challenged at appeal would require evidence of Members' views on the lack of value of the sports facilities improvements;
- Refusal on the basis of detailed design was not a strong case;
- The Committee had to determine whether it accepted the concept of an enabling development;
- The maintenance of the play equipment in the play area in perpetuity would be a term of the legal agreement reached with any potential management company;

Councillor Daniel Allen proposed that the application be granted subject to the updated conditions below. Councillor Michael Muir seconded.

Upon the vote it was:

**RESOLVED:** That application 20/00073/FP be **GRANTED** planning application subject to the conditions in the report of the Development and Conservation Manager and the following amended and additional reasons:

Condition 10 to be amended to read:

“Development B - Prior to the occupation of any dwelling, details of electrical wiring to accommodate facilities for charging plug-in and other ultra low emission vehicles for each dwelling, and each flat block (1 charging point per minimum 5 parking spaces shall be provided, including two charging points for Block D), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of each specific unit.

Reason - To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse of the operational phase of the development on local air quality.”

Condition 17 to be amended to read:

“Development B - The measures set out in the submitted Ecological Assessment, and Biodiversity Net Gain Assessment (including any amendments and/or additions to these documents) shall be implemented prior to occupation of Development B, and thereafter shall remain in perpetuity.

Reason: In the interests of the protection of ecology and providing a net ecological gain within the site.”

Condition 23 to be amended to read:

“The relevant parts of the development (A and B) shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 19 for Development A, and condition 20 for Development B, and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.”

Condition 30 to be amended to read:

“Development A - Existing Access –Improved: Cambridge Road- Prior to the first use of the Sports Hall, the existing vehicular access onto Cambridge Road shall be upgraded to the satisfaction of the LPA, to provide a raised pedestrian crossing together with a right turn lane and new section of footways to each side of the access with tactile paving and dropped kerbs, as shown on the plan ref Ghosted right turn priority junction 191900-008 Rev C. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).”

Condition 31 to be amended to read:

“Development B - Existing Access – Improved: St Michael’s Road- Prior to the first occupation of the residential development hereby permitted, a revised plan should be submitted that shows the existing vehicular access onto St Michael’s Road narrowed down (subject to tracking) and upgraded to provide a raised pedestrian crossing with tactile paving. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The access shall then be upgraded in accordance with the approved plans before first occupation of the residential development.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).”

Condition 32 to be amended to read:



“Development B - Chaucer Way shared path works- Before first occupation of the residential development, additional plans must be submitted which show improvement works to the shared path link between the site and Chaucer Way, this information will also include a timetable for the completion of the works. The works shall include widening of the path to 3m, resurfacing, lighting and provision of a dropped kerb crossing to each side of Chaucer Way. This work shall be constructed to the Local Planning Authority's satisfaction and completed in accordance with the agreed timetable.

Reason: In support of sustainable travel and to ensure compliance with paragraphs 108 and 110 of the NPPF.”

Condition 37 to be amended to read:

“Development A - The existing dropped kerb pedestrian crossing in Cambridge Road as shown on the approved plan 191900-011 C Pedestrian and cyclist improvements shall be permanently closed and the footway reinstated to the satisfaction of the Highway Authority before first use of the sports complex.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.”

Condition 43 to be amended to read:

“Development B - Bus stop improvements: Prior to the 50th occupation of the residential development hereby approved, the two closest bus stops to the site shall have Real Time Information display screens installed and fully functional to the satisfaction of the Local Planning Authority (i.e. North Hertfordshire College southbound stop Cambridge Road - ref 29050043 and Cambridge Road - 2905 0004 North Herts College eastbound).

Reason: So that all users of the development have the option of using bus transport, and to maximise its appeal, in compliance with paragraphs 108 and 110 of the NPPF.”

Condition 45 to be amended to read:

“Development B - Dropped Kerbs/tactiles- Prior to the 50th occupation of the residential development hereby approved, pedestrian dropped kerbs and tactile paving shall be provided at the following junctions:

- i. Byron Close with St Michael's Road
- ii. Browning Drive with St Michael's Road
- iii. Coleridge Close with St Michael's Road
- iv. Outside no 2 Chaucer Way to connect with the shared path along no 2 Chaucer Way northern building elevation;

These works shall be completed to the satisfaction of the Local Planning Authority and Highway Authority before occupation of the development.

