

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERON ROAD,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 18TH OCTOBER, 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, Ian Mantle, Harry Spencer-Smith and Michael Weeks*

**In Attendance:** *Tom Rea (Area Planning Officer), Nurainatta Katevu (Planning Lawyer) and Amelia McNally (Committee and Member Services Officer)*

**Also Present:**

**46 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Sue Ngwala.

**47 MINUTES - 19 JULY 2018**

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 19 July 2018 be approved as a true record of the proceedings and be signed by the Chairman.

**48 MINUTES - 20 SEPTEMBER 2018**

A Member brought to the Chairman's attention page 6 of the report, item 39 of the Planning Application 17/01622/1, relating to The Station Inn, Station Approach, Knebworth, SG3 6AT. "...that Rule 6 Party were not at risk of an award of costs....." The Member voiced his concern that the details written in the minutes, whilst, were, as was discussed, were factually incorrect. The Planning Lawyer advised that this would be discussed at member training.

**RESOLVED:**

- (1) That the Minutes of the Meeting of the Committee held on 20 September 2018 be approved as a true record of the proceedings and be signed by the Chairman.
- (2) That the Planning Lawyer be requested to investigate and advise on correct procedure.

NB. Since the Planning Control meeting of 20 September 2018, the Planning Lawyer has since found out that the Planning Policy Guidance on Planning Appeals says:

*interested parties who choose to be recognised as Rule 6 parties under the inquiry procedure rules, may be liable to an award of costs if they behave unreasonably. They may also have an award of costs made to them.*

*It is not anticipated that awards of costs will be made in favour of, or against, other interested parties, other than in exceptional circumstances. An award will not be made in favour of, or against interested parties, where a finding of unreasonable behaviour by one of the principal parties relates to the merits of the appeal. However an award may be made in favour of, or against, an interested party on procedural grounds, for example*

**Thursday, 18th October, 2018**

*where an appeal has been withdrawn without good reason or where an unnecessary adjournment of a hearing or inquiry is caused by unreasonable conduct. In cases dealt with by written representations, it is not envisaged that awards of costs involving interested parties will arise....*

**49 NOTIFICATION OF OTHER BUSINESS**

There was no other business notified.

**50 CHAIRMAN'S ANNOUNCEMENTS**

- (1) The Chairman welcomed the officers, general public and speakers to that Planning Control Committee Meeting;
- (2) The Chairman announced that members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but he asked them not to 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, the meeting would be audio recorded;
- (4) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (5) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 ½ minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and 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 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.

**51 PUBLIC PARTICIPATION**

The Chairman confirmed that the two registered speakers were present.

**52 17/02289/1 - PAUL BROOMFIELD AQUATICS, MAYDENCROFT LANE, GOSMORE, HITCHIN, SG4 7QD**

Residential development of eight units comprising of 1 x 2 bed, 3 x 3 bed and 4 x 4 bed dwellings together with associated access road, garaging and infrastructure following demolition of existing aquatic plant nursery buildings. (As amended by drawings received 4/9/18).

The Area Planning Officer gave the following updates:

1. Comments had been received from St Ippolyts Parish Council, who had advised they had no objections to that development.

**Thursday, 18th October, 2018**

2. Comments had been received from the Lead Local Flood Authority: The Authority had advised that their concerns could be addressed by way of conditions. Two detailed conditions were suggested:-
  - a) that no development would take place until the final design of the drainage scheme had been submitted to, and approved in writing by the LPA and
  - b) that upon completion of the drainage works, a management and maintenance plan must be submitted to, and approved in writing by the LPA
3. Amended plans had been received showing the provision of additional visitor car parking spaces.
4. Comments had been received from the occupier of Maydencroft Cottage raising concerns over potential future development at the site, and the location of parking spaces adjacent to Maydencroft Cottage. The occupier also requested a condition requiring the boundary hedges around the cottage to be maintained at their present height.

The Area Planning Officer had discussed these matters with the agent and the developer had agreed to two additional conditions, should the Committee be minded to grant consent. With respect to the visitor parking, the developer was prepared to move one of the spaces to be added to the spaces opposite plots 1 & 2, and change the layout of the remaining two spaces to the layby alongside the proposed access.

The Area Planning Officer addressed the Chairman and recommended the following conditions in addition to the Lead Local Flood Authority conditions:

- Notwithstanding the detail shown on the submitted plans a revised visitor parking layout plan be submitted, and approved by the Local Planning Authority. The development should be carried out in accordance with the approved plans.

