

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY,
LETCWORTH GARDEN CITY
ON THURSDAY, 24TH MAY, 2018 AT 7.30 PM**

MINUTES

Present: *Councillors Mike Rice (Chairman), Michael Muir (Vice-Chairman), Daniel Allen, Ruth Brown, Paul Clark, Bill Davidson, Sarah Dingley, Jean Green, Cathryn Henry (until 10pm), Mike Hughson, Tony Hunter, Ian Mantle, Harry Spencer-Smith, Michael Weeks and Val Bryant (In place of Sue Ngwala)*

In Attendance:

Simon Ellis (Development and Conservation Manager), Tom Allington (Strategic Sites Planning Officer), Tom Donovan (Development Officer), Sam Dicocco (Planning Officer), Nurainatta Katevu (Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer).

Also Present:

At the commencement of the meeting approximately 24 members of the public, including 11 registered speakers and 1 Member Advocate (Councillor Ian Albert).

1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Sue Ngwala.

Having given due notice Councillor Val Bryant advised that she was substituting for Councillor Ngwala.

2 MINUTES - 19 APRIL 2018

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 19 April 2018 be approved as a true record of the proceedings and signed by the Chairman.

3 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

4 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed the officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman welcomed back the Members that had previously served on the Committee and those that were new to this Committee;
- (3) 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;

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- (4) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (5) 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;
- (6) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (7) 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
- (8) 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 are 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 and wished to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

5 PUBLIC PARTICIPATION

The Chairman confirmed that 11 registered speakers and 1 Member Advocate (Councillor Albert) were present.

6 17/02316/1 - THE GABLES, HIGH STREET, BARLEY, ROYSTON, SG8 8HY

Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7th November 2017, 11th January 2018, 9th February 2018 and 19th March 2018).

The Strategic Planning Officer presented a report in respect of planning application 17/02316/1 supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Strategic Planning Officer advised that the site was situated north-west of Barley and included existing access from the High Street leading to the front of the surgery and round to the rear of the surgery, which accommodated an electricity sub-station.

The entirety of the site was located in the Barley Conservation Area and under the current (1996) Local Plan the whole of the site was outside of the village boundary, however, under the emerging Local Plan the land at the Gables was within the boundary with the paddock being outside of the boundary.

The proposal was for 8 new dwellings and improvements to the front car park and new rear car park at the surgery together with associated landscaping. The existing sub-station would be relocated within the site, next to the new car park.

The proposal also included improvements to the existing access to the High Street widening the access to allow suitable access for wider vehicles such as emergency vehicles.

There would be a central green area and attenuation for drainage for the site.

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The development would consist of detached and semi-detached and terraced 2 to 4 bed dwellings with varied designs that were in keeping with the area.

The development would not be visible from the High Street and would not be overly prominent in the landscape which, in the officer's view, would provide a logical extension to the village

The Strategic Planning Office informed Members that the Parish Council had raised an objection that the development would reduce the amount of green space causing harm to the Barley Conservation Area and the listed White Posts property.

He advised that any harm caused by the development had to be weighed against the benefits and consideration should be given to the housing supply as detailed in Paragraph 4.3.5 of the report.

The site was considered sustainable as it was on the edge of a category A village, identified in the emerging Local Plan.

The benefits of the proposal included improvements to the Surgery, the removal of the sub-station that would allow an expansion of the surgery in the future and the provision of housing in Barley, including two affordable units.

It was acknowledged that part of the site was outside the village boundary and that the development would result in harm to the Grade II listed building, but this was outweighed by the benefits.

It was the Officer's recommendation that the application be approved, subject to the conditions contained in the report.

Parish Councillor Yvonne Lee, Barley Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02316/1.

Parish Councillor Lee stated that the Planning Officer's report made reference to the objections made to this application by the Parish Council and, rather than repeat those objections, she would focus on the key areas where they disagreed with comments made in the report.

The Parish Council believed that the recommendation to approve this application was flawed and the Officer's report was misleading in several key areas, in particular, the public benefit to be derived from the application and the context of the National Planning Policy Framework and its relationship with local planning policy.

The Planning Officer at Paragraph 4.3.10 of the report stated that the key public benefits would be for the adjacent Doctor's surgery, with the provision of 8 additional off-street car parking spaces and allowing the surgery to extend and expand.

The existing car park was rarely at full capacity, with patients preferring to park on the road and the surgery recently merged with Granta Medical Practice, which operated across 4 sites and had 33,500 registered patients. Patients at Barley were able to access services at all 4 sites, including Royston, so, as far as she was aware, there was no intention to expand, nor offer services from Barley alone.

It was not a public benefit to have more car parking spaces, when those already in existence were not being used.

It was claimed that improving the car park would improve highway safety but changing people's habits was extremely difficult. If people refused to use the spaces available today, why would they use more in future?

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Therefore, highway safety would not be improved, in fact quite the reverse as this application would compromise it.

There was a clear conflict between a new access road with increased traffic and Bakers Lane nearby.

The High Street may be a 30MPH road, however we take issue with the reference to long views. There were certainly no long views when exiting Bakers Lane onto the High Street, as there was no visibility of the access to the Doctor's surgery.

