

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES.
GERNON ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 20TH SEPTEMBER, 2018 AT 7.30 PM**

MINUTES

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

In Attendance:

Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Melissa Tyler (Planning Officer), Rory Cosgrove (Senior Environmental Health Officer) and Nurainatta Katevu (Planning Lawyer)

Also Present:

At the commencement of the meeting approximately 98 members of the public, including 6 registered speakers and 3 Member Advocates (Councillors Steve Deakin-Davies, Steve Jarvis and Lisa Nash).

33 FIRE SAFETY AND AUDIO VISUAL EQUIPMENT

Audio Recording – Session 1 – Start of Item - 14 seconds

The Acting Committee and Member Service Manager gave advice regarding fire safety.

The Acting Committee and Member Services Manager informed Members that new Audio Visual equipment and voting system had been installed in the Council Chamber.

She explained how the audio visual and voting systems worked and that voting would now take place using the unit in front of each Member instead of the raising of hands.

Once each vote had taken place the result, including who voted and how would appear on the screens around the Chamber.

34 APOLOGIES FOR ABSENCE

Audio Recording – Session 1 – Start of Item - 1 minute 59 seconds

Apologies for absence had been received from Councillors Cathryn Henry and Ian Mantle.

Having given prior notice, Council Val Shanley advised that he would be substituting for Councillor Henry.

Having given prior notice, Council Val Bryant advised that she would be substituting for Councillor Mantle.

35 MINUTES - 19 JULY 2018

Audio Recording – Session 1 – Start of Item - 2 minutes 44 seconds

Committee Services had offered their apologies that the Minutes of the meeting held on 19 July 2018 had not been published.

These Minutes would be circulated to all Members of the Committee in the next couple of weeks and would be considered for agreement at the next meeting.

36 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Session 1 – Start of Item - 3 minutes 3 seconds

There was no other business.

37 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Session 1 – Start of Item - 3 minute 6 seconds

- (1) The Chairman welcomed the 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;
- (4) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (5) 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
- (6) 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.

38 PUBLIC PARTICIPATION

Audio Recording – Session 1 – Start of Item - 5 minutes 21 seconds

The Chairman confirmed that 6 registered speakers and 3 Member Advocates (Councillors Deakin-Davies, Jarvis and Nash) were present.

The Acting Committee and Member Services Manager informed Members that Mr John Baines, the Applicant, had advised that he no longer wished to speak on Item 10 - 18/00359/RM - Land East of Garden Walk and North of Newmarket Road, Garden Walk, Royston, Hertfordshire.

39 17/01622/1 - THE STATION INN, STATION APPROACH, KNEBORTH SG3 6AT

Audio Recording of Meeting – Session 1 – Start of Item - 5 minutes 58 seconds

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 Development and Conservation Manager updated Members regarding the appeal timetable.

Confirmation had been received from the Planning Inspectorate that the planning inquiry would take place on 4 December 2018 at 10.00 am and it was anticipated that it would last for four days.

The rest of the timetable remained as detailed in the report.

The deadline for the Council to submit its Statement of Case to the Inspectorate was 28 September 2018 and the Save Our Station Pub Group was confirmed as a Rule 6 party on 12 September 2018 and the deadline for them to submit their Statement of Case was 10 October 2018.

A Rule 6 party could participate fully in the inquiry and could provide their own evidence, experts and advocates and could be cross examined.

Proofs of Evidence would be exchanged 4 weeks before the start of the inquiry this being 6 November 2018. This was the date at which the Council had to provide the evidence being used to defend each of the reasons for refusal.

The Development and Conservation Manager presented a report in respect of planning application 17/01622/1 supported by a visual presentation consisting of plans, drawings and photographs of the site as presented at the meeting held on 19 April 2018, when the application was originally refused permission.

Mrs Alison Young, Save Our Station Pub Action Group, thanked the Chairman for the opportunity to address the Committee in objection to application 17/01622/1.

Mrs Young informed Members that she was a planning consultant appointed by the Save Our Station Pub Action Group, incorporating the Parish Council, to appear at the forthcoming public inquiry into the proposals.

The pub was a designated Asset of Community Value and was the only pub within the village of Knebworth and therefore had a vital role to play in the social sustainability of the village, which should not be underestimated.

This was a family, dormitory village and as such any operator of this, the only pub, would need to be able to accommodate a wide variety of patrons, including children and the elderly in order to be viable. This would not be possible with the restrictions that the proposed plans would place on the long term viability of the pub.

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When the proposals were considered in April 2018, Members quite rightly recognised that the loss of much of the pub garden, parking, noise and odour problems together with the loss of proper servicing and the outbuildings, would very seriously reduce the ability of the public house to be run as a viable business. The result would then likely be the loss of the public house as a community asset.

