

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 19TH APRIL, 2018 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors Fiona Hill (Vice-Chairman in the Chair), John Bishop (until 10.00pm), John Booth, Paul Clark, Faye Frost (substitute)(until 10.20pm) Jean Green, Cathryn Henry (until 10.20pm), Tony Hunter, Ian Mantle, Michael Muir, Mike Rice and Martin Stears-Handscomb.*

**In Attendance:** *Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Kate Poyser (Senior Planning Officer), Nurainatta Katevu (Planning Lawyer), Ian Gourlay (Committee and Member Services Manager) and Amelia McNally (Committee and Member Services Officer).*

**Also Present:** *Shaun Greaves (GCPP Planning Consultants).  
At the commencement of the meeting approximately 75 members of the public, including 8 registered speakers and 1 Member Advocate (Councillor Steve Hemingway).*

**128 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors David Barnard (Chairman), Bill Davidson and Harry Spencer-Smith.

Having given due notice Councillor Faye Frost advised that she was substituting for Councillor Barnard.

**129 MINUTES - 15 MARCH 2018**

**RESOLVED:** That the Minutes of the meeting of the Planning Control Committee held on 15 March 2018 be approved as a true record of the proceedings and be signed by the Chairman.

**130 NOTIFICATION OF OTHER BUSINESS**

There was no other business.

**131 CHAIRMAN'S ANNOUNCEMENTS**

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;

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- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;
- (5) The Chairman requested that all members, officers and speakers announce their names before speaking;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

## **132 PUBLIC PARTICIPATION**

The Chairman confirmed that the 8 registered speakers and 1 Member Advocate were present.

## **133 17/01781/1 - LAND NORTH OF, LUTON ROAD, OFFLEY**

Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.

[Prior to the consideration of this item, Councillor Faye Frost made a Declarable Interest, and clarified that her father-in-law did not own the land in the application site, but used it as set aside, with the agreement of the landowners, Pilkington Estates.]

The Development and Conservation Manager presented a report in respect of planning application 17/01781/1.

The Development and Conservation Manager introduced Shaun Greaves (GCPP Planning Consultants), who would be acting as the expert witness on behalf of the Council in the upcoming Planning Inquiry.

The Development and Conservation Manager advised that Members would have seen the written submission from Councillor David Barnard supporting the officer recommendation.

The Development and Conservation Manager referred to some changes to the text of the report as follows:

- Paragraph 4.3.4 – the word “re-assed” in the ninth line should be “re-assessed”;
- Paragraph 4.3.6 – the last sentence changed to read “PROW 16 which passes through the site. In addition there will be significant impacts on Luton Road and the edge of Offley”; and
- Reason for Refusal 1 – the addition in the second sentence of the word “to” between the words “harm” and “the”.

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The Development and Conservation Manager confirmed the appointment of Jonathan Billingsley of the Landscape Partnership to be the Council's second expert witness who would be giving evidence on landscape impact at the Public Inquiry. Shaun Greaves had already been appointed to give evidence on the setting of listed buildings, harm to the conservation area and the character of the area and the general planning balance.

The Development and Conservation Manager explained that the first two recommended putative reasons for refusal were the most important and could not, in his view, be overcome – these reasons were the basis of the professional case to refuse permission.

In respect of reason for refusal 3, the Development and Conservation Manager commented that this still stood, but he confirmed that the Council had received the first draft of a Section 106 Obligation and would continue to work with the appellant and their solicitors to try and ensure that the Section 106 Obligation was in place at the time of the Public Inquiry. This needed to be in place as, in the event that the Inspector was minded to allow the appeal, all parties needed to ensure that the necessary Section 106 Obligation was in place to ensure that the necessary payments and affordable housing could be secured.

In relation to reason for refusal 4, the Development and Conservation Manager advised that he had received an update from the Lead Local Flood Authority, who confirmed that through a series of discussions with the appellant they now withdrew their objection to the proposal. Therefore, this reason for refusal could now be removed from the recommendation.

With regard to reason for refusal 5, the Development and Conservation Manager stated that the County Council's Historic Environment Team had just received a report from the appellant on the trial trenching that had been undertaken on the site and, again, the appellant would continue to work with the County Council to seek to address this reason. However, at this time the reason still stood.

In relation to recommended reasons for refusal 3 and 5, the Development and Conservation Manager drew Members' attention to recommendation 6.2 in the report – this allowed officers and the consultant team to remove any or all of these reasons for refusal in advance of the Public Inquiry should sufficient progress on these matters be made in the interim.

The Development and Conservation Manager commented that the substantive reasons for refusal 1 and 2, which outlined the demonstrable harm that he considered this development would cause to the character of the area, would remain and would be defended at the appeal by the Council's appointed expert witnesses.

The Development and Conservation Manager presented a series of slides, which comprised photographs of the application site and drawings.

Shaun Greaves advised that he was a Chartered Town Planner and Director of GC Planning Partnership, a planning consultancy which assisted both public and private sector clients. Most of his expertise was in local government, as he spent 6 years with Bedford Borough Council in charge of their Appeals Team, defending the Council's decisions at planning appeals. He had also spent 2 years as a Planning Inspector, before setting up GCPP some 11 years ago.

Mrs Patricia Cowley (Keep Offley Rural Group) addressed the Committee in objection to application 17/01781/1. She reminded the Committee that it had considered and unanimously refused the application at its November 2017 meeting. The Keep Offley Rural Group maintained its objections to the proposed scheme, and felt that they had been strengthened by the Planning Officer's report.