The claimed benefit from future expansion of the surgery was pure conjecture and how would this be achieved?

Any expansion, other than change of use to the first floor flat would result in a loss of parking spaces, the very public benefit we were told justified the approval of this application.

This was all a red herring and there was no public benefit.

50 percent of the site fell outside of the village boundary. The Officer's report at Paragraph 4.3.4 advised that only the paddock, which was more than 50 percent of the development site, sat outside the current boundary and proposed that this boundary be redrawn.

The Village boundary was thoroughly reviewed and revised in the emerging Local Plan following public scrutiny and debate. What justification was there for redrawing them on a whim to accommodate development proposals?

The boundary was clear enough and, if it was moved once, what would be the justification to stop further expansion westwards.

The Conservation Officer concluded that the proposed development would result in harm to both the Conservation Area and the setting of the Grade II listed building, White Posts.

Under NPPF this harm had to be balanced against the public benefit of the scheme, but when there is no public benefit, the harm cannot be counter balanced.

In respect of scale, layout and design, the applicant had reduced the size of units and reduced the overall number from 9 to 8 but had not reduced the area of the development site.

The Conservation Officer stated that, if this scheme was consented, it would be susceptible to further future development and expansion. This was something that Barley residents were acutely aware of.

The scheme could not be made viable, consequently she would expect the developer to come back very quickly, and on the basis of viability, seek a revised scheme.

Given the scheme was under 10 units there was no requirement to provide affordable units, so the two affordable units in the scheme would be the first casualty then maybe the sub-station.

Parish Councillor Lee urged Members to refuse the application as it would cause demonstrable harm and was neither viable nor deliverable.

The Chairman thanked Parish Councillor Lee for her presentation.

Mr Bill Bampton, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of application 17/02316/1.

Mr Bampton informed Members that Pelham Structures only worked in the local area and they designed the buildings, manufactured the timber frames and constructed the houses.

They had been involved in several local schemes including the Langdon Leisure Centre, which they designed and built.

They only undertook work in rural areas enabling them to provide sympathetic rural developments.

The benefits of the development had been covered in the Officer's report.

Barley was a Category A village which was highly sustainable and suitable for development, but had no sites allocated in the Local Plan.

He wished to refute the Parish Council's assertion that there were no benefits to this scheme.

They had worked with the Doctors Surgery and designed and proposed what they considered they would need for the long-term future of their business. There were 4 practices in the group, however the other 3 were not capable of being expanded and this practice was owned by the Doctors.

Highways had examined the proposals and found them to be totally satisfactory. The scheme would give improved sight lines and provide better traffic flow.

10 additional car parking spaces would be provided, although it was acknowledged that some of these would be lost if the surgery did expand.

Paragraph 14 of the NPPF said that sustainable development should go ahead without delay, providing it did not cause demonstrable harm and the Conservation Officer accepted that there would be less than demonstrable harm.

In his personal opinion, this development caused no harm whatsoever, as the buildings would be complimentary in design and would provide much needed local housing and two low cost houses.

Mr Bampton asked Members to support the Officer's recommendation.

Members queried whether it was intended to put solar panels on the roofs of the houses and asked whether the affordable housing could be prioritized for local people.

Mr Bampton advised that it was the intention for the development to be highly sustainable. Where there were south facing roofs solar panels would be part of the proposal, however they would be designed into the roof rather than attached to the surface.

In respect of affordable housing, this was in the hands of the Planning Authority, but he had no objection to local people having priority.

The Chairman thanked Mr Bampton for his presentation.

Members sought assurance that the conditions regarding the affordable housing element of this development were robust and queried whether the density of this development was comparable with that of the village and whether this was part of the balance that outweighed the harm.

The Strategic Planning Officer advised that the condition regarding affordable housing required the scheme to be submitted to the Planning Authority and that the agreed scheme had to be adhered to. The requirement for affordable housing was laid out in Paragraph 4.3.4 and it was the affordable housing that tipped the balance in favour. If the Applicant applied to vary that condition there may be grounds to refuse it and it would come back to this Committee.

In respect of density this equated to the housing in the area of the surgery and was relatively comparable to the rest of the village.

It should be noted that, although the Conservation Officer maintained his objection, he was heavily involved in the new design. The design was not aimed at reducing density, but to get the best scheme for this site, which happened to result in a reduction in the number of units.

Members queried whether the Copper Beech Tree should have a Tree Preservation Order placed on it and queried whether the affordable housing would have solar panels.

They noted that part of the site was included in the village boundary under the emerging Local Plan and queried how, if development was allowed on the area outside of the village boundary, the rest of the land would be protected in future.

The Strategic Planning Officer advised that the whole of this site was within the Conservation Area and any tree within a conservation area was already protected and any work to the Copper Beech Tree would need consent.

Solar panels on the affordable housing units could be secured by an additional condition.

He could give no guarantee regarding future developments in the area, although it should be noted that the Conservation Area continued to the west and it was his opinion that this development would provide a logical boundary to the village and any further development to the west would be an encroachment into the countryside.

