

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE MAIN HALL, ICKNIELD CENTRE, ICKNIELD WAY,
LETCWORTH GARDEN CITY ON THURSDAY, 29 JUNE, 2017 AT 7.30 PM**

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Bill Davidson, Elizabeth Dennis (Substitute), Jean Green, Cathryn Henry, Tony Hunter, Ian Mantle and Harry Spencer-Smith.*

In Attendance:

Tom Rea (Area Planning Officer), Anne McDonald (Senior Planning Officer), Melissa Tyler (Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Ian Gourlay (Committee and Member Services Manager)

Also Present:

At the commencement of the meeting approximately 16 members of the public, including 6 registered speakers.

17 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mike Rice, Adrian Smith and Martin Stears-Handscomb.

Councillor Elizabeth Dennis was substituting for Councillor Stears-Handscomb.

18 MINUTES - 25 MAY 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 25 May 2017 be approved as a true record of the proceedings and be signed by the Chairman.

19 NOTIFICATION OF OTHER BUSINESS

There was no other business.

20 CHAIRMAN'S ANNOUNCEMENTS

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

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

21 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers were present.

22 16/03082/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON

Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017).

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Planning Officer advised that the principle for residential development on this site had been determined through the approval of an outline and reserved matters application for one dwelling. This application was proposed for two, 3 bed semi-detached dwellings.

The Planning Officer reminded the Committee that the application site was located on the southern edge of the village of Barkway on the road south before the Nuthampstead turn and was previously the Tally Ho's beer garden. The poultry farm was located 200 metres away from the site and the sewage works 300 metres away. As could be seen from the aerial view of the site, there were a number of dwellings nearer the poultry farm and sewage works than those proposed – Ash Mill, Townsend Close and High Street.

The Planning Officer stated that the proposed dwelling houses were located approximately 30 metres from the Tally-Ho Public House. The garden areas were located behind the proposed dwellings with a depth of 14 metres. The orientation was facing the Tally Ho car park with the amenity space and the smaller bedroom to the rear.

The Planning Officer explained that the orientation of the two dwellings were the same as that previously approved for 1 dwelling, the difference being for a pair of 3 bed semi-detached dwellings on a slightly increase footprint to the previously granted reserved matters application. The scheme design had been amended to sit more comfortably within the context of other dwellings within Barkway.

The Planning Officer advised that, following deferral of the application at the May 2017 Committee meeting, Anglian Water and Thames Water were asked to comment on the cordon sanitaire. However, because the site was under 10 dwellings, they did not have any further comments to make. Environmental Health were also asked to make further comment with regard to the Poultry Farm. No objections were raised and Environmental Health confirmed that no recent complaints had been received from properties that were closer to the farm.

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The Planning Officer was aware of the representation submitted by the local Ward Member, Councillor Gerald Morris, which had been circulated to the Committee. She did not propose to go through the representation in detail, but would be prepared to answer any questions relating to the issues raised in the representation.

Parish Councillor Sonia Falsachi-Ray (Chairman of Barkway Parish Council) addressed the Committee in objection to application 16/03082/1.

Parish Councillor Falsachi-Ray advised that a Mr and Mrs Hall had bought the Tally Ho pub a number of years ago for £220,000 and had carried out an extensive refurbishment. At that time, they asked the Parish Council for permission to build one house on the beer garden site for their own use, thereby turning derelict ground to the north of the pub into a beer garden, which would be more conveniently located for the pub kitchen, as staff did not have to cross the car park. Mr and Mrs Hall would be able to contain any disruptive noise as they owned the business.

Parish Councillor Falsachi-Ray explained that, as soon as outline planning permission had been granted for the new house, the land was sold for £260,000, and a large weeping willow at the south end of the plot was instantly cut down, whilst the application had stated that no trees would be affected. The current owner had applied for two, three bedroom houses facing on to the car park.

In respect of car parking, Parish Councillor Falsachi-Ray commented that the plans indicated parking space for the legal minimum of two cars. As every adult in the village required a car due to a lack of local amenities, this would result in any visitors or adult children parking on the road. The road was already cluttered with cars during busy times at the pub, making the exit for the Nuthampstead Road highly hazardous.