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Mrs Cowley advised that the application was seen by the residents of Offley as a purely speculative and opportunistic application. The site was outside the village boundary and it was not offered up for development in the emerging North Hertfordshire Local Plan. Furthermore, road access in Offley and the surrounding villages, especially Lilley, would be exacerbated by this potential development, as there were no associated plans for highway improvements. The village school was also at full capacity.

Mrs Cowley stated that the applicant had carried out no public consultation with either Offley Parish Council or the people of Offley. The development would result in an urbanising effect on the village, especially when approaching Offley from the west. Offley had recently experienced a large development of 63 houses and flats (Garden Fields) on the other side of the road, and the granting of the current application would result in the further urbanisation of Offley, thereby eroding the whole concept of it being a village. The development would also hide the historical asset of Westbury Farmhouse and surrounding buildings.

Mrs Cowley urged the Committee to refuse the application again

The Chairman thanked Mrs Cowley for her presentation.

The Committee supported the Development and Conservation Manager's strengthening of the reasons for refusal, commenting as follows:

- Opportunist application; nothing had changed since November 2017;
- The site was not earmarked for development in the emerging Local Plan – indeed, land north of Luton Road formed part of the extended Green Belt in that Plan;
- There were no special circumstances demonstrated in the application to warrant development in the Green Belt;
- The affordable housing to be provided would not be available at affordable rates;
- Offley would become a commuter village, with detrimental effects on shops, pubs, businesses and the wider community;
- Offley had a well-established and well-supported village shop, with an integrated post office – to remove it and replace it with a standard chain store would completely alter the character of the settlement;
- Part of the land earmarked for development was high grade agricultural land – there was no proven local need for additional housing in the village;
- No satisfactory draft Section 106 Obligation had been submitted with the application;
- How much due diligence and care had the applicant given to the application – even the fundamental information required on the appeal forms had been incorrectly provided.

The Development and Conservation Manager explained the process which had led to the Committee not being in a position to have jurisdiction over the application. This had allowed the Committee the ability to strengthen and expand its reasons for refusal for submission at the forthcoming Public Inquiry.

Upon being moved, seconded, and put to the vote, it was

**RESOLVED:** That, in respect of application **17/01781/1**,

(A) the Council's putative reason for refusal of this application to be presented at the forthcoming Public Inquiry be revised to the following:

1. By reason of its siting beyond the built limits of Offley, on open allotments and farmland in an area of countryside adjacent to the village, the proposal would be detrimental to the rural character and appearance of the area. The urban form of the development would afford significant and demonstrable harm to the intrinsic character and beauty of the countryside in this sensitive location adjacent to the village of Offley. The proposal would be harmful to the landscape qualities of the area and given that the site is prominent from several public vantage points it would

be harmful to the visual amenity of the area and in particular the users of public footpaths within and in the vicinity of the site. The proposal is therefore contrary to saved Policy 6 of the North Hertfordshire District Local Plan No. 2 with alterations and specific policies of the Framework. The development would also be contrary to Policy SP5 of the North Hertfordshire Emerging Local Plan 2011-2031.

2. The proposed development would afford harm to the setting of Great Offley Conservation Area and the setting of nearby listed buildings. The site presents an attractive open setting to the Conservation Area and these nearby listed buildings and the ability to appreciate these designated heritage assets. The proposed development would fail to preserve or enhance the Conservation Area and would detract from the setting of the listed buildings. The proposal would cause less than substantial harm to the significance of these designated heritage assets, which would not be outweighed by the public benefits of delivering new housing development. The proposal would therefore conflict with the aims of Section 12 of the National Planning Policy Framework which seeks to conserve and enhance the historic environment.
  3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) setting out how the shop would be delivered, along with the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations and provision of the allotments is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework.
  4. [Not now required].
  5. The proposed development lies immediately adjacent to an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of extremely significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a full archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF; and
- (2) That, in the event of further progress on Archaeology or the Section 106 Obligation, the Council's case to be updated in advance of the Public Inquiry depending on progress in relation to these specific matters.

**134 17/01622/1 - THE STATION, STATION APPROACH, KNEBWORTH, SG3 6AT**

Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).

The Senior Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/01622/1.

The Senior Planning Officer advised that comments had been received from the Lead Local Flood Authority, who had recommended 2 additional conditions relating to requiring more details of the SUDS feature before development commenced, and to ensure the mitigation measures were carried out.

The Senior Planning Officer stated that comments had also been received from NHDC Environmental Health, who had recommended 3 conditions and 1 informative summarised as follows:

- Requiring a scheme of noise mitigation measures for approval;
- No plant to be installed at the flats until a noise assessment had been approved; and
- Prior to kitchen extraction system serving the Pub being used, the odour abatement measures detailed in the submitted report shall be fully implemented and maintained in perpetuity.

The Senior Planning Officer reported that the Section 106 Agreement had been signed by the applicant, and was with the Hertfordshire County Council solicitor for sealing, and then back to NHDC for sealing and completion.

The Senior Planning Officer explained that she would like to add the further condition regarding a bat survey, as follows:

“Condition for bat survey - Prior to the commencement of the development, hereby approved, dusk emergence / dawn re-entry surveys shall be undertaken during May – August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats are roosting and, should this be the case, an outline bat mitigation strategy based on the results shall then be submitted to and approved in writing by the Local Planning Authority and implemented in full. Thereafter the development shall be carried out in accordance with the approved details.”

The Senior Planning Officer also wished to amend the reason to proposed Condition 18, relating to the restriction of the flat above the pub, to replace the words “the viability of” with the words “in the interest of”.

