

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE MAIN HALL, ICKNIELD CENTRE, ICKNIELD WAY,  
LETCWORTH GARDEN CITY ON THURSDAY, 20 JULY, 2017 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors David Barnard (Chairman), Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Jean Green, Tony Hunter, Ian Mantle, Michael Muir, Mike Rice, Adrian Smith, Harry Spencer-Smith and Martin Stears-Handscomb*

**In Attendance:**

*Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Anne McDonald (Senior Planning Officer), Tom Allington (Senior Planning Officer), Kate Poyser (Senior Planning Officer), Naomi Reynard (Senior 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 120 members of the public, including 9 registered speakers and 2 Member Advocates (Councillors Gerald Morris and Simon Harwood) .*

**27 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bill Davidson.

**28 MINUTES - 29 JUNE 2017**

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 29 June 2017 be approved as a true record of the proceedings and be signed by the Chairman.

**29 NOTIFICATION OF OTHER BUSINESS**

There was no other business.

**30 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;
- (7) The Chairman announced that he had varied the order of business so that Item 10 (Land adjacent to A505 and Old North Road, Royston) would now be considered immediately before Item 9 (land north of Housman Avenue and Lindsay Close, Royston); and
- (8) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and 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.

### **31 PUBLIC PARTICIPATION**

The Chairman confirmed that the 9 registered speakers and 2 Member Advocates were present.

### **32 16/02113/1 - THE CABINET, HIGH STREET, REED, ROYSTON**

Change of use from A4 (Public house) to C3 (single dwelling).

The Senior Planning Officer (AM) 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 (AM) advised that she had three updates to the report:

1. An e-mail from Mr Edwin Kilby (Save the Cabinet Action Group) forward to Members on 17 July 2017 containing the following attachments:
  - Briefing note from the Save the Cabinet Action Group;
  - Further Representations prepared by Anthony Miller dated 26<sup>th</sup> June 2017;
  - Viability Report prepared by Anthony Miller; and
  - a letter from Philip Goddard.
2. An e-mail received on the 17 July 2017 from Dale Ingram threatening the Council with Judicial Review Action. She claimed that if the application was determined, it was unreasonable on the basis that the decision taker had failed to take account of a material consideration. Ms Ingram claimed that officers had not taken full account of all information submitted and also stated that the Trinity Solutions Assessment (which was the report prepared by the Council's expert) needed to change its methodology to revise its recommendation from one of commercially unviable to one of commercially viable.

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The Senior Planning Officer's response was that officers had received, read, analysed and fully considered all information provided by all parties. As set out in the committee report, the recommendation was fully considered and justified and the allegation that all material had not been considered was unsubstantiated and false. Regarding the methodology used by the Council's expert Mr Lawton at Trinity Solutions, as he was the expert in this field, it was his choice which methodology was acceptable to use. The officers' view was that there was no substance to this Judicial Review threat.

3. An e-mail from local MP, Sir Oliver Heald, who objected to the application. He stated that he had seen the papers provided by the Save the Cabinet Action Group and supported their points.

The Senior Planning Officer (AM) stated that this was a full planning application for the retention of the change of use of The Cabinet Public House to a single dwellinghouse. The fact that this application was retrospective was irrelevant to the consideration of the case. There were two associated listed building applications for the internal works which would be determined at a later date. At present, Members were only being asked to consider the principle of the change of use.

The Senior Planning Officer (AM) explained that The Cabinet last traded as a public house in 2011. It was offered for sale from July 2011 through 2012. The public house was advertised for sale regionally and nationally, which resulted in 27 viewings. Based on the location of the property, its Grade II listed status and the start up costs there was no interest. The property was then sold at Auction in October 2015 and bought by the applicant.

The Senior Planning Officer (AM) commented that, in April 2014, The Cabinet was registered as an Asset of Community Value by Reed Parish Council. Under the terms of the scheme, in July 2015, the then owner informed NHDC of their intention to sell The Cabinet, and NHDC informed the Parish Council. This gave the Parish Council a six week time period to decide if they wished to buy it. At that time, the Parish Council did not express an interest to purchase The Cabinet.