With regard to local business, Parish Councillor Falsachi-Ray stated that there was a risk to the viability of the pub if residents who were living on top of the pub and its car park were to start complaining about noise. The drawings indicated that the houses would be some 25 metres from the pub building, not the 30 metres as stated in the application. The builders would obviously try and maximise the garden area at the south of the plot.

In relation to Environmental Health, Parish Councillor Falsachi-Ray advised that legislation and planning guidelines had changed since the sewage farm and poultry farm, to the east and west of site respectively, were constructed. As District Councillor Gerald Morris had pointed out in his written submission, the proposed houses were some 263 metres away from the sewage treatment works, versus the current recommendation of a 400 metres cordon sanitaire. The poultry farm produced foul odours on a regular cycle, which had been formally complained about. Placing new houses within its odour radius may place more pressure on the farmer who provided much needed local employment. She therefore asked the Committee to refuse planning permission to application 16/03082/1.

The Chairman thanked Parish Councillor Falaschi-Ray for her presentation.

Mr Domenic Padolino (Applicant's Agent) addressed the Committee in support of application 16/03082/1.

Mr Padolino referred to the fact that this application had been deferred at the May 2017 Planning Control Committee meeting due to some concerns raised by local councillors. The objections raised had caused some confusion, which required that some matters had to be investigated before a decision was made. Since the May meeting, he had been contacted by the Planning Officer, stating that the objections raised were not relevant to any planning policy considerations, and hence the application would be recommended for approval.

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Mr Padolino reminded Members that this application proposed to sub-divide the previously approved one house into two smaller dwellings on the same plot and footprint. The application had arisen from discussions between the applicant and a local agent with respect to market forces and the need for smaller houses in the village of Barkway, which were much needed rather than larger houses which were scattered around the village and were out of the price range of most young professionals.

Mr Padolino commented that there was a requirement for younger families to move into the village and these types of smaller houses were less available, and the agent had confirmed that these two houses would be more appealing to a wider range of house buyers, such as young professionals, relatives of local residents or older persons wishing to downscale and remain in the village.

Mr Padolino explained that there appeared to be a pattern which emerged in small villages, whereby families moved out of larger towns and into villages looking to retire and generally without the intention to make a further house move in their lifetime. These houses were often then passed down through families to succeeding generations. He felt that opportunities for a young family to move into a village were quite rare, and that the application created this opportunity for two younger families or couples to establish themselves in a village location.

Mr Padolino stated that he had worked closely with the Planning Department, making changes where necessary, and that the result was two dwellings which would sit on the same footprint as the previously approved larger dwelling, which complied with policy and was sympathetic to the street scene. The materials would be sympathetic to the local vernacular and features had been added, such as fireplaces, which would be operational as found in older style houses in similar rural locations.

Mr Padolino concluded by hoping that, following the Planning Officer's investigation and unchanged recommendation, the Planning Control Committee would be minded to approve this application for planning permission.

The Chairman thanked Mr Padolino for his presentation.

In response to the presentations, the Planning Officer had re-measured the plans and confirmed that the proposed dwelling houses were located approximately 30 metres from the Tally-Ho Public House.

In respect of clarification regarding the poultry farm, the Planning Officer advised that the Town and Country Planning (General Permitted Development) (England) Order 2015 did not state that a dwelling house was not deemed acceptable within 400 metres of an existing livestock agricultural use, but that planning permission would be required if any development involving livestock within 400 metres of a dwelling house was proposed. The purpose of this regulation was to ensure that normal agricultural permitted rights to apply for the construction of new farm buildings for the purposes of housing livestock, slurry or sewage, if they were to be sited within 400 metres of a dwelling(s). This meant that, in all such cases, planning permission would be required from the Local Planning Authority. The fact that planning permission was required did not mean there was an embargo against such development, it merely meant that planning permission was necessary. For the purposes of this planning application, which was for new residential development within 400 metres of an existing poultry unit, the regulation itself had no relevance.

The Committee was divided in its views on the application. A number of Members considered that the two dwellings was an overdevelopment of the site; and concerns were expressed regarding car parking and road safety due to the proximity of the Nuthampstead Road junction. However, a majority of Members considered that the scheme was acceptable; there were no Highway or Environmental Health objections; and no recent complaints about odour from the poultry farm.