The Senior Planning Officer referred to an amendment to Paragraph 4.3.24 of report, relating to parking, in order to omit the word ‘not’ as there were marked bays, albeit faded, and add the word ‘overall’ at the end of the next sentence so that it read:

“The existing car park that serves The Station PH does have marked bays. The proposed low level planting strip to the front of the site would lead to a loss of 1 or 2 spaces overall.”

The Senior Planning Officer presented a series of slides, which comprised photographs of the application site and drawings.

Ms Lisa Nash (Save our Station Pub Campaign) and Parish Councillor Roger Willcocks (Knebworth Parish Council) addressed the Committee in objection to application 17/01622/1.

Ms Nash advised that the Station Pub was the only pub in Knebworth, a village of 5,000 inhabitants, set to grow considerably. Its loss would have a serious impact on social sustainability, conflicting with national and local planning policy. The proposal would result in the loss of the pub, as it was not possible for it to survive in the manner shown on the plans. The community of Knebworth would suffer irrevocably.

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Ms Nash explained that the whole site was listed as an Asset of Community Value (ACV) by NHDC and this should be fully respected and considered before making any decision. It appeared that the report only considered the pub as an ACV, but the gardens and outbuildings also had ACV status. The gardens and outbuildings should not be disassociated from their current use and considered in isolation.

Ms Nash stated that the impact of the sub-division of the site on the pub as an ACV was therefore a material planning consideration, and to ignore that fact would be highly inappropriate, if not unlawful.

Ms Nash commented that, according to the report, CAMRA had stated that any development on the site would render the pub operation unworkable. It was contrary to policy for many reasons, including the fact that there would be insufficient space for delivery vehicles to service the pub; and refuse, recycling and empty barrel storage space had been omitted, necessitating street side storage, likely to lead to residents' complaints. No consideration had been given to the storage of compressed gases and other hazardous substances necessary for a pub cellar operation.

Ms Nash stated that the fact that the developer had made no attempt to run the pub as a business, and had kept it closed, suggested that there had never been an intention to re-open it. Dividing the pub use from its associated gardens and outbuildings would harm any chance that it could be retained for the local community. On the contrary, the land and outbuildings could be used to support the viability of the pub.

Ms Nash was of the view that pubs were an important part of the social infrastructure in any community, with the public health concerns of social isolation high on the Government's agenda. Research had recognised that pubs paid a pivotal role in social cohesion and the development of friendships. The application was contrary to planning policy, as it failed to protect the needs of the local community.

Ms Nash commented that the application presented a gross under-provision of car parking. The pub car park had been reduced by half, with no consideration for disabled drivers. It ignored Knebworth's inherent and worsening parking issues, as the norm was that minimum parking provision would be met in all places.

Ms Nash advised that the garden supported leisure and tourism, with the petanque court regularly used by Knebworth Twinning Association. The gardens, an essential asset to the pub, would drive increased profitability when operated properly. They also created a significant visual impact which set the pub, noted as building of special interest, apart from newer developments. Furthermore, the loss of a tree to build the flats was not planning policy.

Ms Nash referred to similar instances of where decisions to refuse similar applications were upheld on appeal. She asked the Committee to support the retention of the pub and gardens in Knebworth for the local community and in the interests of social sustainability.

Parish Councillor Willcocks stated that there was no need to demonstrate that there was a community need, as the pub was viable. This had been recognised by NHDC who had added it to the ACV Register. The needs of the community had not been met by any other pubs in the area, and so any attempts to reduce the viability of this pub's operation should be rejected.

Parish Councillor Willcocks advised that the had Planning Officer indicated that ACV status was a material planning consideration, which must be taken into account. In addition, moving the pub car park would have an adverse effect on those with mobility issues. The application should be rejected as harming the character of the area and because of its detrimental impact on local heritage.

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After a period of questions and answers, the Chairman thanked Ms Nash and Parish Councillor Willcocks for their presentations.

Councillor Steve Hemingway (Member Advocate) addressed the Committee in respect of application 17/01622/1.

Councillor Hemingway advised that there was a dire parking situation in Knebworth. Near the centre of the village, there had been the following applications/developments:

- Constance Place, care home, 27 flats, 13 spaces;
- Lowes Yard, care home, 48 flats, 23 spaces;
- Sand Yard application, 2 flats, two shops, 2 spaces;
- Loss of the Barclays bank with its dedicated car park;
- Controlled Parking Zone in Pondcroft Road, Milestone Road, which represented a loss of hundreds of car parking spaces during the day;
- Hamilton Billiards, application, 10 flats, below minimum parking standards on grounds that it was close to the centre of the village;
- Eight flats at 1 Stevenage Road, which was originally a single dwelling. Reduced parking allocation;
- Redevelopment of Library site, large new GP surgery, with no provision of parking spaces for staff or patients;
- new development in Kerr Close, reduced parking allocation;
- Conversion of Station House (office block) to 10 flats, no additional parking spaces to be provided beyond the provision currently made for employees;
- Wordsworth Court (built on the former car park of the pub, with the loss of 25 parking spaces); and
- Ferguson House, six flats built on the site of a single dwelling (Carneal).

Councillor Hemingway commented that local residents could not understand why the Council continued to grant these applications below the minimum parking standards.

In respect of the viability of the public house, Councillor Hemingway proposed that some conditions be added to any possible grant of permission. The first was that no new residential units were sold until the pub was back up and running. This would protect the scenario where the pub remained empty for a number of years and the developer eventually applied for change of use. The second was a restrictive covenant be added to the pub's title documents which prevented any change of use, with the covenant being made in favour of Knebworth parish Council or another local community group. This gave an incentive to retain the pub as an operating business, and even if it proved unviable, the planning gain would be to the community rather than the developer.