A Member was concerned that the Conservation Area was not being protected and that this development seemed to be recommended for approval because someone thought that Barley should have some new housing and felt that the Conservation Officer had made a good case for not accepting this development.

It was proposed that Condition 7 be amended to read:

“The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.”

Members acknowledged the objections of the Parish Council and noted that no sites had been allocated in Barley the emerging Local Plan. They felt that this was a small development, that would provide benefits that outweighed any harm caused to the Conservation Area or the adjacent Grade II listed building.

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

RESOLVED: That planning application 17/02316/1 be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and subject to the amended Condition 7 and additional condition 22 below.

Condition 7

The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

Condition 22

Details of the solar panels to be installed and used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

The details to be submitted and approved shall include the following:

- (a) details as to whether solar panels are feasible at this site;
- (b) the number and location of all solar panels and;
- (c) details of the design and finish of the solar panels to be installed.

If feasible, solar panels shall be installed to the two affordable residential units which are required under Condition 4.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

7 17/02627/1 - LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON

Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018.

The Planning Officer advised that an additional condition was required as follows:

“Prior to commencement of that part of the development further details regarding the enclosure and equipment and long-term management and maintenance of the local areas of play will be submitted to and approved in writing by the Local Planning Authority.

The local areas of play should be subsequently implemented, managed and maintained in accordance with the details of this condition”.

The Planning Officer updated the Committee as follows:

The response received from the Highways Authority had not been recorded in section 3 of the report. A response had been received from the Highways Authority with no objection, subject to the conditions, Paragraph 4.3.20 discussed those conditions.

Outline permission had already been approved subject to conditions and a Section 106 agreement and this application was to consider reserved matters of access, appearance, landscape, layout and scale.

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The Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/02627/1 supported by a visual presentation consisting of plans, drawings and photographs of the site.

Mr Mike Cummins thanked the Chairman for the opportunity to address the Committee in objection to application 17/02627/1

Mr Cummins advised that he was speaking on behalf of the residents of the Garden Walk area of Royston.

He and his wife had followed the application from the original application through to today.

Whilst they became resigned to the loss of the green and pleasant land in question, it was clear that Royston needed housing, particularly affordable housing and residents wanted positive expansion that would not be detrimental to the Town or the area in general. However, the rate of expansion of Royston, through this and other developments, was alarming and the number of new proposals was becoming a concern.

In these austere times the income for the town from new housing would be welcome but the infrastructure in the Town needed to be advanced to cope with that expansion. Anyone living in the town would know how difficult it was to get an appointment with a doctor or dentist, to dispose of items at the recycling depot when it was full or even to simply drive through the town at peak times.

The state of the roads would only become worse if more people use them and maintenance was neglected through insufficient funding.

The Town must grow and improve to accommodate the increasing population.

In Garden Walk traffic was an issue with two schools, a football club, a Brownie hut and existing additional development. The prospect of further additional traffic resulting from the opening of the end of Garden Walk onto the new development was causing concern.

The two reasons given for access to the development via Garden Walk was emergency vehicles and the bus service.

The possibility of a bus service arose during the outline planning stage and was included as Condition 11. However, they had been unable to ascertain who initiated this idea. A bus service had not been provided to other developments so why was it considered that this development needed one. The bus company stated, when contacted that they could not provide any additional services and had not been contacted about extending services

Emergency access could be controlled by lockable gates and Condition 11 could allow for a bus service to be introduced in the future anything but a physical barrier would be unlikely to succeed in stopping all unauthorised traffic and would have ongoing running and maintenance costs.

Mr Cummins concluded by stating that the safety of all users of Garden Walk must be the ultimate priority and the mixture of more children and more traffic would offer too much opportunity for accidents, injury or worse.

The Chairman thanked Mr Cummins for his presentation

Mr John Baines, Applicant, thanked the Chairman for the opportunity to address the Committee in support of application 17/02627/1.

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Mr Baines advised that was supportive of the Officer's recommendations and that the principal of development had been established in December 2016 and in January 2018 access onto the A505, via a new roundabout, was approved, which enabled detailed discussions to commence with Highways in relation to the Section 278 agreement.

The first phase of development comprised of 83 new homes, of which 35 percent would be affordable homes for North Herts Homes.

They had worked hard on the design to ensure that development standards were either met or exceeded with the design being revised numerous times, most recently to address the concerns of the Highways Authority by increasing the width of the principal roads on the site to ensure their suitability for a bus route.

They had purchased the site with outline planning consent, which included a condition that included the provision of bus and emergency vehicle access through Garden Walk.

They were aware of the concerns of residents about this access point through conversations with residents, the Town Council and Royston Members and would do whatever was asked to ensure that appropriate access control was in place, however the decision ultimately lay with the Highways Authority.

They would provide retractable bollards in Garden Walk and ANPR, however the developers would be happy to provide a gate until such time as the bus route became operational.

As part of the Section 278 discussions with Highways, they were preparing the technical details of the construction of the access from the A505 and all construction vehicles would be required to use this access and would be provided with a suitably sized car park. All of this detail was controlled by conditions in the outline planning permission.