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In agreeing that planning permission be granted, the Committee noticed that a minor amendment would be required to Condition 9 to clarify that each residential property should incorporate an Electric Vehicle (EV) ready domestic charging point.

RESOLVED: That application 16/03082/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and with the following amended condition:

9. Prior to occupation, each residential property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

23 17/00781/1 - HEATH SPORTS CLUB, BALDOCK ROAD, ROYSTON

Erection of four floodlights (height 15m) to rugby pitch.

The Senior Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Senior Planning Officer reported two updates to the report. The first was that there was a typographical error in the tenth line of the reasons for refusal – the word should be “and” not “an”. The second was that 30 letters of support to the application had been received. These letters supported the rugby club application, but had the wrong application reference number, with the application reference number for the hockey club application stated.

The Senior Planning Officer advised that the application was proposing four, 15 metre high floodlights, with a bar with three floodlights on the top of each post. She commented that the rugby posts and the lights at the nearby tennis courts were 8 metres in height.

The Senior Planning Officer stated that the rugby pitch was in a very open part of the Heath, with clear views from Baldock Road to the south. As the lights were to be erected with two on each side of the rugby pitch, with the goal posts at either end, she considered that this resulted in visually enclosing the pitch. She considered that this would be harmful to the open setting of the Heath, contrary to its character, and was recommending that planning permission be refused on this basis.

Mr Mick Clarke (Royston Rugby Club) addressed the Committee in support of application 17/00781/1.

Mr Clarke advised that, in terms of planning balance, good planning practice looked at the arguments for and against development. He considered that the arguments for development in the case of application 17/00781/1 were numerous. All of the experts/agencies consulted had supported the application, including Natural England and Hertfordshire Ecology, whose light and UV requirements the applicants would be happy to meet. Royston Town Council had unanimously supported the application, as had the Conservators tasked with the protection of the Heath.

Mr Clarke stated that the Conservators were tasked to ensure that “the Heath is to be maintained for the benefit of the people of Royston and Therfield for them to have somewhere to play sport and to enjoy the open air”.

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Mr Clarke commented that the applicants had written to neighbours about the proposals and had conducted a drop-in session. He referred to the 30 letters of support to the application, including some from residents who lived directly opposite to where the floodlights would be located.

Mr Clarke was of the opinion that the Senior Planning Officer's recommendation to refuse planning permission could be viewed as a very subjective interpretation of planning guidance. For example, the report suggested that due to visual dominance and sense of enclosure the lights would be harmful to the open character of the Heath. Yet this was a space which currently had temporary floodlights operating on every weekday evening over the autumn/winter. The Senior Planning Officer had quoted Paragraph 17 of the National Planning Policy (NPPF) in her report, but there were other parts of the NPPF which stated that planning should be about empowering local people to shape their surroundings and should take account of support and local strategies in improving health and meeting local needs.

Mr Clarke referred to NHDC's pitch playing assessment, which contained information on the installation of floodlights to alleviate over-playing issues. The NHDC Pitch Playing Strategy cross-referenced its Sustainable Community Strategy in terms of improving health and welfare, tackling obesity and promoting sport and access for all. The Strategy also stated that the NPPF required that planning policies should be based on the needs of open space, sport and recreational facilities.

Mr Clarke confirmed that the proposed floodlights would not lead to night matches. They would be used purely for training purposes. He felt that it could be viewed that a precedent had been set regarding the Tennis Club floodlights. The Rugby Club had also offered to paint their floodlights green.

Mr Clarke considered that, although the report suggested that the public benefits of the proposals were narrow, there were often over 300 boys and girls at the Heath on Sunday mornings playing sport and learning about key skills such as respect and fair play. The Rugby Club also worked in local schools, there was a blossoming women's team, and there was touch rugby. He felt that it was a truly inclusive Club, from children to OAPs.

Mr Clarke concluded by stating that the Rugby Club was by far the largest Club in Royston, with the cheapest subscription fees and a hardship fund for those unable to fully afford subscription payments. He felt that the proposal was totally about public benefit, and he considered that the floodlights would help to ensure that children and adults had over 1,300 hours of outdoor activity throughout the year. He hoped that the Committee would support the application.

The Chairman thanked Mr Clarke for his presentation.