Reason: To ensure the development complies with paragraph 109 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.”

Condition 46 to be amended to read:

“Development B - Prior to the 50th occupation of the residential development hereby approved, a pedestrian dropped kerb and tactile paving informal crossing point shall be provided to the satisfaction of the LPA between the two bus stops on St Michaels Road (Stop ID: Hrtgdptd and Stop ID: hrtgdpwd Coleridge Close eastbound and westbound), with a continuous footway provision installed from the crossing point on the western carriageway side to the existing hard surfaced waiting area of the northbound bus stop.

Reason: To ensure the development complies with paragraph 109 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.”

64 19/02999/FP Land Off, Gernon Road, Letchworth Garden City, Hertfordshire

*N.B The Chair called a comfort break at 10:00 PM and the meeting resumed at 10:05 PM.*

*The Committee, Member and Scrutiny Officer took a roll call of Members, Officers, and registered speakers in attendance.*

*Audio Recording – 2 hours 36 minutes and 38 seconds.*

The Senior Planning Officer provided an update to the report noting that paragraph 4.6.1 should note that the applicant is in agreement with all pre-commencement conditions.

The Senior Planning Officer presented the report in respect of application 19/02999/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Anthony Burrows to address the Committee.

Mr Burrows thanked the Chair for the opportunity to address the Committee in objection to application 19/02999/FP including:

- He had previously been a District Councillor and was now a resident of Letchworth Garden City;
- He had always advocated for planning decisions to be based on preserving the local character of areas within the District;
- Town Lodge was in his view an iconic building;
- Town Lodge was one of 3 buildings designed by architect Cecil Hignett in the Garden City which should be preserved;

The following Members asked questions of clarification to Mr Burrows:

- Councillor Daniel Allen

In response to questions Mr Burrows advised:

- He did not accept that the site in question was a brown fields site;
- The façade of the Town Lodge building should be preserved with development taking place behind it.

The Chair invited Mr Chris Evans and Mr Chris Wilson to address the Committee.

Mr Christopher Evans thanked the Chair for the opportunity to address the Committee in support of application 19/02999/FP including:

- Croudace Homes had their regional office based in Letchworth and felt Letchworth was the perfect location for them;
- Members of staff enjoyed using local businesses in town;
- The business had outgrown its space in the Spirella Building;
- Croudace Homes believed the development proposal met the high standards of quality it demands and the Council requires;
- The development was projected to cost more to build than its end market value but Croudace was willing to make this investment as owner-occupier;
- All the residential parking and 39 out of 57 of the office car parking spaces would have EV charging stations;
- The remaining office car parking spaces would have the infrastructure to convert to EV charging stations in the future; 5 of the spaces would be pay-as-you-go stations for public use out of office hours;

**Tuesday, 24th November, 2020**

- The office buildings would have integrated photovoltaic charging panels and have a higher fabric efficiency than the current constructions;
- The proposed design would provide 35 square meters more green space than the present site, boosting biodiversity and following Garden City principles more closely;
- It would not be possible to keep the existing Town Lodge building;
- Historic England had assessed the building and decided it did not warrant listing, and reported that its demolition would result in 'less than substantial harm' to the Letchworth Garden City conservation area;
- The current building was not fabric efficient or suitable for an office building, and it also contains a large amount of asbestos;
- The current building's location on the site was space inefficient;
- The proposal overcomes this inefficiency and proposes two buildings providing a business location and a much needed residential development.

Chris Wilson, Letchworth BID, thanked the Chair for the opportunity to address the committee in support of application 19/02999/FP including:

- This development would strengthen the economic offer of the town centre;
- The town centre was aging; the next generation required jobs based in Letchworth which this development would support;
- The creation of public parking spaces and EV charging points would be of significant benefit to the town.