Although he would prefer that the application be refused, Councillor Hemingway felt that, if granted, the above conditions would help to ensure that some form of pub use was retained on the site.

The Chairman thanked Councilor Hemingway for his presentation.

Shanna Jackson (Applicant's Agent) addressed the Committee in support of application 17/01622/1.



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Ms Jackson considered that the officer report provided a well balanced analysis of the application. It was recognised that the site was an ACV, although the pub had been closed since February 2017, due to it being deemed unviable to run by the brewery

Ms Jackson stated that the pub was requiring some much-needed renovation works to enable it to re-open. The proposed residential development would provide the finance to bring about the pub's re-opening. Without this investment, it was likely that the pub would remain closed.

Ms Jackson explained that part of the development would be positioned on part of the pub garden area. However, 154 Square Metres would remain to serve the pub, and there was no evidence to suggest that this would affect the viability of the pub use. The residents of the nearby development used the pub as a shortcut to reach the station and village shops. This would be retained.

Ms Jackson noted that there had been no objections to the scheme from statutory consultees, including Highways, Environmental Health, various agencies and the Council's Urban Design Team. The applicant had worked with officers to ensure the best outcome for the site. It was a sustainable development within a sustainable location, which would help facilitate the refurbishment of the Station pub, to the benefit of the local community. She respectfully suggested that the Committee followed the Officer's recommendation and grant planning permission.

After a period of questions and answers, the Chairman thanked Ms Jackson for her presentation.

In respect of issues raised during the presentations, the Senior Planning Officer commented as follows:

- Conditions suggested by Councillor Hemingway – the proposed condition regarding no new units being sold until the pub was up and running would be difficult to impose and would probably be seen as unreasonable; the second proposed condition, relating to a covenant to prevent a change of use, was a civil and not a planning matter;
- Parking standards – 16 spaces were provided, a shortfall from the 22 required by the standards. However, reductions could be considered in certain situations, such as town centre locations and other accessible locations with availability to a range of services, such as existed in Knebworth; and
- Paragraph 32 of the NPPF – this stated that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development was severe. This was subjective, but a recent appeal decision regarding the former Black Squirrel site in Letchworth had allowed 18 flats to be constructed with no associated car parking spaces.

In respect of the possibility that the Section 106 Obligation could include wording to ensure that the premises be retained as a pub, the Planning Lawyer commented that the Obligation had been signed by the applicant and was currently with Hertfordshire County Council. There was still room for negotiation and the Council could seek to introduce a trigger point of, say, 50% of the dwellings having to be occupied before refurbishment works commenced on the retained pub. This would necessitate deferral of the application to enable such negotiations to take place.

The Committee debated the applications, and the following points were raised:

- This would be shoehorning an inappropriately large development into a reasonable piece of amenity space; units would be built right up to the path in what was purported to be a quieter corner of Knebworth;
- This was gross overdevelopment and urbanisation of the site, out of character with the area, and the effect on the pub would be detrimental;
- There was inadequate parking provision associated with the site;

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- An unwillingness to vote in favour of the application until assurances could be given that the pub would definitely be retained;
- The application was contrary to NPPF Paragraph 28, which stated that Local Planning Authorities should be supporting the sustainable growth and expansion of businesses and enterprise in the rural area. It further urged Local Planning Authorities to promote the retention of local services and community facilities in villages; and
- The application was also contrary to NPPF Paragraph 70, which stated that Local Planning Authorities should ensure that established shops, facilities and services were able to develop and modernise in ways which were sustainable and retained for the benefit of the community (public houses were mentioned as an example).

The Planning and Conservation Manager commented that, notwithstanding the status of the pub, a number of Members had concerns about the housing scheme. He cautioned Members against deferring the application to explore issues regarding the Section 106 Obligation, only for the application to be reported back with the possibility of it being refused permission on design grounds.

Members acknowledged the comments of the Planning and Conservation Manager, and it was proposed and seconded that the application be refused planning permission, on the grounds of the excessive size of the housing development; its impact on the visual amenity of the area and on the living conditions of the occupiers of the proposed flats and neighbouring residents; out of keeping with the area; its impact on the viability of the pub as a community asset; the lack of adequate parking; contrary to Paragraphs 28 and 70 of the NPPF and Policy ETC7 of the North Hertfordshire Submission Local Plan. Members also accepted the suggestion that the lack of a completed Section 106 Obligation should also form part of the Committee's grounds for refusal.

Upon the motion being put to the vote, it was

**RESOLVED:** That application **17/01622/1** be **REFUSED** planning permission, for the following reasons:

1. The proposed development, due to the loss of most of the public house garden and the introduction of residential units in such close proximity to the public house, would be prejudicial to the retention and development of this important community facility, which is a designated Asset of Community Value and the only public house in Knebworth. As such, the development would be contrary to paragraphs 28 and 70 of the National Planning Policy Framework and contrary to the spirit of Policy ETC7 of the submitted Local Plan 2011 – 2031.
2. The proposed block of 9 flats, due to its size, would present a cramped appearance in the street scene and this, together with its overall design, would be out of keeping with the character and visual amenities of Station Approach and Park Lane. As such the development would be contrary to the National Planning Policy Framework, Section 7. Requiring good design, Policy 57 – Residential Guidelines and Standards of North Hertfordshire District Local Plan No. 2 with Alterations and Policy D1 – Sustainable Design of the submitted Local Plan 2011 – 2031.
3. The proposed development would fail to provide a sufficient number of parking spaces to serve the new flats, to meet the Council's current minimum car parking standards and would result in the reduction of the parking space available for the public house. This would result in severe harm upon the parking capacity of the local highway network. The development would, therefore, be contrary to the National Planning Policy Framework, Section 4 - Promoting Sustainable Transport; North Hertfordshire District Local Plan No 2 with Alterations, Policy 55 – Car Parking Standards; and the submitted Local Plan 2011 – 2031, Policy T2 – Parking.