In response to a question, Mr Clarke advised that the Club proposed to maintain the current operating hours used by the temporary diesel-powered floodlights of between 6pm and 9pm weekdays throughout the autumn/winter.

In respect of matters raised in the presentation, the Senior Planning Officer confirmed that a refusal of the application would not prevent the current situation on site (ie. continued use of the temporary floodlights). The application was for permanent floodlights, which would be visible every day of the year, even though they would only be in use for the times specified.

The Committee debated the application. Members noted that Hertfordshire Ecology had stated that there would be no negative ecological impact arising from the proposals. A balance had to be struck between the opinion that the floodlights would be visually dominant and harmful to the open character of the Heath, and the public benefits in terms of improved health and well-being to the community should the floodlights be permitted.

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A majority of Members were of the view that there were more benefits than disbenefits with the floodlights, especially as the new lights would replace the more environmentally damaging diesel powered temporary lights. Members also felt that it was telling that the Conservators of the Heath had actively supported the application.

A Member suggested that the Committee could perhaps express support to the principle of floodlighting, whilst requesting the applicant to investigate the possibility of adjustable lighting columns, so as to mitigate the impact of the proposals on the Heath. There was no support to this suggestion.

The Committee therefore agreed, on balance, that application 17/00781/1 be granted planning permission, subject to standard conditions and specific conditions relating to the hours of use of the lights (up to 9pm Monday to Friday, except on Public and Bank Holidays); painting the lighting columns green; and "buffers" being installed to the sides and rear of the lights to prevent light spillage.

RESOLVED: That application 17/00781/1 be **GRANTED** planning permission, subject to the following conditions and reasons:

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

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

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

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

3. The use of the lights, hereby approved, is until 9.00 pm only on Mondays - Fridays (inclusive) except on Public and Bank Holidays when the lights shall not be used.

Reason: To protect local amenity.

4. The lights hereby approved shall be painted green in colour, to match the existing lights at the tennis courts, and shall be permanently retained in this colour.

Reason: To protect local amenity.

5. Before the lights hereby approved are erected on site, full details of any 'buffers' to the sides or rear of the lights required to prevent light spill outside of the rugby pitch ground area, are to be submitted to and agreed in writing by, the Local Planning Authority. The approved details are to be erected on site before the first use of the lights and thereafter permanently retained.

Reason: To protect local amenity.

24 16/02237/1 - LAND OFF, CAMBRIDGE ROAD, BARKWAY

Outline application (appearance and scale reserved) for residential development of 12 dwellings together with associated access road (as amended by plans received 15.3.17).

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Planning Officer advised this was an outline application (appearance and scale reserved) for residential development of 12 dwellings (not 13 as stated in the title of the report), together with associated access road (as amended by plans received 15/03/17). The application site was on the northern edge of Barkway village within the boundary as defined in the emerging Local Plan. The application site was an allocated site in the new plan - BK1.

The Planning Officer referred to the well-defined site boundary, comprising trees and shrubs. There was an Ash tree on the front boundary that was proposed to be removed to allow improved access to the site. This had necessitated the removal of one housing unit. Two affordable dwellings were proposed, one for affordable rent and the other for shared ownership. The landscaping of the site would include the retention of the hedgerow and trees on the boundaries.

The Planning Officer stated that the Section 106 Agreement relating to the development had recently been signed and sealed.

The Planning Officer commented that Members would be aware that she had recommended a resolution to grant permission, subject to the removal of the Lead Local Flood Authority (LLFA) objections. This work was still ongoing. She had received the following comments from the LLFA:

"I would agree in principle the proposal to drain the site via deep bore soakaways with recommendation of planning conditions to provide details at later stage (specific ground investigations to confirm the feasibility and adjust the design in line with accurate infiltration rate).

However, to provide appropriate and specific advice to the planning authority, a revised drainage strategy reflecting this new approach should be provided, including an updated drawing showing the location of the deep bore-soakaway(s) and how the water will be conveyed through the development."

Parish Councillor Sonia Falsachi-Ray (Chairman of Barkway Parish Council) addressed the Committee in objection to application 16/02237/1.

Parish Councillor Falsachi-Ray stated that whilst the Parish Council was not in total objection with the application, there were a few areas of concern regarding the scheme they wished to highlight to the Committee.