The following Members asked questions of clarification:

- Councillor Daniel Allen

In response to questions Christopher Evans advised:

- The proposed office would have space for 60-65 employees which would double Croudace Homes employee numbers in Letchworth if filled.

The Chair thanked Mr Christopher Evans and Mr Chris Wilson for their contributions.

The following Members asked questions and participated in the debate:

- Councillor Sam Collins
- Councillor Ian Mantle
- Councillor Val Bryant
- Councillor Michael Muir
- Councillor Daniel Allen
- Councillor Ruth Brown
- Councillor Tony Hunter

In response to questions the Senior Planning Officer advised:

- A condition existed to monitor the level of EV charging point usage with provision to revert hard landscaping back into planted areas where redundancy is identified;
- The level of car parking at present did not allow for significantly more parking;
- Two bike sheds were proposed, one for the residential building and one for the office;
- Ducting for all of the car parking positions was in place and each car parking space could accommodate an EV charging point;
- There were more parking spaces in the proposal than were required by the current design SPD; the parking spaces were important to the applicant due to the nature of their business;

- The inclusion of EV charging points and the provision of public parking spaces outside of office hours had been negotiated during pre-application;
- On balance it was not felt the oversubscription of parking spaces was a reason for refusal;

In response to questions the Development and Conservation Manager advised:

- As a matter of planning law Members had to assess the application on its merits blind to any consideration of who the landowners were;
- There was imprecision in a condition proposing to require a plan to comply with the entirety of an SPD;
- EV charging point provision would be strengthened;
- The condition on car park capacity phasing required the applicant to demonstrate the occupancy level of the car park with an annual review, where under used car parking spaces would be converted to other uses such as landscaping;

In response to questions the Legal Regulatory Team Manager & Deputy Monitoring Officer advised:

- When applying conditions the test in Paragraph 206 of the NPPF had to be considered: they must be reasonable; relevant to planning; relevant to the development; precise; and enforceable;
- Members should consider whether a condition requiring a more stringent design standard or compliance with an unpublished document would pass the test of reasonableness;

Councillor Ian Mantle proposed and Councillor Mike Hughson seconded and on the vote it was:

**RESOLVED:** That application 19/02999/FP be **GRANTED** planning permission subject to the conditions and reasons in the report of the Development and Conservation Manager and the following amended and additional reasons:

Condition 15 to be amended to read:

“Notwithstanding the plans submitted, the parking provision shall be reviewed annually from first occupation for a period of 5 years through monitoring of use and car ownership. Monitoring shall include:

- i. The use of parking spaces using data from weekdays;
- ii. Car ownership/staff car useage;
- iii. The provision of active and passive electric vehicle charging;
- iv. Travel plan initiatives.

Car parking provision that is used less than 40% of weekdays throughout that year shall be converted into landscaping to be submitted to and agreed by the Local Planning Authority.

Reason: to ensure that the parking provision is being utilised to capacity.”

Condition 26 to be amended to read:

“Prior to occupation, there shall be EV charge bays for all office use car parking bays and all residential use car parking bays. Consideration should be given to a range of slow, fast and rapid charge points. Such bays shall remain operational in perpetuity thereafter.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.”

65 20/01692/FPH 6 Cubitt Close, Hitchin, Hertfordshire, SG4 0EL

*Audio Recording: 3 hours 29 minutes*

The Senior Planning Officer provided an update to the report that the applicant had agreed to an extension of time up to 26 November which had not been in place at the time of publication.

The Senior Planning Officer presented the report in respect of application 20/01692/FPH supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Mike Hughson

In response to questions the Senior Planning Officer advised:

- The drawing in the presentation was not a document submitted by the applicant and therefore any errors should not be considered as part of the application;

The Chair invited Mr Jonathan West to address the Committee.