The scheme was a high-quality development, appropriate to the area with attractive new homes and landscaped open spaces to ensure this development would be an enjoyable place to live.

Mr Baines thanked the Officers for their diligence and commended the scheme for approval.

Members asked whether any dwellings would be fitted with solar panels and queried if the bus route was feasible if cars were parked along the route.

Mr Baines advised that there was no intention to fit solar panels and, in respect of the bus route, this was a requirement of the outline planning permission, although he did not know where the request came from.

Members asked whether the bus company had been consulted regarding the route and had it other methods of restricting access been considered.

Mr Baines advised that he had not spoken to the bus operator, however there was a requirement for the development to provide £350,000 for bus services.

He had submitted a plan to discharge the condition, which proposed bollards and an ANPR camera. They would be happy to provide emergency vehicle gates until such time as the bus services were extended into the site.

Members queried why only 35 percent affordable housing had been planned.

Mr Baines advised that the Section 106 agreement granted in 2016 required only 30 percent, but they were providing 35 percent in this first phase.

The Chairman thanked Mr Baines for his presentation.

The Planning Officer advised that the bus service was provided through Section 106 contributions and that Highways, rather than the bus company, would confirm the route that was required to make the development sustainable as some of the properties within the site were more than 800 metres away from the next bus stop, which was considered unacceptable on sustainability grounds.

Members questioned whether Highways had expressed any opinion on the proposal that the bus route go through Garden Walk and commented that the number 16 bus route was a contract service and therefore the County Public Transport Service should be contacted.

The Planning Officer advised that there had been no indication from the Highways Authority yet as they were waiting for the detailed transport plan. However, the only other useable access was via the A505, which would be a very convoluted route and the number 16 bus service already serviced Garden Walk.

Members noted that bin storage details were crucial and if this was not correct in the design stage then major problems would occur and it was suggested that Condition 11 be strengthened to read:

“Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of external residential storage for dwellings suitable for at least 3 bins and a caddy that is accessible must be submitted to and approved in writing by the Local Planning Authority.

The details approved by way of this condition must be implemented prior to the occupation of any dwelling hereby approved.”

Members noted the ecology report that commented on birds and bats, they advised that there was a badger sett close to the proposed entrance to the site and queried how this would be protected.

The Planning Officer advised that HCC Ecology had reviewed the report and had no objection, subject to conditions and that badgers had been included in the Construction Method Statement.

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

RESOLVED: That application **17/02627/1** be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager and subject to the amended Condition 11 and additional condition 12 below.

Condition 11

Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of external residential storage for dwellings suitable for at least 3 bins and a caddy, that is accessible, must be submitted to and approved in writing by the Local Planning Authority.

The details approved by way of this condition must be implemented prior to the occupation of any dwelling hereby approved.

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site.

Condition 12

Prior to commencement of that part of the development further details regarding the enclosure and equipment and long-term management and maintenance of the local areas of play will be submitted to and approved in writing by the Local Planning Authority.

8 18/00278/FP - 1-3 THE MEAD, HITCHIN, HERTFORDSHIRE, SG5 1XZ

Part change of use from Class A1 (Retail) to create separate Class A5 (Hot Food Takeaway). Alterations to shopfront and erection of external fume extraction flue.

The Development Officer presented the report of the Development and Conservation Manager in respect of planning application 18/00278/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development Officer advised that Members that the proposal was to sub-divide the building, with part of it becoming a hot food outlet which would require external alterations and an external flue that would rise to roof level to discharge.

Environmental Health had no objection subject to conditions regarding noise, extraction and operating hours and Highways had raised no objection.

He advised that, on balance, he recommended that the proposal be granted.

Ms Monika Shieff and Ms Michelle Harris thanked the Chairman for the opportunity to address the Committee in objection to application 18/00278/FP.

Ms Shieff advised Members that she had four objections, being smell, noise, fire and vermin.

As the owner of the flat directly above the proposed fish and chip shop, the smell would be unbearable, as it would be directly below her bedroom window.

The smell would be constant and would no doubt ruin her furniture, clothes etc.

The smell of fish and fat would be carried throughout the neighbourhood as the extractor would not remove it completely.

The extractor was proposed to be erected on the side of her flat, which gave passageway to both flats above and this would send noise vibrations into the second bedroom, bathroom and corridor.

The proposed new door to the takeaway was located directly below the window of the main bedroom and the fish and chip counter directly under the second bedroom.

The danger of fire in a place that used a big fryer was undeniable and there was no escape route for Nos 5 and 7 in the case of fire.

These things were examples of how a change of use would affect her personally, however the development would have an effect on the whole neighbourhood, as the passageway leading to Nos 5 and 7 had long been the target of vandalism, graffiti and litter, the Police, Priory School, Hightown Housing and the Council were all aware of these problems.

In the past she had approached the owners of the Spar shop regarding the rubbish that was always flying around the shop and received the response that it was the Council's problem.

Given that the owners of the proposed takeaway had proved not to be concerned with cleanliness or any consideration towards the neighbourhood, the vermin that such a shop would create was undeniable.