Parish Councillor Falsachi-Ray advised that each adult residing on the site would require a car to access any amenities, including middle and secondary schools for their children, workplaces, medical facilities and shops. The proximity of the garage to proposed Plot 10 appeared to be too close to the boundary and the garden of the new house to be built next to the field, meaning that it would not be possible to maintain the hedge.

Parish Councillor Falsachi-Ray stated that the Parish Council's main objection once again rested on concerns about insufficient car parking. In reality, many garages were likely to become storage containers, with residents parking on the streets. This then limited access for the emergency services and refuse collection. Parking along the B1368 road already created hazards and this could well be exacerbated were there to be insufficient parking within the application site.

Parish Councillor Falsachi-Ray commented that the Parish Council wished to request that the garages should be changed to open car ports, thereby ensuring that they were used for motor vehicles rather than general storage. In the possible event of Barkway Site BK3, with its 140 houses, coming into being, she considered that the traffic and parking issues along the B1368 road could become critical. She felt that silo thinking with each application being taken in

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isolation could result in little or no consideration being given to the cumulative effects of multiple applications in close proximity.

The Chairman thanked Parish Councillor Falaschi-Ray for her presentation.

Mr Steve Stokes (Applicant's Agent) addressed the Committee in support of application 16/02237/1.

Mr Stokes advised that the application site had been included in the emerging North Hertfordshire Local Plan as site BK1, as being suitable for development for up to 13 dwellings. Support to bring this site forward for development was noted within the NHDC Council Minutes dated 20 July 2016, and the site was also included within the draft Barkway Neighbourhood Plan.

Mr Stokes stated that scheme proposed a range of bespoke house types designed specifically to suit their location, and comprised a mixture of 3 and 4 bedroom semi-detached and detached houses so as to appeal to a range of potential occupiers, each provided with a good sized garden and policy compliant parking levels (38 spaces for 12 houses).

Mr Stokes explained the layout of the scheme maintained a soft public edge to the northern village fringe boundary and maintained the open character along Cambridge Road. To this end, the scheme retained and protected existing trees to the northern boundary and along the Cambridge Road boundary, including the recently protected Ash tree.

Mr Stokes commented that orientation and distances had been carefully considered to mitigate overlooking in relation to existing and consented properties to the east, west and south of the site. The dwellings themselves were to be constructed using traditional materials, to be selected to compliment the local village vernacular, with predominantly brick elevations under pitched and tiled roofs. The public realm within the scheme would be generously planted and these areas would be maintained via a management company on behalf of the residents.

Mr Stokes advised that, following submission of the application, observations made by consultees had been carefully considered and the scheme amended accordingly, such that there were no objections from statutory consultees.

Mr Stokes stated that the signed Section 106 Agreement provided for 2 dwellings designated for affordable housing, with nominations to accord with NHDC's policies; financial contributions for Hertfordshire County Council in relation to Education and Youth provision; and financial contributions for North Hertfordshire District Council in relation to community centres/leisure/play space/pitch sport/open space/ sustainable transport and waste/recycling. Altogether, these financial contributions totalled well in excess of £100,000.

Mr Stokes concluded by stating that he considered that the scheme would provide a valuable addition to the housing stock in Barkway, whilst the new village residents should be expected to contribute positively to the local economy and sustainability of the village facilities.

The Chairman thanked Mr Stokes for his presentation.

The Committee was supportive of the Planning Officer's recommendation to grant outline planning permission for this scheme. In order to safeguard the ability to maintain the hedge adjacent to the garage of Plot 10, the Committee agreed to an additional condition requiring the garage to be positioned such that the maintenance of the boundary was practical.

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RESOLVED: That, subject to the objections from the Lead Local Flood Authority being overcome, application 16/02237/1 be **GRANTED** outline planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and inclusive of the following additional condition:

18. Notwithstanding the layout shown on drawing RT1608 Rev G the garage shown on plot 10 shall be positioned such that maintenance of the boundary is practical.

Reason: To ensure maintenance of the shared boundary.

25 16/01932/1 - LAND TO THE REAR OF 44, WYMONDLEY ROAD, AND 1 THE ASPENS, HITCHIN

Erection of 4 x 4 bedroom detached dwellings with garages. Erection of detached garage and two storey side extension to 1 The Aspens (as amended).