The reasons for refusal, set out in April 2018, should not be either diluted or deleted.

In relation to the first reason for refusal, it was right for the Council to amend the reason with the updated paragraphs of the new NPPF, however it was incorrect to say that the new NPPF had introduced any new clause or criteria that impacted on the proposals. There was no change in National Planning Policy in relation to the protection, retention and support of local community facilities such as the Station Public House,

Policy ETC7 of the emerging Local Plan was still relevant to these proposals and remained fully compliant with the new NPPF. This had recently been through examination and found sound so there was no reason for Members not to rely on it.

Whilst the proposals may not result in the direct loss of the pub, it was clear that it would ultimately result in its loss. It was also clear that Policy ETC7 sought to prevent any form of development that would lead to such a loss. This was entirely consistent with National Policy and there was no need to remove reference to it from this decision. To do so would undermine the Council's policy at the first hurdle and set an unfortunate precedent for the future.

In respect of reasons 3 and 4, the reduction in parking provision for the pub together with noise, odour and general disturbance that would result to the new residential flats, would cumulatively make running of a public house extremely difficult. So much so that it would ultimately result in its loss.

Elsewhere this had been called a Trojan Horse type development, one that appears to retain an important community facility, but in reality, one that sets the public house up to fail and has the same result of the ultimate loss of the pub.

The Inspectorate had on many previous occasions dismissed appeals for similar schemes for the very same reasons being, that the pub was valued by the community, that parking conflicts would arise because of insufficient spaces being provided, noise from the pub would be harmful to the amenity of the new proposed occupiers and that no evidence had been submitted that an acceptable scheme for odour control had been agreed. This meant that conditions to deal with noise and odour could not be acceptable.

Taken together, all these factors would make the pub the most unattractive to pub operators.

The reasons for refusal that the Committee gave previously were wholly defensible at appeal and the Action Group intended to do so and had appointed experts accordingly.

Mrs Young concluded by asking the Committee to remain resolute, defend the reasons for refusal robustly and continue with the inquiry route.

The Chairman thanked Ms Young for her presentation.

Councillor Steve Deakin-Davies and Lisa Nash, Councillor Advocates, thanked the Chairman for the opportunity to address the Committee in objection to application 17/01622/1.

Councillor Nash advised they were representing the Save our Pub Action Group, Knebworth Parish Council and residents of this rural community.

There was much in the NPPF 2018 around economic, social and environmental objectives and local planning policy to defend this case.

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The pub ran successfully from 1883 until its sudden closure 18 months ago, with the developer making no attempt to run it as a business, suggesting that Market Homes had no intention of reopening it.

Market Homes, who did not own or operate pubs, stated that to preserve it they needed to build on the land. It was clear that having a pub was not a consideration. There was no acknowledgement of the pub in their design or access statement and this was a grave concern.

This was a Trojan Horse development, designed to fail for many reasons including:

- No refuse collection strategy;
- the proximity of neighbouring residents would lead to complaints about noise;
- lack of internal and external space necessary for a pub operation.

The NPPF recognised the need for the delivery of goods to service the pub, this was not possible with this application.

The entire planning unit, the pub, its associated gardens, outbuilding and car park were listed as an asset of community value. The impact of the sub-division of the planning unit on the pub, as an asset of community value, was a material planning consideration and should be considered in this application. The land and outbuilding could be used to support the viability of the pub.

This application presented a gross under provision of car parking. In the immediate vicinity of this proposal there was limited on street parking with 6 other developments either built or being built, all with insufficient parking, so where would residents park?

Hertfordshire County Council were currently consulting to have double yellow lines along that stretch of road, which will remove the current on street parking, further exacerbating the problems.

The proposal reduced the pub car park by half in order to overcome objections from Highways regarding the visibility splay and gave no consideration to parking for the disabled.

The NPPF stated that local car ownership levels should be taken into account and the quality of parking improved. NHDC were well aware of the high car ownership levels in the District and recognised the worsening inherent parking issues experienced in Knebworth, which was again discussed at the Parking Strategy workshop on 8 August 2018 and which this proposal ignored.

It would be wrong for NHDC not to defend their own policy, which stated that the norm was that minimum parking provision would be met in all cases, nor the Knebworth parking survey of 2013.

Knebworth Parish Council and Save Our Station Pub Action Group had been awarded Rule 6 status and were employing a team of professionals to defend all aspects of this case.

Mrs Young had corrected NHDC's misunderstanding of the new NPPF and NHDC were using the car parking standards in their defense of the Cabinet at Reed, so why not use this for Knebworth. It was important that NHDC take a consistent approach.