Reason: To protect the setting of the adjacent listed building.

- The proposed landscaping management plan should include measures to retain the boundary hedge and trees around Maydencroft Cottage, and maintenance at their height existing before the commencement of the development hereby approved.

Reason: In the interests of residential amenity.

The Area Planning Officer summarised that given the comments of the Lead Local Flood Authority and conditions, he suggested that he would request that the recommendation be amended to delete Parts A and B, and that permission be granted subject to conditions and informatives.

The Area Planning Officer presented a report in respect of planning application 17/02289/1 supported by a visual presentation consisting of detailed plans, drawings and photographs of the site and houses.

Mr Al Morrow, a Director at Phillips Planning Services, thanked the Chairman for the opportunity to address the Committee. He explained that he was there to speak on behalf of the applicant, Netherdown Ltd, a small family owned Hertfordshire based company.

The application was for the residential redevelopment of an aquatic plants nursery to form eight dwellings, reduced from ten units originally. The proposal complied with paragraph 145 of the NPPF, which stated that new development in the Green Belt may be considered appropriate if it included the redevelopment of previously developed land, and would not have a greater impact on openness than the existing buildings.

The site was previously developed containing a large brick building, polytunnels, glasshouses, growing ponds, storage sheds, garages, and a large amount of hardstanding. The proposals would result in a decrease in the quantum of development, (in terms of footprint – 64%, site coverage and building volume – 28.5%), improving the aspect of the site and contributing to the openness of the Green Belt. The density was just three dwellings per hectare.

The new proposal had been sensitively designed by award winning architect Ivan Clark and, at the request of the NHDC Planning Officers, had been reduced in scale from the original 10 unit scheme. The proposed design made a positive contribution to local character and distinctiveness, and had no adverse impact on the setting of the Conservation Area or the listed Maydencroft Cottage. There would be no overbearing impact or any unacceptable loss of privacy.

The proposed designs had an agricultural feel with a simple “barn-like” design within pitched roofs and discreet roof-light windows. They were appropriately sited and maintained good separation distances. They would provide bright and airy living conditions and adequate amounts of garden space. The proposed redevelopment was quite well-screened from view by virtue of existing hedgerows and proposed landscaping, and it was not visible from the public highway. There was, therefore, no harm to the street scene or the surrounding area.

The Highway Authority supported the proposed access arrangements which were appropriate. The site was not within a flood risk area or critical drainage area. A Flood Risk Assessment Report had been submitted, which outlines the surface water drainage strategy for the site.

The proposed development fell within exception (d) of paragraph 145 of the NPPF and therefore did not represent inappropriate development in the Green Belt. The proposed development was in a sustainable location, it was attractive, and would complement the character of the area. It would replace an unsightly commercial garden centre with a well-designed modest housing scheme. The local Parish Council had confirmed that they did not have any objections to the proposal.

Mr Morrow concluded by commending the proposal to the Committee.

The Chairman thanked Mr Morrow for his presentation.

Mr Morrow advised the Committee that whilst Paul Broomfield Aquatics was still trading, it was struggling, and he could not be certain of it's long term future.

The intention was to re-landscape the area to the south side of the development, perhaps returning it to pasture fields or grass paddocks.

In response to a Members questions, The Area Planning Officer confirmed:

1. Written confirmation had been received confirming that there were no objections from St Ippolytts Parish Council.
2. In terms of the Five Year Land Supply, this application would be considered to be a Windfall site, which would be in addition to the sites that the Council was promoting through the Emerging Plan.
3. A Withdrawal of Permitted Development Rights condition, which covered all out-buildings and extensions, was included in the recommendation, (Condition 16 within the Report).

It was generally felt by Members of the Committee that there were no planning objections to the proposed application.

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

**RESOLVED:** That Planning Application 17/02289/1 be GRANTED Planning Permission subject to the conditions and reasons contained in the report and the following additional conditions:

- Notwithstanding the detail shown on the submitted plans a revised visitor parking layout plan be submitted, and approved by the Local Planning Authority. The development should be carried out in accordance with the approved plans.

Reason: To protect the setting of the adjacent listed building.

- The proposed landscaping management plan should include measures to retain the boundary hedge and trees around Maydencroft Cottage, and maintenance at their height existing before the commencement of the development hereby approved.

Reason: In the interests of residential amenity.

**53 18/01288/FPH - 36 DACRE CRESCENT, KIMPTON, HITCHIN, HERTS, SG4 8QJ**

Part two. Part single storey rear extension and single storey front extension (as amended by drawing RL/4884/36 – 02B received 12/09/2018.