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site. By way of an update to the report, he advised that the Council's Conservation Officer had no objections to the revised scheme.

The Area Planning Officer advised that the aerial slide showed the location of the application site off The Aspens and to the rear of properties in Wymondley Road. The site was within a predominantly residential area, comprising mainly two storey houses. The residential density of the area varied, with lower density housing along Wymondley Road and greater density housing in Westwood Avenue and The Aspens. All vehicular and pedestrian access would be off The Aspens. A recent extension to The Aspens development in 2011 which was shown on the right of the application site and comprised 4 detached dwellings on a site very similar in size to this proposed development site of approximately 0.35 hectares. The site included No. 1 The Aspens which is proposed to be extended to the side and a garage re-provided. The site included two groups of trees protected by two separate Tree Preservation Orders. The site itself was relatively flat, with the majority of trees located along the site boundaries.

The Planning Officer explained that the second slide showed the originally submitted proposals for this site which involved the extension to No. 1 The Aspens and six detached dwellings, served via vehicular access off The Aspens. As the report stated, a number of concerns were expressed with regard to the number of dwellings proposed and their consequent impact on existing trees within the site and around the site boundaries and the impact of the trees on the living conditions of the prospective occupiers of the development in terms of dominance, shading and leaf debris. It was noted that two of the proposed dwellings were partially sited within the root protection zones of trees along the southern boundary.

The Area Planning Officer commented that the third slide showed the current proposals – there was a 33% percent reduction in the number of houses proposed from six to four. The density of the development was now 17 dwellings per hectare, which was comparatively low for this urban area. Plots 3 & 4 had been relocated north away from the southern boundary trees and plot 1 located away from the beech tree in the north east corner. The built development had been pulled further away from all of the site boundaries. A new Tree Protection Order had been established and confirmed on the three mature trees along the southern boundary.

The Area Planning Officer referred to a number of supplementary documents which had been submitted to clarify the detail of the scheme and these included the following:

- A tree Survey Report;
- An Arboricultural Method Statement;
- A Tree Protection Plan;
- A detailed site access road layout;

- A road construction plan;
- An entrance road junction drawing including proposed and existing site levels;
- A house and road levels drawing including finished floor levels;
- A foundations drawing showing typical foundation design; and
- A drainage plan that shows all drainage runs into the service road and not within any root protection zones.

The Committee was informed that the Council had also commissioned an independent arboricultural assessment, which had considered the new layout of four houses and concluded that the revised scheme could be implemented without short and long term harm to the trees on site. The layout showed that the gardens to each of the dwellings was generous, exceeding the Council's minimum standards and larger than many of the surrounding houses. The back to back distances of plots 3 & 4 with the adjacent properties in Westwood Avenue were between 26 and 27 metres, which was considered acceptable particularly when taking into account the retention of the southern boundary trees. It was noted that only a small section of the northern area of the site was within the Hitchin Conservation Area. Within this there was only part of a double garage.

The Area Planning Officer stated that slides 4 and 5 showed the elevations of the new houses. There were now only two house types, and for both house types the eaves levels were low with through eaves dormers. This resulted in a maximum ridge height of 8.5 metres for both dwellings which was comparable to many of the surrounding dwellings. The external materials include external boarding, render and facing brickwork with slate roofs. Slide 6 showed the street elevations, and highlighted the spacious character of the development and the compatibility of the proposals with adjoining development in The Aspens, in terms of height and scale.

The Area Planning Officer concluded by stating that he had considered the concerns raised by a Ward Councillor and local residents and had negotiated a more appropriate scheme for the site. The existing trees had been further safeguarded with a Tree Protection Order and the moving of the dwellings further from their root protection areas. The density was in keeping with the surrounding pattern of development, and he considered that adjacent residents would not be adversely affected. He recommended that the Committee supported the application.

Mr Victor Marshall (local resident) addressed the Committee in objection to application 16/01932/1.

Mr Marshall advised that he resided at No 3 The Aspens (next door to No 1) and considered that he was very adversely influenced by this new housing proposal from Burgess Homes. He had previously entered his objection to the first proposal for 6 houses and to the revised one for 4 houses to NHDC via the formal channel. His objection was not against the development itself, but was with respect to the route of the proposed new access road across the present garden of No. 1, aiming directly at his driveway. He and his wife had chosen their house in this cul-de-sac, based on the tranquility and the safety for their children, with no main or linking roads to be concerned about. They had resided in the property for a total of 34 years, and it now gave the same benefits to their grandchildren.