This case was defensible with the reasons for refusal, decided at the meeting, being sound. All aspects including parking, noise and odour should be defended.

They wanted the appeal to be heard at inquiry so that all issues could be thoroughly explored.

This case was important, not only for the Station in Knebworth, but for all other pubs in the District, where developers would try to chop up pub sites in the same way.

A robust dismissal from the Inspectorate would give NHDC the ammunition to resist such schemes in the future.

Councillor Nash concluded by asking that, on behalf of the campaigning group and the Parish Council, the reasons for refusal be upheld.

Councillor Deakin-Davies suggested that Members may wish to go to the pub on the way home, but Knebworth had not got one.

There were 5,000 people living in Knebworth and no pub.

Over 1,000 people wanted a pub in Knebworth and they had campaigned for nearly two years, raising money and arranging well attended events.

If Market Homes massacred the garden of the pub, they were setting it up for failure.

Councillor Deakin-Davies concluded by stating that, if Council waved the rules regarding how much parking was allowed it would set a precedent for all wards, causing more parking problems and congestion.

Members asked whether the turnover of the pub, prior to closure was known and whether pub chains had been approached about purchasing the pub.

Councillor Nash advised that the turnover had not been disclosed and that Market Homes had been approached and had advised that the pub was not for sale.

The Chairman thanked Councillors Deakin-Davies and Nash for their presentation.

The Development and Conservation Manager advised that the NPPF gave ammunition that the development of the site may lead to the loss of the pub in the future.

He did not agree with Mrs Young regarding Policy ETC7. This was not an application for the loss or change of use of a pub and therefore ETC7 did not apply.

The recommendations would remain as per the report, although the background to reason for refusal 1 would change.

The Rule 6 party was an active participant in the public inquiry and could present their own evidence. They were not at risk of an award of costs against them if the evidence was not accepted or was not correct, however the Council was at risk of an award of costs from the appellant if evidence was found to be unsound or insufficient at the inquiry.

He had taken the view that there were two defensible reasons for refusal that could be professionally supported at the inquiry. The Consultant employed by the Council agreed with this assessment and did not believe there was sufficient evidence to defend noise, odour or a severe Highway impact.

If Members decided to retain all reasons for refusal they would have to provide their own evidence to defend them and would be going against the advice of the Environmental Health Officer and the Highway Authority.

Even if the appeal was successful but the Inspector did not find all of the reasons sound, the Council would still be at risk of the award of costs against them.

The recommendation did not undermine the refusal, but clarified what was defensible at the public inquiry.

He strongly recommended that Members accepted the recommendations in the report.

A Member queried whether the Council's representative would continue to represent if Members voted to retain all reasons for refusal. He expressed concern regarding the statement at Paragraph 4.3.4 of the report and questioned whether this could be stated with any certainty. He further questioned the amount of parking allocated to the residential units, which would likely result in residents parking in the pub car park and questioned why a viability assessment had not been carried out and why ETC7, that had been found sound in other appeals, was not being used.

Members sought assurance that the previous decision would not be changed, but that the Committee was being asked to change the reasons for refusal.

The Development and Conservation Manager advised that, if recommendation 2 was agreed, he would write to the Inspectorate and ask for the inquiry to be downgraded to a hearing, as the Council would then no longer be providing evidence on noise, odour or 5 year supply. The Council's Planning Consultant would only be able to give evidence on reasons that he supported.

In respect of the recommendations the Development and Conservation Manager confirmed that the decision to refuse could not and would not be changed. The decision Notice would remain unchanged and would be presented to the Inspectorate, but recommended that the reasons that would be difficult to defend be dropped and thereby strengthen the reasons that were defensible.

Members debated the application and made the following observations:

- The Rule 6 party would be represented by professionals at the inquiry;
- There were still two defensible reasons for refusal;
- Members must be mindful of rate payers money and be aware of the risk of an award of costs;
- Members remained of the opinion that the application should be refused.

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

RESOLVED: That, in respect of application **17/01622/1**, the recommendations contained in the report of the Development and Conservation Manager be agreed.

The Chairman announced that there would be a short break to allow members of the public to leave the meeting.

40 18/00584/FP - SANDON BURY FARM, SANDON, HERTFORDSHIRE SG9 0QY

Audio Recording of Meeting – Session 2 – Start of Item - 6 seconds

Diversification of Sandon Bury Farm to provide an events venue and guest accommodation, comprising demolition of existing modern buildings within the Sandon Bury Farm complex, change of use of existing buildings from agricultural uses to an events venue, guest accommodation and alterations to listed and non-listed buildings (Black Barn, grain store and hay barn).