The Area Planning Officer informed the Committee that he had no updates to report.

The Area Planning Officer presented a report in respect of planning application 18/01288/FPH supported by a visual presentation.

The Area Planning Officer requested that the Committee support the officer recommendation.

Mr Simon McCullough thanked the Chairman for the opportunity to address the Planning Control Committee in objection to application 18/01288/FPH.

Mr McCullough informed the Committee that he was speaking on behalf of the McCullough and the Dyer families who lived either side of No.36 Dacre Crescent.

Mr McCullough explained that the following five points that he drew the Committee's attention to, had been set out in the various written responses that he himself had received. Mr McCullough was confident that Planning Control Committee Members had already seen the correspondence to which he referred:

1. It was not considered that the plans were clear enough to fully understand the expected impact of the development on their homes. They found it difficult to determine actual measurements for all extensions to the property, particularly to the extent to which the front and the back of the property would extend.
2. There were issues of privacy, largely affecting the Dyers, where new windows would be positioned opposite existing windows in their property. The height of the proposed two story extension would be imposing, given there was only six feet between the properties. There was concern about reductions in natural light to both properties with different rooms affected in each.
3. Anxiety regarding the impact that development would have on the drainage system which currently ran behind the properties on Dacre Crescent. Significant additional load on the drains may have an effect on a number of homes. Inability to assess the impact on the foundations for the proposed extension, particularly as their rear gardens had a gradient – proper consideration was required.

**Thursday, 18th October, 2018**

4. The development, if passed, could set a precedent for Dacre Crescent. To their knowledge there were currently no two storey developments to the back of a property on that road, and approving one, could lead to more applications for the same.
5. Unease regarding the disruption, in terms of additional vehicles on the road, noise and dust pollution over the months it would take to complete the works, and the impact this would have on their families.

Mr McCullough concluded that should the application be passed they would seek to appeal the decision.

In response to a Member, Mr McCullough explained that he had previously been advised by a builder in statutory requirements, with regard to drainage and sewage. Mr McCullough didn't feel that, in this case, such requirements were fulfilled.

The Area Planning Officer informed the Committee that the drawings had been submitted by a professional architect, were adequately detailed and to scale with all critical dimensions shown, and were perfectly adequate to support the Planning Application.

The Area Planning Officer made the following points:

- The Application had been in since May 2018, and felt, had there been any particular issues, the Planning Officer would have resolved these if necessary.
- Within the report's recommendations, there was a suggested condition to 'obscure glaze' first floor windows.
- Excavation issues could be covered by the Party Wall Act.
- The Planning Register confirmed that there were other examples of two storey rear extensions in Dacre Crescent.
- The long drive shown on the plans, allowed easily for three car parking spaces.
- Whilst building construction works could lead to some disturbance, they would be relatively short-term. This would not be a reason to refuse planning permission.

In response to a Members questions, The Area Planning Officer responded as follows:

- The back-to-back distance between the properties was 30 metres, which after the ground floor extension, would be reduced to a perfectly acceptable 26 metres.
- There would be no objection to a withdrawal of permitted development rights condition.
- There would be no objection to an hours of construction condition – suggested hours:  
8am-6pm Monday to Friday and 9am-1pm on Saturday.

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

**RESOLVED:** That the application 18/01288/FPH be GRANTED Planning Permission subject to the conditions and reasons contained in the report of the Area Planning Officer, who presented two additional conditions (conditions 4 & 5) as follows:-

**Thursday, 18th October, 2018**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

5. Construction work carried out in connection with the development hereby approved shall only be between the hours of 8.00am and 18:00pm Monday to Fridays and between 09:00am and 13:00pm on Saturdays. No work shall be undertaken on Sundays or Bank holidays.

Reason: In the interests of residential amenity.

## **54 PLANNING APPEALS**

The Area Planning Officer presented the report entitled Planning Appeals and advised the Committee that Enforcement issues were no longer reported, however, the Area Planning Officer advised the Committee of the outcome of the Claypit Cottages, Offley enforcement appeal which was a split decision with the Inspector upholding but varying the enforcement notice, allowing the garage but refusing permission for the unauthorised dwelling. The Area Planning Officer advised that if any Members wanted a copy of the decision it could be emailed to them upon request.

A Member asked who was going to enforce this. The Area Planning Officer confirmed it would be the Local Planning Authority.

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

The meeting closed at 8.25 pm

Chairman