Mr Marshall stated that the access road was to cut across the present front garden of No. 1, ending just 2.5metres from his driveway. This compared to the current driveway of No. 1, which ended 4.75metres from his and presented no safety hazard, since it only served one house. There was to be no pavement with the access road, so he was being forced to accept having a roadway ending just 2.5m from his drive.

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Mr Marshall explained that he and his wife regularly cared (during the week and some weekends) for their 4 young granddaughters. Two of these were twins aged 3, who were very active, requiring constant vigilance for their safety when he and his wife and their parents entered and left in vehicles. He was now being enforced with having his driveway located immediately next to a road without a pavement. This fact appeared to have no importance compared with regulations on vision splay and tree root zones. The access road plan would have necessitated concessions if Burgess Homes had not fortuitously managed to purchase No. 1. Another safety issue concerned occasions when he and his wife would have to reverse their cars from their driveway into the end of the access road.

Mr Marshall commented that Highway regulations now required a vision splay towards a junction, but he questioned whether that was possible in all cases, thus imposing concessions, including on dimensions where necessary. The Aspens was not a busy road, even since the four new Court Homes were completed at the cul-de-sac end of the street. The new access road started above the level of The Aspens and drivers and pedestrians would be readily able to see each other at the cul-de-sac end, without a full vision splay. Where attention was required was on the opposite side of the access road where it passed the street light and the protected beech tree. This was the principal vector for vehicles using the new access road. He had twice requested that the access road be moved nearer to the beech tree. A moderated degree of vision splay would be practical (eg) leaving my drive some 3.5 metres to 4.0 metres from the new road. However, the lack of a pavement was also worrying, for the reasons that he had stated previously with respect to his grandchildren, as well as other pedestrians.

Mr Marshall advised that the huge beech tree next to the proposed access road, like the others, had never been managed and was grossly oversized, such that a moderate root prune next to No. 1, if required, would have no adverse consequences. The tree could handle this incursion as it had a plentiful root area around its entire periphery. The block paving recently installed at No. 1 removed a deep concrete drive which did not expose any roots and had no influence on the tree.

Mr Marshall considered that his request, therefore, was entirely reasonable - that less of the garden of No. 1 The Aspens be utilised and the street light relocated to assist, giving his property due regard in terms of vehicle safety and crucially, child safety. This change would also require the use of a small spur section of the raised bank of what he believed was Council owned land.

The Chairman thanked Mr Marshall for his presentation.

Ms Louise Newbery (Applicant's Agent) addressed the Committee in support of application 16/01932/1.

Ms Newbery advised that this application had been originally submitted in August 2016. After lengthy negotiations, the total number of dwellings had been reduced from 6 to 4 and now had the Planning Officer's recommendation for approval. The site was included in the Strategic Housing Land Availability Assessment as being "capable of delivering residential development" with a dwelling estimate of 10 dwellings.

Ms Newbery stated that the site was located within a built-up and highly sustainable area of Hitchin. The rear garden development of No 52 Wymondley Road, which created The Aspens, had set a clear precedent for this development. The site became available for development at the beginning of 2016. The applicant purchased No 1 The Aspens as an opportunity to access the site by road, with minimum disruption to the three trees with Tree Preservation Orders along the boundary. The opportunity had also been taken to extend this property as part of these proposals.

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Ms Newbery explained that County Highways were consulted for pre-application advice in the early stages, at the same time as NHDC's Planning Department. Prior to this, guidance was taken from the national standards in the "Manual for Streets" and the "Roads in Hertfordshire Highways Design Guide". One of the main concerns raised in the Highway Officer's pre-application advice had been the requirement for manoeuvrability within the internal road layout, in particular for NHDC's long refuse vehicle. A sufficient turning head had been achieved within the development proposals, so that this large waste collection vehicle would be able to enter the site, turn around, and exit in forward gear. Tracking diagrams were produced and submitted with the Transport statement to demonstrate these manoeuvres.