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The Planning Officer advised Members that a number of further representations had been received since the publication of the report as follows:

- From a neighbour concerning issues about noise;
- From Pegasus Group, representing the Sandon Action Group, in relation to noise.

These representations had been sent to the NHDC Senior Environmental Health Officer whose comments, dated 11 September 2018, had been circulated to Members.

Following this memo, the applicant's consultants had commented on the representations made.

A peer review of noise impact assessment was then received from Cass Allen on behalf of Pegasus Group.

A further memo was received from the applicant's consultants on 19 September 2018.

The NHDC Senior Environmental Health Officer had reviewed all of the representations.

The Senior Environmental Health Officer advised that his comments sought to discuss the peer review noise assessment review by Cass Allen dated 14 September 2018 and the subsequent memo from SLR dated 19 September 2018.

In terms of base line noise assessment, the original base line levels were originally deemed as acceptable and his view regarding this remained unchanged. He did not dispute the data gathered, however he had concerns that the data relied on related to only one day and therefore could be less representative of the existing noise climate.

In respect of entertainment noise, there was some disagreement between consultants regarding the methodology and guidance used to assess and predict entertainment noise. He had previously advised that he was satisfied with the approach used by SLR and, whilst noting that there were many different noise assessment methodologies, it did not automatically mean that a particular method was incorrect.

He was satisfied that the entertainment noise was unlikely to adversely affect residential amenity, providing the recommended conditions were imposed. The inclusion of the noise enclosure was vital to protect residential amenity.

It had been proposed that, Condition 7 be amended to include proprietary noise limiters, he had already deemed that the noise enclosure would be sufficient, but agreed that a noise limiting device would provide an additional guarantee regarding the overall noise levels emitted from the venue. This would normally be deregulated, under Licensing, until 11pm, therefore it may be worthwhile including it at the planning stage as an additional safeguard, with levels to be determined by an Environmental Health Officer whilst on site.

In light of the comments of the Senior Environmental Health Office, the Planning Officer recommended changes to some conditions as follows:

Condition 8 to read:

Prior to the installation of any fixed plant, a noise survey following the guidelines set out by BS4142:2014 shall be undertaken. This survey shall take into account all proposed fixed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No fixed plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels. The fixed plant, as approved, shall therefore be maintained in accordance with the approved noise control measures.

Reason: to protect the amenities of existing residents.

Condition 9 to read:

Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 08.00hrs and 18.00hrs Saturdays and no deliveries or collections shall take place at all on Sundays and Bank Holidays.

Reason: to protect the amenities of existing residents.

Condition 11 to read:

A maximum of seventy-five (75) event days (one event not exceeding 24 hrs) shall take place per calendar year with no more than three (3) event days taking place per calendar week.

Reason: to protect the amenities of existing residents.

Condition 12 to read:

Live and recorded music shall not be permitted to take place in the outside areas (in the open air) of the venue at any time, except for music accompanying a ceremony and shall last no longer than one hour between the hours of 10.00 and 20.00 on any event day.

Reason: to protect the amenities of existing residents.

The Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/00584/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

Ms Kate Wood (Sandon Action Group), Ms Bridget Wheeler (Parish Council) and Mr Sam Bryant thanked the Chairman for the opportunity to address the Committee in objection to application 18/00584/FP.

Ms Wood informed Members that she was the planning consultant for Sandon Action Group and that she had sent a summary to all Councillors.

Her professional advice to Sandon Action Group was that the proposed venue was contrary to the Council's adopted planning policies, was unsustainable and detrimental to amenity.

It was for good reason that NHDC Policy 39 stated that leisure uses in rural villages should be to serve rural community needs only.

The main concern was that the proposal would cause unacceptable noise and disturbance to residential amenity, both through the use of the venue and significant traffic convening on the village.

There were some missing conditions that had been requested being:

- The requirement for a management plan;
- The prevention of fireworks;
- The requirement to keep windows closed.

They had also sent in comments about the wording of conditions, particularly that of Condition 7.

Some conditions were unenforceable, particularly those relating to finishing times of events, those preventing certain activities outdoors and the assumption that doors would be kept shut.

It was impossible for NHDC to prevent cars taxis and coaches from parking and waiting in the narrow village streets and prevent people from causing late night disturbance, following a wedding of up to 150 guests.

There was a compelling case to effuse the application on noise grounds or at least defer it to require a reappraisal of the noise assessment and the unsustainability of the location.

Mr Sam Bryant, Associate Director, Cass Allen, advised that Cass Allen carried out a peer review of the assessment and it was their view that, based on the noise assessment prepared by SLR on behalf of the applicant, the proposed site operations were highly likely to result in significant adverse effects in terms of noise, as defined in the Noise Impact Statement for 2010 and the Noise Planning Practice Guidance 2014.