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Ms Harris informed Members that the London Regional Director of Public Health England stated "Our high streets are increasingly saturated with takeaways and our school children consume too much unhealthy food".

It was well documented that, as a nation, the UK had a massive problem with increasing levels of obesity and type 2 diabetes. A third of children were overweight or obese by the time they leave primary school, with Britain's obesity rates the worst in Western Europe and rising faster than those in the USA.

The Royal College of Paediatrics and Child Health was calling for fast food outlets to be banned from operating within 400 metres of every school in the country in the Government's Childhood Obesity Strategy, that was due to be published this summer. With the Mayor of London supporting this move and a larger percentage of councils already implementing this policy, she believed this would happen,

Walkjogrun.net showed walking times to Our Lady School, Strathmore School and Priory School were all well within 5 minutes of the premises.

Children lived in Lammas Mead, one had been knocked over and cars had been damaged by the vehicles visiting the shop.

The Highway Development Control Manager noted that parking was not within the Council's parking standards and suggested that parking bays could be used to the side of the flats. but these bays were used by residents and she had worked out that at least 84 flats and 20 houses used approximately 200 metres of highway.

There were already issues with a shop in the area, with shop users parking on street corners, across driveways and even abandoned in the road whilst they nipped into the shop. They did not care who they annoyed.

If there was a hot food outlet here the problems would be exacerbated as there would be more customers, most arriving by car in the evening, when residents were already parked for the night.

Having studied the plans, she had serious questions about the health and safety of anyone living above. The proposed fire exit door for the shop was at the bottom of the stairwell leading from the flats above, if this door was open the exit for residents of the flats would be blocked and there was no other means of escape.

Disregard for safety was highlighted by the current use of trailing domestic extension leads used to power two large commercial retail freezers by the owner of the next-door shop.

There was also anti-social behaviour. She advised that her son used to work in a small shop locally where there were a couple of takeaways. He saw drug dealing frequently on the street outside, drawn to the area as both alcohol and ready-made food were available.

She advised that she was shocked to find that Wrexham, often on the list of worst places to live in the UK, had a Council policy of no new takeaways in predominantly residential areas, in part due to anti-social behaviour associated with those outlets, yet Hitchin, regularly one of the top 10 places to live, did not have a similar policy.

Ms Harris concluded by stating that she found this disturbing and disrespectful towards people who funded the Council's business ie the residents and tax payers.

Councillor Ian Albert, Councillor Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 18/00278/FP.

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Councillor Albert queried what explanation could be given to explain how this would complement the function and character of the area and made the following points:

- There had been 22 objections to the application with residents considering that this would be a blight on the neighbourhood.
- No supporting statements had been received, not even from the applicant.
- There was no need for this takeaway as there were other similar facilities within walking distance.
- The proposed extractor was unsightly and would make the entrance to the flats above unwelcoming.
- The extractor would likely cause noise and disturbance in the flats above and smells would be inevitable, despite any conditions applied.
- The proposed new door to the takeaway was located immediately beneath the flats and there was already evidence of rubbish, vandalism and noise associated with the existing shop.
- The fire door would block the stairs to the flat if left open.
- People already used the stairs to sit on and this would increase if there was a takeaway.
- Litter was already a problem and this would get worse.
- There was a lot of conclusive evidence regarding current anti-social behaviour, with reports to the Police, Hightown Housing and others and this would only increase.
- Traffic and parking in the area was a problem as was vehicle damage and road accidents
- Proposed opening hours were too long and for 7 days a week This was not right and, if the application were granted, consideration should be given to reduced opening hours.
- There was often burning of items in the yard next to the shop and the immediate area was often untidy and messy and this would increase.
- There had already been vermin related issues, which would be exacerbated.
- There had been drug taking and drinking on the steps to the flats.

Councillor Albert stated that for all of these reasons this application should be rejected.

Councillor Albert concluded by stating that the NPPF talked about healthy communities and safe and accessible environments. It also mentions crime and disorder and that the fear of crime should not undermine quality of life. This application would undermine quality of life for residents.

He hoped that Members would reject the application or, at the very least, reduce the proposed opening hours.

Members queried how far the nearest takeaway was from this site and expressed concern about the littering.

Councillor Albert advised that the nearest takeaway was approximately 800 yards away and that littering problems in the area would likely increase with the introduction of a takeaway.

The Development Officer advised that a number of the matters mentioned were not material to the decision including fire safety and public health issues.

Members acknowledged the comments made by objectors regarding noise, litter and traffic and there was some discussion regarding the lack of need for another takeaway in this area and the unsightliness of the flue.

The Planning Lawyer advised that no statutory consultees had objected to the application and, if Members were minded to refuse planning permission, reasons would be required for that refusal.

The Development Officer advised that refusal on grounds of design was a planning reason.

It was proposed and seconded that the application be refused permission by reason of size, design and failure to improve the character of the area.

RESOLVED: That application **18/00278/FP** be **REFUSED** planning permission, for the following reason:

By way of its size and design the proposed external flue would fail to improve the character or quality of the area or the way it functions and thereby respond poorly to the site's local context. The proposal would therefore be contrary to Section 7 of the National Planning Policy Framework and Policies SP9 and D1 of the North Hertfordshire Emerging Local Plan 2011-2031.