4. Due to the close proximity of the proposed flats and the residential conversion of the store building of the existing public house, the living conditions of the future occupiers would be prejudiced by the general noise and odour associated with the public house. In addition to this, insufficient outdoor amenity space would be provided to meet the needs of the future occupiers. The development would, therefore, be contrary to the National Planning Policy Framework, paragraph 17; North Hertfordshire District Local Plan No.2 with Alterations, Policy 57 – Residential Guidelines and Standards; and submitted Local Plan 2011 -2031, Policy D3 – Protecting Living Conditions.
5. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of planning obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

**135 18/00572/FP - LAND REAR OF THE ROOKERY, KINGS WALDEN ROAD, OFFLEY, SG5 3DX**

Erection of two 3-bed, three 4-bed and one 5-bed dwellings including new vehicular access off Harris Lane, widening of existing Harris Lane and parking and associated works.

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/00572/FP.

The Area Planning Officer advised that Members would have received a statement from Councillor David Barnard writing in support of the planning application. Councillor Barnard had invited the Committee to grant permission, subject to design negotiations.

The Area Planning Officer explained that the applicant's agent had submitted revised information including a Transport Assessment and amended drawings to address the highways reasons for refusal, and the Highway Authority had indicated that these amendments were likely to be acceptable. Hertfordshire Highways had been formally consulted, but it was expected that that they would confirm that their objection was removed. In these circumstances, he advised the Committee that Reason for Refusal No. 3 was withdrawn from the recommendation.

The Area Planning Officer presented a series of slides, which comprised photographs of the application site and drawings. At the conclusion of the presentation, he asked the Committee to support the officer recommendation for refusal, excluding the highway reason for refusal.

Mr Michael Margerison (Applicant's Representative) addressed the Committee in support of application 18/00572/FP.

Mr Margerison advised that the site did not form part of an established garden and was effectively self-contained. It was not in the Conservation Area nor the Green Belt, and it was understood that the site was designated in the emerging Local Plan as being within the Great Offley village boundary.

Mr Margerison commented that there had not been many objections to the application, and the proposal was supported by the Parish Council. The applicant would look to work with them and residents on any areas of concern. Part of the site already benefitted from planning consent for three dwellings, and the applicant was looking to utilise the whole of the site by constructing a further three homes. Consequently, there was a relatively small increase in terms of traffic generation, but by using the whole of the site this meant that the developer could improve the access onto Harris Way to ensure that all vehicles exited in forward gear.

Mr Margerison stated that the design of the scheme paid particular attention to minimising its impact on The Rookery, with gabled end of the nearest new dwelling being screened by hedges, some 46 metres away. In addition, the design of the new dwellings adopted the style of nearby agricultural buildings thereby retaining the rural character bordering the conservation area.

Mr Margerison considered that the 6 units would provide much needed new housing to the village and would help to support local businesses. The developer was a local company, building no more than 20 units a year, and took great pride in the quality of design, particularly in sensitive areas.

After a period of questions and answers, the Chairman thanked Mr Margerison for his presentation.

In respect of issues raised during the presentation, the Area Planning Officer commented as follows:

- Local Plan Issue – at the recent Examination in Public, the applicant put forward a proposal to move the village boundary to encompass the whole of the area covered by the proposed 6 new houses, and this boundary change was accepted by Planning Policy Officers. This effectively removed the site from the Rural Area Beyond the Green Belt: and
- There was no issue with the style of the proposed dwellings, but more the cumulative urbanising effect of the development.

The Member who had called-in the application considered that the application should be granted planning permission and commented as follows:

- Planning permission had already been granted for 3 dwellings on the site;
- The site was located outside of the historic boundary of the nearby listed building (The Rookery), although the new boundary was 20 feet further away from that building;
- The plot was also outside the village's Conservation Area, and the listing of The Rookery did not include the garden area;
- The design of the new houses would be agricultural in character, therefore in keeping with nearby buildings;
- Access to the new development would be provided from Harris Lane – this lane was already well used by cars travelling to and from the Flying Club situated further up the lane; the applicant had agreed to widen the road to accommodate the minor increase in traffic generated by the proposal;
- Highways had removed the objection regarding access by refuse vehicles;
- The granting of permission to a further 3 dwellings similar to the existing 3 would not cause urbanisation or result in a detrimental impact on The Rookery; the site was on the edge of the village and the development would have little to no detrimental impact on any neighbouring properties, and would be beneficial to nearby local businesses.

Notwithstanding the above comments, a number of Members were supportive of the Planning Officer's recommendation that planning permission be refused for these additional 3 dwellings for the reasons set out in the report. Conversely, a number of Members supported the Member who had called-in the application.

It was moved and seconded that the application be refused planning permission for the reasons set out in the report. Upon being put to the vote, this motion was lost.