These documents stated that, where such effects were anticipated, it was likely that the nearby residents' quality of life would likely diminish due to forced changes in behaviour, such as having to keep windows closed during summer and the potential for sleep disturbance.

Having reviewed the SLR Noise Impact Assessment, it was clear that they had not only used incorrect assessment criteria, but did not adequately take into account the nature of the noise itself. The criteria applied would be appropriate for a constant source, such as road traffic, but instead was applied to noise with a very clear and distinctive characteristic, in this case music or amplified speech.

Additionally the report attempted to assess the impact of low frequency noise by applying internal noise criteria, more typically applied to mechanical services, not designed to assess music noise and residences.

More appropriate criteria, provided in the Institute of Acoustics Good Practice Guide on the Noise from Pubs and Clubs 2003, stated that premises where entertainment takes place on a regular basis, music and associated noise sources should not be audible inside noise sensitive property at any time. The SLR assessment reproduced this guidance but did not apply it at any point in the assessment.

Given the existing noise environment was relatively quiet and dominated by low level road traffic and natural noises, the significant event noise, predicted in the SLR report would be clearly audible and therefore fall a long way short of this design target, even with the proposed acoustic upgrades to the building.

This was particularly true of the low frequency base beat, this type of noise had not been demonstrated to be sufficiently mitigated within the design of the Black Barn and would be easily distinguishable from the background noise environment at the levels predicted in the SLR report.

It was his view that, if the development was approved as proposed, then complaints to the Council's Environmental Health Department were almost inevitable due to the perceived impact of operational noise. This would lead to an investigation by the Council and, based on the SLR predicted noise levels, the complaints would likely be upheld. It would then be the responsibility of the venue to make costly alterations to their operations or building fabric, neither of which would be guaranteed to reduce the noise impact of operations to an acceptable level.

On this basis he recommended that the development as proposed not be granted planning permission. Further more the amendments to Condition 7 were not considered sufficient to fully mitigate the noise impact and would require further rewording for this site to receive permission.

Ms Wheeler advised that Sandon Parish Council was a statutory consultee. The relevant Policy 7 and Policy 20, applied to this village as a village beyond the Green Belt and a conservation site. This required the development to respect the visual character of the area and maintain and enhance it. It was necessary to know the existing characteristics of the village to appreciate this and no-one was better placed to do this than the people who lived there.

130 villagers and the Parish Council had written to oppose this application for a number of very compelling reasons.

In response to a question Mr Bryant advised that he had studied the SLR noise assessment in detail and determined that the wrong criteria were used and therefore incorrect conclusions were drawn.

The Chairman thanked Ms Wood, Ms Wheeler and Mr Bryant for their presentation.

Councillor Steve Jarvis, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 18/00584/FP.

Councillor Jarvis advised that he originally understood that the application would be considered by the Committee as a result of the size of the site, subsequently this was changed, therefore he had requested that it be considered on the basis of local interest and he noted that approximately 10 percent of the population of Sandon was present at the meeting, which demonstrated the level of local interest.

There were a number of significant issues regarding the application.

One related to listed buildings and valuable heritage assets and the application dealt with this aspect perfectly satisfactorily and he had no concern about the physical nature of the proposals.

There were issues regarding noise, on which representations had been made, and the impact of traffic.

In respect of traffic there was an assessment by Herts County Council that the road outside of the venue was capable of dealing with the volume of traffic and he agreed that part of the road was. The problem regarding traffic was that, whilst the road in the middle of Sandon was a two lane road, the road leading to Sandon was not and it led to an unsatisfactory junction on the A505

There were issues in terms of the impact this would have and he had thought very carefully about whether the impact that this would have on the village would be offset by the benefits. He had come to the conclusion that the impact on one of the quietest and most rural areas in North Hertfordshire, of potentially three events with 150 people per week, was not acceptable.

He did not think it would be unacceptable to have any type of event venue, but the proposed level of activity would have an unsatisfactory impact on the village and for this reason he had concluded that the application should not be granted permission.

A Member queried whether Councillor Jarvis felt that the Herts County Council assessment was not robust and whether, in his assessment of cost and benefits, whether he had considered the benefit of preserving the buildings and employment.

Councillor Jarvis advised that his view was that the assessment had been undertaken regarding the highway in the immediate vicinity and this assessment was accurate but they had failed to take into account the roads that led to Sandon.

In respect of costs and benefits, Councillor Jarvis advised that it was clear that the listed barns should be preserved, but this was not the only way to achieve that and acknowledged that there would be employment benefits, although this was not the only way to provide this.