Ms Newbery commented that the occupiers of No 3 The Aspens had raised some concerns on the Highways design. However, as confirmed by County Highways, the scheme was fully compliant with the requisite vehicle to vehicle and pedestrian visibility splays and there were no objections to the scheme in terms of highway design and safety. The development had been designed with a shared surface for use by both vehicles and pedestrians, which had been deemed acceptable for a development of this size by both local and national standards. It had been confirmed by County Highways that shared surfaces were suitable to accommodate up to 50 residential dwellings.

Ms Newbery advised that the reduction in the number of dwellings proposed had largely been dictated by the Council's external tree consultant's recommendations for the long-term preservation of the trees on site, particularly those with Tree Preservation Orders (TPOs). Prior to the planning application, only 3 trees benefitted from TPOs, whereas there were now an additional 3. The applicant was keen to preserve these trees and agreed to the reduction in dwellings in order to satisfy the tree consultant's concerns. All of the trees apart from one category C tree were to be retained and maintained in accordance with the Tree Survey Report and the Arboricultural Method Statement which were submitted to the Council for approval prior to any works being implemented on site.

Ms Newbery stated that the majority of existing boundary hedges were also to be retained and, wherever necessary, reinforced to create a dense evergreen natural boundary between the site and existing properties to maintain the mature landscaping features and any potential wildlife habitats.

Ms Newbery informed the Committee that Hertfordshire Ecology had been consulted as part of the original pre-application advice. The Ecology Advisor had stated that she had no reason to request an ecological survey to be undertaken in connection with these proposals. However, an ecologist was employed by the applicant to provide advice on the precautions and enhancements for this development which would be implemented.

Ms Newbery explained that the scale and mass of the proposed dwellings had taken influence from the surrounding area, ensuring that overall ridge heights and massing was proportionate to the surrounding dwellings. The garages also had low ridge heights with their roof spaces only to be used for storage. The development had been designed so that it would have no adverse impact on neighbour's privacy or light, but would make a positive contribution to the area with high quality family homes.

Ms Newbery concluded by stating that careful consideration of the scheme had been made by the Architects, Planning Officers and their consultants to ensure that the best form of development was proposed on this site. It had been clearly demonstrated in the supporting reports and detailed Officer report that there were no substantive planning reasons to preclude planning permission, and she therefore respectfully asked that the Committee supported the Planning Officer's recommendation.

A Member asked if the applicant had looked into the possibility of moving the access road to alleviate the concerns of Mr Marshall. Ms Newbery replied that that this had not been looked into, as the applicants had been guided by their own consultants in that moving the access could cause damage to the one of the trees covered by a Tree Preservation Order. The proposed access also accorded with advice provided by the Highway Authority.

In response to Members' questions, the Area Planning Officer confirmed that the ecological requirements for the site were covered by proposed Condition 18. He agreed to expand proposed Condition 17, in respect of the Construction Method Statement, to include a requirement that details of hours of working be provided, to take account of residents' amenity.

A Member asked the Area Planning Officer to check and seek confirmation with the Highway Authority that the footpath/pedestrian access to the site was safe.

The Committee supported the Officers recommendation that application 16/01932/1 be granted planning permission, and agreed an additional condition (No 19) requiring the car parking facilities, including garage spaces, should be kept available solely for the parking of motor vehicles.

RESOLVED: That application 16/01932/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and with the following amended and additional conditions:

11. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:
 - a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
 - b. Construction and storage compounds (including areas designated for car parking);
 - c. The Siting and details of wheel washing facilities;
 - d. Cable trenches within the public highway that affect traffic movement of existing residents;
 - e. Foundation works that affect traffic movement of existing residents;
 - f. Access to electric substation/control building;
 - g. Cleaning of site entrance and the adjacent public highways;
 - h. Disposal of surplus material; and
 - i. Hours of working taking into account residents' amenity.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

19. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces, shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

26 PLANNING APPEALS

The Area Planning Officer presented the report of the Development and Conservation Manager entitled Planning Appeals. He advised that, since the last meeting of the Committee, three planning appeals had been lodged and five planning appeal decisions had been received, all as detailed in the report.

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RESOLVED: That the report on Planning Appeals be noted.

The meeting closed at 9.37 pm

Chairman at the meeting on
Thursday, 29 June 2017