A short comfort break was taken at this point.

9 17/04255/FP - EAST LODGE, LILLEY BOTTOM, LILLEY, LUTON, HERTFORDSHIRE, LU2 8NH

Change of Use of agricultural land to provide dog training/exercise facilities.

The Development and Conservation Manager informed Members that since the report was written he had held further discussions with Herts County Council Highways and Rights of Way Officers. It was recognised that this was a rural enterprise which would cause additional traffic on a byway and Highways had recommended two additional conditions being:

1. Within 6 months of the date of this planning permission, the applicant shall have entered into a legal agreement with Hertfordshire County Council to secure the implementation of a surface improvement scheme for BOAT Offley 20 which accesses the application site.

Reason: To ensure a maintenance programme for upgrading the condition of the BOAT from additional traffic caused by this development, in the interests of highway safety and amenity.

2. The use of land hereby permitted shall cease within 2 years of the date of this decision notice unless the works secured through Condition 1 above have been implemented in full.

Reason: If the maintenance programme required under Condition 1 cannot be secured within a reasonable timeframe this use of land must cease, in the interests of highway safety and amenity.

In his view, these conditions would meet two of the objectives in the Planning Policy Framework being:

Paragraph 28

To promote rural enterprise and diversification to encourage sustainable rural businesses.

Paragraph 17

To protect living conditions.

These conditions struck a reasonable balance to manage the business and prevent damage to the right of way.

The Development and Conservation Manager presented the report in respect of planning application 17/04255/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

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Councillor Strong, registered Councillor Advocate, was not present at the meeting.

Councillors Faye Frost and David Barnard, speaking under the Councillors right to speak, thanked the Chairman for the opportunity to address the Committee in objection to application 17/04255/FP.

Councillor Frost advised that she had called in the application due to the strong contrary views of the Parish Council and declared that she lived along byway 20.

She stated that she had been advised that she could not speak as a Councillor Advocate due to her position on the District Council and was exercising her right to speak and presenting the following information as a serving Parish Councillor on Offley and Cockernhoe Parish Council.

She had listened to all debates with an open mind and left the meetings where the application was discussed prior to any decisions being made.

Councillor Frost informed Members that East Lodge was situated behind BOAT 20, which was a farm track that was the main access route for agricultural vehicles to service the fields surrounding the property.

Heavy traffic along the track had led to its degradation, creating large pot holes that had cost the County Council a lot of money to fill.

After many years of campaigning Byway 20, which was also subject to criminal activity, was recently downgraded, with two heavy metal gates installed, preventing parallel axel vehicles from driving down the track, other than those with written permission from Herts County Council wishing to access properties on the nearby estate.

If permission were granted with the conditions attached, the dog training business at East Lodge would be allowed to trade between the hours of 9am and 5pm on Mondays, Tuesdays and Wednesdays and 9am to 1pm on Saturdays with 4 cars permitted at any one time.

The current operator had transit type vans and the clients drove SUVs in the main.

This was already tearing up Byway 20 and severely eroding the grass verges, with vehicles going around the pot holes.

Supposing that these sessions were one hour in duration, that would mean 32 in and 32 out traffic movements per day in addition to the instructor's vans and the owners.

The track could not sustain this continued commercial use and surely tax payer should not be expected to maintain the track for such reasons.

They had been advised that ensuring that the applicant abided by the conditions would be the responsibility of the NHDC Enforcement Officers. With their extensive workload it was certain that Enforcement Officers would not be able to monitor the dog training facility.

To add to this there was inadequate parking for this number of cars at East Lodge. Agricultural vehicles had already been obstructed by vehicles travelling to and from the property as there were no opportunities for vehicles to pass whist travelling along this single track.

There had been a number of inaccuracies during the application process. Firstly, Lilley Parish Council was consulted by the Planning Officer but the site was not in Lilley, but in Offley; the original application stated that there were no trees on this site but there are; the original application stated that this application was to train the owners dogs, but this was incorrect as it was a commercial venture to train client's dogs.

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Members would have received copies of correspondence sent by the applicants to their neighbours sent a year ago. stating that they were helping out friends from their local dog training class in Welwyn a couple of times a week over summer.

A year on and the activity had increased to a daily activity, with far more visitors attending.

It was difficult to believe that any conditions attached to the application would be adhered to.

The Planning Officer consulted Hertfordshire Highways, but Byway 20 was not the responsibility of Hertfordshire Highways and therefore they would have no comment. Although it was acknowledged that this had now been corrected.

After consulting the Herts Byways Officer, the Planning Officer was advised that, if she were minded to grant the application, he would ask that conditions were added, whereby the owners of East Lodge would have to make a financial contribution to the upkeep of Byway 20. This was not included in the original papers sent to Members so how could an informed decision be made without all of the information.

East Lodge and its grounds was located in the Green Belt and a Conservation Area. Introducing a dog training facility, with all of its equipment and associated traffic, was an inappropriate development in the Green Belt.

Byway 20 was downgraded to preserve the track as well as making it a safe route for the many walkers, cyclists and horse riders that enjoy the area each week.