The Chairman thanked Councillor Jarvis for his presentation.

Mr Mark Faure Walker, Applicant, thanked the Chairman for the opportunity to address the Committee in support of application 18/00584/FP.

Mr Faure Walker advised that the application had to address two needs. The first was to find a sympathetic use for the historic buildings of the farm yard and the second was to ensure that the farm had a steady stream of income to support the business during the expensive transition to more natural systems of crop production.

Over the last 4 years they had undertaken detailed pre-application consultations with the Council, Natural England and Historic England who all looked favourably on the proposal.

Last year they had submitted an application for an events venue but, based on responses from the community and consultees, the application was withdrawn in order to make necessary modifications.

The current application was based on a thorough pre-application and design review process, with detailed input from a range of independent technical consultants and the local community.

The scheme had been revised from the original application with the maximum number of events being halved from 150 to 75, the maximum number of guests reduced from 200 to 150 and a revised access and parking arrangement reducing the landscape impact.

The business would create 6 permanent positions and up to 25 temporary positions per event. In addition the proposal would support local businesses both during construction and when it was running.

These jobs would support a sizeable number of local residents, who had written to the Council in support of the scheme. The position of the Council and National policy was clear to support people who live and work in the local area.

He thanked Council Officers and consultees for the positive input into the scheme and pointed out that the recommendation was clear in stating there were no sustainable planning objections to the application and that planning permission should be granted, subject to the safeguards set out in the planning conditions.

The Council provided clear professional guidance to the Committee and qualified that there were no objections raised by key specialist consultees regarding planning matters of noise, highways, heritage and ecology.

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On the matter of principle and scale of development the proposal met all local and National policy. On landscape and heritage, officers stated that the proposal would represent a sustainable use and a significant improvement on the appearance of the existing listed buildings.

On ecology, Natural England and the Wildlife Trust concurred that satisfactory information had been provided, as part of the application, to ensure ecology interests were safeguarded

On Highways, the County Council raised no objection to the proposal.

On the very important matter of noise, the Council's independent advisor had reviewed all evidence presented and had raised no objections to the proposals, subject to relevant planning conditions.

The objectors raised a comparison with other venues when stating why this application should be refused, when looking in depth at those venues, one of them attracted complaints about wedding receptions held in a marquee. He asked that Committee contrast this with the measures being put in place. All amplified music would be controlled and contained within a purpose built acoustic enclosure, which would be placed within an acoustically insulated barn. The barn would be fitted with mechanical ventilation and air cooling to ensure that all windows and doors would remain shut.

They had taken the matter of noise very seriously and this was reflected in the design of the scheme, which mitigated the impacts from noise.

The report concluded by stating that there were no sustainable planning objections to the application and recommended that planning permission be granted.

Mr Faure Walker concluded by asking the Committee to support the proposal to diversify their business and secure a sustainable future for the farm and farm yard and the local people who live and work in the area.

Members queried whether the accommodation in the main house would become a hotel in the future and asked how many vehicles would likely attend the weddings.

They queried what other options had been considered for the farm yard and why this was the venture chosen.

Members asked for confirmation that the ceremonies would take place within the barn and asked for more clarification regarding the acoustic shell and enclosure.

Mr Faure Walker advised that there were no plans for a hotel and the accommodation was purely for weddings, although it could be used for other people to let out if not being used for weddings.

In respect of the number of vehicles, they had 89 spaces available at any one time, in addition there would be a number of service vehicles.

They had considered various options for the farm yard and a number of them could have been achieved, but this was the least risky option and the one that they were most comfortable with.

Mr Faure Walker could not confirm that all ceremonies would be inside, but the building was purpose built for a wedding ceremony. If someone wanted a blessing outside with a small number of witnesses, this may be allowed.

Mr Faure Walker described in detail the acoustic enclosure and soundproofing measures for the barn.

The Chairman thanked Mr Faure Walker for his presentation.

Members queried whether there were other similar facilities in the District.

The Senior Planning Officer advised that a similar venue in a village to that proposed was Offley Place. There was also Priory Barns, Redcoats and Hexton Manor in the District.

Members asked for confirmation as to whether an additional condition was required to install and noise limiter and asked how these devices worked.

The Senior Environmental Health Officer advised that the installation of a noise limiter would be an additional safeguard, however it should be noted that the provision of an acoustic enclosure was unusual and was above and beyond what would be expected. There were different types of noise limiter and these were recommended on a regular basis for licensed premises.

Members referred to Paragraph 3.3 of the report and expressed concern that the comments were limited and were particularly concerned that Highways had only made reference to Rushden Road. They believed that most traffic would not travel down Rushden Road to get to this facility, but would travel in from the A505.