It was moved and seconded that the application be granted planning, subject to appropriate conditions. Upon being put to the vote, it was

**RESOLVED:** That application **18/00572/FP** be **GRANTED** planning permission, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/ or samples of materials to be used on all external surfaces of the development including roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: In the interests of visual amenity

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class(es) A, B, C, D, E 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.

5. No development shall take place (including site clearance) until an adequately detailed Biodiversity and Landscape Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan need only indicate:

The location of the hedgerows that are to be retained and any management measures proposed;

The location of bird boxes / tubes;

Measures to translocate the existing orchard;

A suitable lighting strategy; and

A timetable for implementation

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the development results in no net loss of biodiversity.

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6. Before occupation of any of the houses hereby permitted, a landscaping scheme shall be submitted to and have been approved in writing by the Local Planning Authority. The scheme shall include the following details: a) which, if any, of the existing vegetation is to be removed and which is to be retained b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed, location and the size and density of planting c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed d) details of any earthworks proposed e) the future management and maintenance of the landscaping.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed scheme in the interests of the visual amenity of the locality and the ecological protection and enhancement of the site.

7. Electric vehicle (EV) charging infrastructure shall be installed in each of the properties hereby permitted and maintained for the lifetime of the development or as otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the environmental impact of the development.

8. Prior to the commencement of the development Harris Lane shall be widened in accordance with the approved in principle plan (drawing number P/1035/4 ) and reconstructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

9. Prior to commencement of the development the access from Harris Lane shall be constructed in a hard surfacing material for the first 6.0 metres from the edge of the carriageway.

Reason: To prevent erosion of the edge of the carriageway and prevent loose material from passing onto the public highway which may be detrimental to highway safety.

10. Any gates proposed to the site shall be set back a minimum of 6.0 metres from the edge of the carriageway and shall open inwards to the site.

Reason: To allow a vehicle to wait clear of the carriageway while the gates are being opened and closed.

11. The Public Right of Way adjacent north of the site along Harris Lane must be protected to its' present width and current surface condition and shall remain unobstructed by vehicles, machinery, materials and tools during construction of the reinstated access.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

12. The condition of the Public Right of Way on Harris Lane must not deteriorate as a result of the construction work associated with the provision of the new access. Any adverse affects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) shall be made good by the applicant to the satisfaction of the Highway Authority.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

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13. Before the access from Harris Lane is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 22 metres in both directions as identified on drawing number 15019/05 revision B, 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 provide adequate visibility for drivers entering and leaving the site.

14. Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement. The Construction Management Plan/Method statement shall address the following matters (i) Details of a construction phasing programme (including any pre-construction or enabling works); (ii) Hours of construction operations including times of deliveries and removal of waste; (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas; (iv) Access and protection arrangements around the site for pedestrians, cyclists and other highway users; (v) Details of provisions for temporary car parking during construction; (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; (vii) Screening and hoarding details (viii) End of day tidying procedures; (ix) Construction and storage compounds (including areas designated for car parking); (x) Siting and details of wheel washing facilities; (xi) Cleaning of site entrances, site access roads and the adjacent public highway and; (xii) Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

15. Prior to the commencement of the development hereby permitted a Stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

**Proactive Statement:**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

HIGHWAY INFORMATIVES: HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980: Rights of Way:

1. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service <http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/> (Tel: 0300 123 4047, email at [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk) ) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access (Harris Lane).

Reason: To ensure the surface of Harris Lane does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall follow the link below; <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessand-developer-information/development-management/highways-developmentmanagement.aspx> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

**136 17/04392/FP - BAILEYS CLOSE FARM, PASTURE LANE, BREACHWOOD GREEN, SG4 8NY**

Residential development comprising of 4 x 1 bedroom flats, 6 x 2 bedroom houses and 8 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings.

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/04392/1.

The Area Planning Officer advised that Members would have received a statement from Councillor David Barnard writing in support of the planning application. Councillor Barnard had urged the Committee to grant permission, subject to a Section 106 Obligation and planning conditions.

The Area Planning Officer stated that he had received a formal response from the London Luton Airport Aerodrome Compliance Manager. The airport advised that the proposed development did not conflict with the safeguarding criteria relating to the Obstacle Limitation Surfaces, however the design of the development should be such to minimise the risk of a bird strike hazard. In addition, the airport advised that, as the development was close to the approach to the airport runway, external lighting schemes should be carefully designed to avoid light spill above the horizontal. The Compliance Manager had also referred to Advice Notes 2 and 3 in respect of these issues. Lastly, the airport would request details of any craneage associated with the development prior to commencement of works.



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The Area Planning Officer had received a further comment from the Airport Chief Operations Officer, who asked that NHDC carefully considered the application as the new dwellings would be situated within the 63dB daytime noise contour and the 57dB night-time contour. The Chief Operations Officer also commented that the development sat just outside, but very close to, the airport public safety zone (PSZ).

The Area Planning Officer reported that comments had also been received from the Hertfordshire Rights of Way Unit, who had advised that the new access may be beneficial as vehicles sometimes obstructed the current footpath 004. The footpath should remain unobstructed at all times during construction works to ensure public safety. Any deterioration of the footpath during works would need to be made good by the developer. If a diversion was required during construction works a Traffic Regulation Order would be required.

The Area Planning Officer advised that the applicant had submitted a revised Drainage Strategy Report dated April 2018. This had been forwarded to the Lead Local Flood Authority for comment, although formal comments had not been received back from the Flood Authority. Therefore, the Flood Risk objection raised by the Authority still stood and he advised that reason for refusal No. 5 remained as part of the recommendations.