Introducing up to 200 traffic movements per week on the track would put it back to the position prior to the years of campaigning to make this a safe and enjoyable country track.

There were also young infants that lived along the track and the anti-social, excessive speeds that the SUVs and vans travelled to and from East Lodge proposed a real danger to the individuals residing along Byway 20.

The deep pot holes created by the massive increase in vehicle movements had created the need for cars to drive halfway up verges, causing further damage.

In Autumn, Winter and Spring months the regular rainfall made the track a slurry of flowing mud, which caked all of the cars and properties along Byway 20.

She was aware of several insurance claims made against the County Council for damage to motor vehicles caused by the state of the track, including claims from the applicant.

Signs had been erected by the County Council at the entrance of Byway 20 to say it was unsuitable for vehicles, therefore why would you ever grant permission for 200 car movements per week to travel along a track deemed unsuitable for vehicles.

Councillor Frost urged Members to find this application unsound.

Members noted Paragraph 4.3.10 which stated there were no nearby residential properties and queried where Councillor Frost lived in relation to the application site. They asked whether she was aware of the two additional conditions mentioned at the beginning of the item.

Councillor Frost advised that there were three properties at the end of the track and this was where she and Councillor Barnard lived. She was made aware of the additional conditions by Hertfordshire County Council Officers not by NHDC Planning Officers.

Members asked whether tarmacking the track would lead to an increase in speed of the traffic using it and queried where on the track the gate was positioned.

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Councillor Frost advised that this was a country track and tarmacking it would definitely increase the speed of traffic. It had been downgraded to prevent over use by traffic and the additional traffic associated with this application would be an accident waiting to happen. She explained the gate was just beyond East Lodge.

Councillor Barnard advised that this was a country track for the enjoyment of hikers and horse riders, although for at least 6 months of the year it could not be used as it turned to slurry in rainfall.

Members asked where the stated number of journeys had been sourced.

Councillor Frost advised she had based her figures on 4 cars per hour for 8 hours each day and that some of these journeys were at anti-social times.

Councillor Barnard informed Members that he had received an email 12 months previously from the applicant to say that three cars plus a van would be going up the track and that these were dog training friends who would be in a couple of times a week through summer but this had escalated and escalated.

The Chairman thanked Councillor Frost and Councillor Barnard for their presentation.

Councillor Frost asked for clarification that she needed to leave the room for the debate.

The Planning Lawyer confirmed that she should leave the room for the debate.

Councillors Frost and Barnard left the room.

Councillor Harry Spencer-Smith declared a declarable interest in that the applicant was known to him, but this was not a pecuniary interest.

Mr Kamal and Mrs Tracey Bengougam, Applicant, thanked the Chairman for the opportunity to address the Committee in support of application 17/04255/FP.

Mr Bengougam informed Members that they had lived at East Lodge for 14 Years and made the following points:

- The road had always been pot-holed and had only been repaired once in 14 years.
- He had been in contact with the Byways Officer approximately 1 year ago regarding the state of the road before any of this happened.
- He had volunteered to pay 50 percent of the costs of repairs to the road.
- He was an international business man, at home 50 percent of the time and owned just two cars.
- It was always their dream to own a house in the country and felt blessed to have found East Lodge.
- His work took him all over the world and they had to make a decision about safety.
- There had been issues with criminal behaviour including fly tipping and cars coming down the track at night.
- His wife was passionate about dogs and wished to use the field to train a few dogs.
- Their dogs were like their children and were also added security.
- This was not a business as presented by Councillors Frost and Barnard.
- This was someone with a passion to serve the community and provide a service that didn't exist before.
- He had made the gates secure on the field so that it could be used
- Cars would be using the track no more than 20 times a week.
- He was an analyst and studied the risk of who this might affect.
- They were law abiding and did not want to cause a problem so they had contacted neighbours to tell them what was planned.

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- Tractors used the track to access agricultural land and compared to this, their use would be minimal.
- No-one drives at speed with dogs in the car. People drove slowly with animals in their car.
- This would not start before 10am and would not continue after dusk, as there was no light in the field.

Mr Bengougam concluded by stating that this was about two people with power, who were their neighbours and were annoyed that they had decided to allow someone, at no financial gain to themselves, to use a field for 4 days a week over a few months to socialise and create a community.

He was astounded that he had to have this conversation, considering all of the applications preceding this one, when he was trying to allow a few dogs to run around a field and make a positive contribution to the community.

In the beginning they were not sure whether the person running the training sessions would continue, but when they realised that this would continue, they spoke to Councillor Barnard who suggested that they put in a planning application and they just followed the rules.

Members asked for clarification regarding what upgrading the surface of the track meant and queried whether the number of vehicles could increase from the 20 quoted.

Mr Bengougam advised that that they currently maintained the verges etc and were happy to contribute to upgrading the track. He had researched the methods and identified an ecological surface that could be used but it definitely would not be tarmacked.

The moral question was how much they should pay as they were not the only users of the road, others including farm vehicles used the track and therefore they should not have to bear 100 percent of the cost of upgrading.