The road from the A505 was narrow and dangerous and, with 75 – 100 cars travelling down that road, some safety measures, such as passing places, should be put in place.

The Senior Planning Officer advised that the Highway comments were that they had undertaken a traffic survey over 7 days on the Rushden Road and concluded that they were satisfied.

A Member commented that the Committee relied upon assessments from Highways to help them make a decision and in this case they could not rely on the information as most of the traffic would approach from a different direction from that assessed by Highways.

In the interests of safety and the ability of the Committee to make an informed decision it was proposed that the application be deferred pending receipt of an assessment on all of the access roads and a safety audit.

The proposal was seconded and having been put to the vote, it was

RESOLVED: That application **17/04393/RM** be **DEFERRED** to enable the full and thorough assessment of the suitability and safety of all routes to the development and that this be presented to the Committee.

REASON FOR DECISION: In the interests of highway safety.

41 **18/00585/LBC - SANDON BURY FARM, SANDON, HERTFORDSHIRE SG9 0QY**

Audio Recording – Session 2 – Start of Item - 57 minutes 47 seconds

Internal Alterations to Sandon Bury Farmhouse (grade II* listed). Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings. New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia. Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof. Internal and external alterations to the Couch House/garage Barn (grade II listed).

The Senior Planning Officer advised that, in view of the decision to defer planning application 17/04393/RM (Minute 40 refers), her recommendation was to defer this listed building application.

RESOLVED: That Listed Building application **18/00585/LBC** be **DEFERRED** until such time as planning application 17/04393/RM (Minute 40 refers) can be considered by this Committee.

The Chairman announced that there would be a short break to allow members of the public to leave the meeting.

42 **18/01994/FPH - 3 HOMEFIELD, HINXWORTH, BALDOCK, HERTFORDSHIRE SG7 5RX**

Audio Recording – Session 3 – Start of Item - 1 second

Single storey side extension and single storey extension to existing garage to provide annexe

The Senior Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/01994/FPH supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Chairman advised that this application had been referred to the Committee as the applicant was a relation of a member of the Planning Department.

It was proposed, seconded and upon the vote:

RESOLVED: That application **18/01994/FPH** be **GRANTED** planning permission, as per the conditions and reasons set out in the report of the Development and Conservation Manager.

43 **18/00359/RM - LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE**

Audio Recording – Session 3 – Start of Item - 4 minutes 9 seconds

Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505.

The Development and Conservation Manager advised that the second sentence of Paragraph 4.3.27 should read:

“The back to back distances are largely within 20m.”

Paragraph 4.3.28 set out plots that certain windows should have obscure glazing to prevent overlooking and associated loss of privacy, but this had not be included in the recommendation. Therefore an additional condition was required as follows:

“That the first floor windows in elevations of plots referred to in Paragraph 4.3.28 are fitted with obscure glass.”

Condition 9 needed to be clarified, as some of the work referred to in the condition was not part of Phase 2 and should read:

“Notwithstanding the plans submitted the development shall not commence until details of design of pedestrian footway for all persons including disabled persons that connects the Phase 2 development site with circular footway approved within Phase 1 of the wider site has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of access for all within the site.”

The Development and Conservation Manager recommended deletion of Condition 10. This road network would be designed to an adoptable standard and would be adopted by the Highway Authority. Therefore this level of detail would be secured through a Section 278 agreement.

Following further discussion with the Case Officer and the Applicant, he proposed an amendment to Condition 16 so that it read as follows:

“Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of covered external residential storage for dwellings must be submitted to and approved in writing by the Local Planning Authority. Such details should include provision for covered storage of residential paraphernalia (garden equipment), secure cycle storage for the occupants of the residential units, as well as bin stores. 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 and promote storage of waste receptacles off-street in the interests of the living conditions of future occupiers and the character and quality of the development.”

Since the report was written comments had been received from the Environmental Protection Officer who supported Condition 17.

The Development and Conservation Manager presented the report of the Development and Conservation Manager in respect of planning application 18/00359/RM.

The Acting Committee and Member Services Manager reminded Members that Mr Baines, the Applicant, had advised that he no longer wished to speak on this Item.

Members asked who would manage the play area and asked whether the condition regarding the type of barrier to be installed at the access from Garden Walk had been settled.

The Development and Conservation Manager advised that the Section 106 agreement had two elements with some areas managed by a management company and some adopted by NHDC in either case there was secure provision in the Section 106 agreement to ensure the areas would be maintained and kept for the use of residents.

In respect of the access from Garden Walk, the condition had not yet been resolved.