The Area Planning Officer referred to typographical errors in Paragraphs 3.7 and 4.3.35 of the report. In these paragraphs, reference was made to a Phase 1 Environmental Risk Assessment being required by the Environmental Health Officer. This should in fact refer to a Phase II assessment, as the applicant had already provided a Phase I assessment.

The Area Planning Officer presented a series of slides, which comprised photographs of the application site and drawings, following which he asked the Committee to support his recommendation for refusal.

Lisa Townsend (Applicant's agent) addressed the Committee in support of application 17/04392/FP.

Ms Townsend stated that the application sought to demolish the existing buildings on the site and erect in their place 18 residential dwellings and associated landscaping, green space and a revised vehicular access. Notwithstanding that the site was located in the Green Belt, it constituted previously developed land, which had a long established commercial use for car repairs and maintenance. The principle of residential development had been accepted by officers in pre-application discussions.

Ms Townsend was of the view that the existing buildings were of poor visual quality and in a state of disrepair. Complaints had been received about noise, anti-social behaviour and odours emanating from the site, and fumes generated by vehicles parking on the site and in nearby roads. Paragraph 17 of the National Planning Policy Framework (NPPF) required local authorities to encourage the effective use and re-use of land that had been previously developed. This approach was repeated in the Housing White Paper and the changes to the NPPF published in February 2018.

So far as Green Belt Policy was concerned, Ms Townsend stated that redevelopment of previously developed land was seen as appropriate in the Green Belt, subject to such development not having a greater impact on the openness of the Green Belt. The design of the dwellings had been carefully considered in order to meet this objective, in providing a pleasant and attractive residential environment which would complement, rather than detract from, the area.

Ms Townsend felt that the proposal also provided a mix of housing aimed at a wide spectrum of the market, including first time buyers. The proposal would also offer a period of exclusivity, whereby homes would be offered solely to residents of Breachwood Green and their immediate families.

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Ms Townsend was disappointed with the Planning Officer's recommendation for refusal, but responded to each of the reasons for refusal as follows:

- Reason 1 – Contrary to Green Belt Policy – Development of previously developed land in the Green Belt was not inappropriate; Whilst the footprint of the new buildings would be lesser than the existing, but in volumetric terms provided an increase in built development, this should be considered against the context of the overall design and layout of the development and the benefits of removing a number of unsightly buildings;
- Reason 2 – Design: Contrary to Local Plan Policies/NPPF – the development would enhance the visual appearance, whilst making the most efficient use of the site, to provide much needed smaller homes. The design was in keeping with the local vernacular, and the layout was reflective of a typical village end;
- Reason 3 – London Luton Airport Public Safety Zone – this issue was not raised at Pre-Application Stage;
- Reason 4 – London Luton Airport Noise Contour Area – these noise levels were not limits. but simply guideline values;
- Reason 5 – Flood Risk – information had been submitted and a favourable response was expected; and
- Reason 6 – Lack of Section 106 Obligation – the applicant was willing to submit such an application, but no dialogue had been offered by NHDC.

After a period of questions and answers, the Chairman thanked Ms Townsend for her presentation.

In response to issues raised during the presentation, the Area Planning Officer commented as follows:

- Pre-application advice – because the existing dwellings on the site were single-storey, the advice had been that perhaps only 2 or 3 single storey bungalows might be an acceptable form of replacement development on the site;
- Condition of the site – it was in a poor condition, but that in itself did not give any excuse for inappropriate development in the Green Belt; the dwelling design was not in keeping with the local vernacular (which was an agricultural environment with isolated buildings, and not an urban style housing estate as proposed in the application);
- Noise issues – Environmental health had agreed that mitigation against noise could be incorporated into the design of the dwellings now, but the proposed expansion of Luton Airport would mean that these mitigation measures would not be fit for purpose in years to come.
- Section 106 Obligation – the application had not been accompanied by any details to secure such an Obligation, and he felt that the application was so far off from being acceptable as to preclude the need for any dialogue about it with the applicant; and
- Affordable Housing – as the application was for 18 units, there would be a requirement for a proportion of affordable housing, as required on all sites of 11 units and above.

Councillor Faye Frost made a speech in support of granting planning permission to the application. During the speech she referred to attending an exhibition held by the applicant/developer and discussing matters with the applicant/developer.

A Member raised a point of order, in that he believed that Councillor Frost had indicated she had discussed the application with the developer and questioned whether this had fettered her judgement of the matter, in which case she should take no further part in the determination of this application.

In view of the above point of order and following legal advice, Councillor Frost decided to withdraw from the meeting for the remainder of the item.

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The Committee debated the application and was supportive of the Area Planning Officer's recommendation for refusal. Whilst accepting that the site may well be developable for housing in the future, Members commented as follows:

- The site in its existing state was a complete eyesore in the middle of the countryside; the problem in approving this and any similar applications would be that lots of little estates would materialise in the countryside;
- On balance, removing the eyesore to allow development was probably appropriate, but the quality of what replaced it was the key question; the quality had to be significantly better than the quality of the scheme now presented to the Committee;
- The Committee should take the opportunity to enhance the site, rather than accept any replacement for the dilapidated buildings which currently occupied it;
- The quality of what was proposed was not of sufficiently high standard in design to be an acceptable replacement;
- The urbanising effect of the 18 units proposed was contrary to enhancing the area, as set out in reason for refusal 2

It was therefore moved and seconded that the application be refused planning permission for the reasons set out in the report. Upon being put to the vote, it was

**RESOLVED:** That application **17/04392/FP** be **REFUSED** planning permission, for the reasons set out in the report of the Development and Conservation Manager.