Mrs Bengougam advised that, in respect of the number of vehicles. they were only planning to train one dog per hour on Mondays and Tuesdays and the trainer rarely had more than three or four in a day, it would be no where near the figure quoted by Councillor Frost and would not want it to be that many. They had CCTV at the front of their property and could clarify conclusively the number of vehicles that attended their property.

The Chairman thanked Mr and Mrs Bengougam for their presentation.

The Development and Conservation Manager advised that when the report was written they considered the option of a legal agreement regarding the contribution towards the upgrade of the BOAT, and the original view was that this seemed unreasonable given the scale of use, however, the route was in a poor state of repair and the majority of traffic using this route would be going to their property.

He had discussed this issue at length with the Rights of Way Officer and having considered various options, it was felt that, as the BOAT would be used for rural business use, the applicant should make a contribution, with the details being agreed between the applicant and Herts County Council.

In respect of enforceability of conditions, Officers would not be on site monitoring, but would certainly be informed if any condition was breached.

Had there not been a planning application this business would probably have just carried on and the number of vehicle movements quoted had never been witnessed, therefore it was not reasonable to refuse permission.

Its was proposed and seconded and following a vote:

RESOLVED: That application **17/04255/FP**.be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager and subject to the following additional conditions:

1. Within 6 months of the date of this planning permission, the applicant shall have entered into a legal agreement with Hertfordshire County Council to secure the implementation of a surface improvement scheme for BOAT Offley 20 which accesses the application site.

Reason: To ensure a maintenance programme for upgrading the condition of the BOAT from additional traffic caused by this development, in the interests of highway safety and amenity.

2. The use of land hereby permitted shall cease within 2 years of the date of this decision notice unless the works secured through Condition 1 above have been implemented in full.

Reason: If the maintenance programme required under Condition 1 cannot be secured within a reasonable timeframe this use of land must cease, in the interests of highway safety and amenity.

A Member expressed concern that the objectors left the room before the public participation regarding this item was concluded.

The Planning Lawyer confirmed the wording of the Member Code of conduct regarding this matter.

The Chairman agreed to consult with the Monitoring Officer regarding this matter.

Councillors Barnard and Frost returned to the room.

10 17/04314/FP - LODGE FARM, KINGS WALDEN, HITCHIN, HERTFORDSHIRE, SG4 8LL

Detached agricultural grain store and grain dryer.

Councillor Harry Spencer-Smith declared a declarable interest in that he knew the applicant and had received hospitality from him in the last 12 months. Councillor Spencer-Smith advised that he would like to speak on the item and would then leave the room for the debate and vote.

The Development and Conservation Manager presented the report in respect of planning application 17/04314/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager advised that the applicant had submitted details regarding Condition 9, but this had been received too late to re-consult in time for this meeting and therefore would be submitted separately as a consent for discharge of a condition.

Mr Richard Pilkington, Applicant, thanked the Chairman for the opportunity to address the Committee in support of application 17/04314/FP.

Mr Pilkington advised that he would highlight the need for the grain store and dryer on a single site and drew attention to the following:

- In respect of Health and Safety in the agricultural industry, there was particular danger where large vehicles entered and manoeuvred when filled with grain.
- The existing grain stores could not tip modern trailers which were 14 tonne trailer which

lifted up to 8 metres high.

- Existing grain storage not large enough.
- In order to comply with specifications required by the grain merchants they needed to bring down moisture levels in order to dry the grain to 14 percent.
- To achieve the above they needed specialist continuous flow drying equipment that was fed by elevators to the storage facilities.
- Combine harvesters very expensive and therefore needed to work longer hours to justify the expense.
- They needed a fast and efficient system to handle the grain.
- There was a certain amount of weed content in the grain so a sieving system was required to remove weeds and chaff.
- This was a zero-sum game in respect of vehicle movements as grain would not be moved any more or less than at present.
- Currently they took grain to Offley via the narrow High Street and this development would take those traffic movements onto Lilley Bottom Road instead.
- At the present they had a small store, which required moving the grain in and out on a daily basis. This proposal would enable them to keep the grain and release it in line with market requirements, therefore helping with production.
- Production could involve up to 16 lorries a day, which currently all arrived between 7am and 10 am.

Mr Pilkington concluded by stating that this was a logical extension of the business, that would make it more profitable by enabling them to meet specifications required.

Members asked why the grain store could not be placed in an industrial area and queried how many additional movements were required to take the grain away

Mr Pilkington advised that the grain store was specific to the fields and transporting this to the industrial area would involve driving tractors and trailers through Hitchin and that there would be no additional movements required to take the grain away.

Councillor Harry Spencer-Smith advised that this seemed a sensible development that would reduce the journeys through the villages. The building seemed well hidden and would blend in with the countryside.

Councillor Spencer-Smith left the room for the remainder of the item.

It was moved and seconded and upon being put to the vote, it was

RESOLVED: That application **17/04314/FP** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

Councillor Spencer-Smith returned to the room

11 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals.

He advised that the Gladmans appeal would be heard on 5 and 6 September 2018 in the Council Chamber, District Council Offices.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 10.15 pm

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Chairman