Mr Jonathan West thanked the Chair for the opportunity to speak in objection to application 20/01692/FPH including:

- Mr West was resident at 7 Sterling Close;
- The House on 6 Cubitt Close had been extended further since the drawing in the presentation was made;
- Mr West's property and the property in the application shared a side boundary;
- When it was first built 6 Cubitt Close was one of the largest 4 bedroomed domiciles on the development;
- Since then the footprint of the house not including conservatories or greenhouses had increased by 2.6 times its original size by way of single and double storey extensions;
- This was the 16<sup>th</sup> application to the planning authority concerning the property;
- There was already an extension less than 1 meter away from the boundary with Mr West's property which spanned the length of their garden and a third of their house, with windows that looked directly into their garden and lounge;
- The present planning application mentioned the destruction of an existing 'conservatory,' where the original application for said structure to be destroyed described it as a 'greenhouse,'; it had no floor, heating, lighting, and had never been used as a living space.
- Mr West felt describing the structure as a conservatory would lead Members to consider the proposed new conservatory as a replacement of an existing one;
- The proposed conservatory was bigger and in a different position to the first and the destruction of the greenhouse should bear no relevance;
- The proposed conservatory would overlook Mr West's dining room and would be directly below the windows of his bedroom causing issues with noise as a result of poor insulation;
- The proposed development would result in an overall increase of 2.9 times the original footprint of the property;
- Loud construction works on previous projects had extended into unsociable hours and it appeared no attempt had been made to comply with noise control measures;
- The Environmental Health noise abatement team had investigated;
- The application would result in an over developed site and an adverse impact on Mr West's family.

The Chair thanked Mr West for his presentation.

The Chair invited Councillor Elizabeth Dennis-Harburg to address the Committee as Member Advocate.

Councillor Elizabeth Dennis-Harburg thanked the chair for the opportunity to address the committee as Member Advocate in respect of application 20/01692/FPH including:

- This property had been increased in size significantly since its original build;
- The negative impact of extension and expansion of 6 Cubitt Close had caused significant distress and harm to the living conditions of neighbouring residents;
- The report noted that officers were unable to visit the site due to COVID restrictions;
- Assertions made in the report were doubtful if not made on the basis of a site assessment or up to date inspection;
- The proposed building would further overlook the neighbouring property;
- The house concerned was overdeveloped and was noticeably larger than surrounding properties and therefore arguably out of character with the surrounding area;
- The additional building would reduce the green space on the property and it was not prudent environmentally to allow reduction of the grass area or the building of a potentially energy inefficient conservatory;
- This call-in is not a result of a dispute between neighbours but because of the harm caused by disproportionate and continual expansion of the property in question;
- Noise nuisance was an issue which should be addressed by conditions if the committee was minded to approve the application.

The Chair thanked Councillor Elizabeth Dennis-Harburg for her presentation.

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

- Councillor Daniel Allen;
- Councillor Sam Collins;
- Councillor Ian Mantle;
- Councillor Mike Hughson;

In response to questions the Senior Planning Officer advised:

- The photographs submitted were taken by the applicant not long after the submission of the application;
- The Senior Planning Officer had been to the site on a number of occasions and had seen how the existing house had been extended towards the boundary and considered the orientation of 7 Sterling Close;
- The proposed Conservatory would be less visible than the side extension which is currently in position;

In response to questions the Development & Conservation Manager advised:

- The issues of design, layout, overdevelopment and prominence were subjective matters upon which the Committee could rely if they wished to come to a judgement contrary to Officer's recommendations;

Councillor Daniel Allen proposed that the application be refused. Councillor Mike Hughson seconded.

Upon the vote it was:

**Tuesday, 24th November, 2020**

**RESOLVED:** That application 20/01692/FPH be **REFUSED** planning permission for the reasons below:

The proposed extensions by reason of their size, siting, and design cumulatively with previous enlargements to the dwelling would fail to be subordinate to the host dwelling and would be harmful to its character and appearance and that of the locality. The proposal would be contrary to the provision of Saved Policies 28 and 57 of the North Herts District Local Plan 1996, Policies D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

## **66 PLANNING APPEALS**

There were no Planning Appeals.

The next meeting of the Planning Control Committee was on the 17<sup>th</sup> December and the Chair invited Members and Officers to wear their Christmas jumpers or similar attire at the meeting.

The meeting closed at 11.30 pm

Chair