It was proposed, seconded and upon the vote was

RESOLVED: That Reserved Matters **18/00359/RM** be **APPROVED**, subject to the conditions and reasons set out in the report of the Development and Conservation Manager with the following amendments, deletions and additions to the conditions:

Condition 9

Condition 9 to read:

“Notwithstanding the plans submitted the development shall not commence until details of design of pedestrian footway for all persons including disabled persons that connects the Phase 2 development site with circular footway approved within Phase 1 of the wider site has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of access for all within the site.”

Condition 10

That Condition 10 be deleted.

Condition 16

Condition 16 to read:

“Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of covered external residential storage for dwellings must be submitted to and approved in writing by the Local Planning Authority. Such details should include provision for covered storage of residential paraphernalia (garden equipment), secure cycle storage for the occupants of the residential units, as well as bin stores. 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 and promote storage of waste receptacles off-street in the interests of the living conditions of future occupiers and the character and quality of the development.”

Additional Condition

That the following condition be added:

“That the first floor windows in elevations of plots referred to in Paragraph 4.3.28 are fitted with obscure glass.”

44 18/01607/FP - RIDGE FARM, RABLEY HEATH ROAD, CODICOTE, WELWYN, HERTFORDSHIRE AL6 9UA

Audio Recording – Session 3 – Start of Item - 14 minutes 31 seconds

Erection of 4 x 3 bedroom dwellings with attached garages, associated car parking spaces and new vehicular access onto Rabley Heath Road and ancillary works following demolition of existing buildings.

The Area Planning Officer advised Members that amended plans had been received that showed enlarged garages for the dwellings in order to comply with the Council’s Parking Supplementary Guidance. All of the garages would now measure 7m x 3m.

Thursday, 20th September, 2018

An updated ecology report had been received following a further onsite inspection survey on 11 September 2018. This report confirmed that bats were not using the buildings involved in this scheme, but they did use the hedge along the north-eastern boundary for commuting and foraging. No further surveys or mitigation was required.

Hertfordshire Ecology had been consulted regarding this updated survey and had recommended an Informative. The Area Planning Officer also recommended an additional condition 19 that would require the development to be carried out in accordance with the recommendations contained in the updated ecology report, which included the provision for bat boxes as part of the ecological enhancement.

As a result of this report the Area Planning Officer advised that the recommendation at Paragraph 6.1 of the report should be amended to read:

“That planning permission be granted subject to the conditions and informatives contained in the report and the additional condition and informative regarding ecology.”

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/01607/FP.

In response to questions from Members, the Area Planning Officer advised that the measurements quoted for the garages were internal measurements.

He explained the process by which the land had changed designation over a long period of time.

It was propose, seconded and upon the vote was

RESOLVED: That application **18/00273/FP** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager and the additional Condition and Informative set out below.

Condition 19

The development hereby permitted shall be carried out in accordance with the recommendations set out in paragraph 4.3 of the submitted Cherryfield Ecology report as updated September 2018.

Reason: To protect and enhance biodiversity in accordance with Section 15 of the National Planning Policy Framework.

Ecology Informative

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

45 PLANNING APPEALS

Audio Recording – Session 3 – Start of Item - 25 minutes 4 seconds

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

Appeals Lodged

The Station, Station Approach, Knebworth, SG3 6AT

The appeal inquiry date had now been set, however, in accordance with the wishes of the Committee a request would be made to downgrade this to a hearing.

In response to a question, the Development and Conservation Manager confirmed that the Planning Inspectorate decided the appeal method and therefore did not have to downgrade this to a hearing if they did not wish to.

Land North Of Mill Croft, Royston Road, Barkway

The hearing regarding this application was due to be heard on 9 October 2018.

Appeal Decisions

Gladmans Development, Offley

This appeal had been dismissed following the Committee's decision to refine the reasons for refusal.

Claypit Cottages

The enforcement notice appeal had resulted in a split decision. The Inspector decided that the house would have to be demolished as it had an effect on the neighbouring property, however the garage could remain. The compliance period set was three months.

Planning Committee Training

The proposed Planning Control Committee training would be deferred until after the Local Plan modifications have been published, likely to be November or December 2018.

The training would consist of two sessions, one for Parish Councils and the other for Planning Control Committee Members and Substitutes and any other Member who would like to attend.

The training would include the NPPF 2018, the status of the Local Plan and some case studies.

NPPF 2018

The Planning Lawyer requested that a copy of the NPPF 2018 be sent to all Members and substitutes of this Committee.

RESOLVED:

- (1) That the report entitled Planning Appeals be noted;
- (2) That the Development and Conservation Manager be requested to send a copy of the NPPF 2018 to all Members and Substitutes of this Committee.

The meeting closed at 9.55 pm

Chairman