**137 18/00273/FP - 1 HALF ACRE, HITCHIN, SG5 2XL**

Erection of private road security gates and garden wall.

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/00273/1.

The Area Planning Officer advised that the Council had received two late comments from the Police Crime Prevention Design Advisor and the Council's Waste Manager.

The Committee noted that the Police had confirmed 4 incidents of abandoned vehicles at the entrance to Half Acre. However, they had commented that by gating off the road this would not solve the problem and it could restrict access by emergency service vehicles and refuse wagons. They had commented that the submitted documents did not explain how the gates would operate and comply with the Gate Safe Scheme. The response had stated that the Police Crime Prevention Design Service did not encourage gated developments.

The Committee was informed that the Council's Waste Services Manager had advised that refuse wagons are slightly longer than shown on the submitted drawing, which would mean that the gates would have to be pushed back or open inwards. A gate code entry system was recommended, with any codes being made available to the refuse collection crews.

The Area Planning Officer stated that these two consultation responses highlighted the potential problems of access by emergency services and refuse collection vehicles and the lack of information submitted did not help. However, the issues of access were potentially overcome by further details to be secured by a planning condition, should the Committee be minded to grant consent. Therefore, on balance, a second reason for refusal based on these matters was not recommended.

The Area Planning Officer presented a series of slides, which comprised photographs of the application site and drawings.

Mrs Clara Odularu (Applicant) and Mrs Michelle Haddon (Neighbour) addressed the Committee in support of application 18/00273/FP.

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Mrs Odularu advised that she represented the 11 families that resided in Half Acre in Hitchin. She would be focussing on the Planning Officer's recommended grounds for refusal, namely community cohesion and the visual impact of the proposed gates.

Mrs Odularu drew attention to the appeal case cited by the Local Planning Authority of a gated community which was, in fact, in a village location, where it was proposed that the gates would be erected in front of a pedestrian pathway crossed by pedestrians on a frequent basis. The Half Acre community was located at the mouth of the A505 road, on the edge of Hitchin Town. Accordingly, the likelihood of passing pedestrians walking from the Town Centre to the A505 was very slim.

Mrs Odularu stated that the pathways on both side of the road stopped at the entrance to Half Acre. There was no opportunity or ability for pedestrians to walk past the homes in Half Acre. She had resided in Half Acre for about 10 years and in that time she had seen a handful of pedestrians walking past her house.

In terms of visual impact, Mrs Odularu commented that whilst the Planning Officer's recommendation was for refusal, he encouraged her to re-submit the application to agree the new wall, which was some five times the length of the gates. The likelihood was that the wall would be approved, although the materials to be used would be the same as for the gates. She therefore felt that the Council's case might be weak at best.

Mrs Haddon advised that she had previously had the pleasure of living in another gated community in Hitchin, just off Tilehouse Street in the heart of the town centre, where it could be argued that there was far more risk of community cohesion being affected. It was in touching distance of other residential development, and in her two years residing there she felt that the community cohesion was strong, both in respect of those residents living within the gated community and those living outside it.

Mrs Haddon stated that Half Acre was a destination point. Visitors reach it, but do not go beyond it on foot, as the pathway ends. Therefore, she could not see that there would be the same level of footfall by passers-by as there was at the gated community off Tilehouse Street.

After a period of questions and answers, the Chairman thanked Mrs Odularu and Mrs Haddon for their presentations.

In response to issues raised during the presentation, the Area Planning Officer commented as follows:

- the gated community off Tilehouse Street – Members were reminded that this development was granted planning permission in 2002, well before the introduction of the NPPF, which required developments to facilitate social interaction and for design generally to be inclusive;
- in respect of the appeal decision referred to by the speakers, this was for a residential development of five dwellings in a village. In respect of social cohesion, the Planning Inspector had stated "This arrangement would run counter to the policies of the Framework which advise that planning should facilitate social interaction, create sustainable and inclusive communities and plan positively for the achievement of high quality and inclusive design for all development. The Framework's glossary defines inclusive design as 'designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.'" The Inspector had concluded "that the proposed gates would be divisive and prevent social permeability. This would adversely affect how the area feels and would result in harm to the character and appearance of the local area." The Area Planning Officer considered that the above comments would apply equally to this proposal and that there was no compelling evidence to justify such an inappropriate development in this case.

A number of Members were supportive of the proposal on the grounds of the safety of children playing in Half Acre and the fact the development would be on the edge of Hitchin Town, whilst others supported the policy view that the gates would be a divisive feature. It was also unclear how visitors would be able to enter the road should the gates be installed.

It was moved and seconded that the application be granted planning permission, subject to appropriate conditions. Upon being put to the vote, this motion was lost.

It was moved and seconded that the application be refused planning permission for the reason set out in the report. Upon being put to the vote, it was

**RESOLVED:** That application **18/00273/FP** be **REFUSED** planning permission, for the reason set out in the report of the Development and Conservation Manager.

**138 18/00322/FPH - 44 NEW CLOSE, KNEBWORTH, SG3 6NU**

Erection of art studio in rear garden. Erection of wall around side garden with decorative screen and landscaping to create courtyard (as amended by drawings received 12/03/2018).

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/00322/1.

**RESOLVED:** That application **18/00322/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager, but with the removal of Condition 3, which had been included in the report in error.

**139 PLANNING APPEALS**

The Development and Conservation Manager presented the report entitled Planning Appeals and drew attention to the following:

**RESOLVED:** That the report entitled Planning Appeals be noted.

The meeting closed at 10.25 pm

Chairman