The Senior Planning Officer (AM) advised that the applicant had submitted a viability statement, prepared by Mr Culverhouse, setting out that based on either a wet trade only or on a combined wet trade and food offer, the public house was not viable. The Council had had this viability report independently assessed by Michael Lawton, from Trinity Solutions, and he had also concluded that The Cabinet was no longer viable. The Council also used Mr Lawton to assess the viability of the Fox and Hounds Public House in Barley in 2015. In that instance, he concluded that the public house was viable. That application was refused and then dismissed at appeal. The Council therefore had no reason to doubt Mr Lawton's expert recommendation that The Cabinet was not viable in this instance.

The Senior Planning Officer (AM) stated that the Save the Cabinet Action Group had been formed, and they had employed the services of Dale Ingram, who had raised objections to the application on their behalf. The objections put forward by the Save the Cabinet Action Group included criticism of the viability reports provided by the applicant and by Mr Lawton, stating that their figures were flawed. In addition, they go on to set out that viability should include both commercial viability and social viability. They gave examples of how public houses could be run on a social enterprise basis, with a low interest loan from the Public Works Board. They were advocating that the Parish Council could apply for such a loan, and that the public house could be run on this basis. Alternatively, they had set out that they had a cash buyer available and that, if bought, it could be run on a low cost not for profit basis for a few years until trade became re-established, if it did. In her view, to advocate that the public house could be run like this, further concluded that the public house could no longer be run on a purely commercial basis and supported the assessment that it was not viable.

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The Senior Planning Officer (AM) informed the Committee that the existing Local Plan did not have a policy to seek the retention of public houses within rural communities. The emerging Local Plan had policy ECT7. This policy stated that, if documentary and viability evidence could be provided to show that all reasonable attempts to sell or let the premises had failed, the change of use could be granted. In this instance, the marketing information provided had shown that the public house was unattractive to other commercial operators, before it was sold at Auction.

The Senior Planning Officer (AM) had asked the Council's Principal Strategic Planning Officer whether the term viability within the emerging Local Plan, Policy ETC7, included social viability, or if the term purely related to financial viability. His response was quite lengthy, so it had been tabled for information. In summary, he had concluded that it related to financial viability. Furthermore, he went on to state that the text at Paragraph 5.38 of the emerging Local Plan stated that if a local facility, such as a pub, was listed as an Asset of Community Value (ACV) this could provide additional protection if the owners wished to sell it and that this could be an additional material consideration in the determining of any planning application. He had concluded that the ACV route and the additional protection it gave was the best means of considering social implications and of these being delivered. However, as she had previously mentioned, the Senior Planning Officer (AM) reiterated that the Parish Council had not wished to purchase The Cabinet when they had the opportunity to do so, and in this instance this opportunity, and the desire to run the pub on a social enterprise basis, had been lost.

The Senior Planning Officer (AM) stated that claims had been put forward that there had been offers to buy The Cabinet and to run it as a public house both before it went to auction and afterwards. In her view these claims were irrelevant as they did not change the recommendation that the public house was no longer viable made by the applicant and supported by the Council's expert, Mr Lawton. She therefore recommended that the application be granted planning permission.

Mr Mike Howes (Save The Cabinet Action Group) addressed the Committee in objection to application 16/02113/1.

Mr Howes advised that he and his fellow campaigners were attempting to save The Cabinet, the last pub in the village of Reed. The Committee was being asked to consider a retrospective application for the conversion of The Cabinet, a registered Asset of Community Value, to a house. He asked why was the application retrospective? The Cabinet was a Grade II listed building and was owned by an experienced property developer. He asked Members to draw their own conclusions.

Mr Howes stated that National and Local planning policy provided a presumption in favour of the retention of local services, such as pubs. Local policy provided an exception in certain circumstances and, in order to succeed, the applicant must show two things:

- That the pub is no longer viable; and
- That reasonable attempts to sell or let it have failed.

Mr Howes considered that neither of these tests had been met

As for viability, Mr Howes explained that when NHDC listed The Cabinet as an Asset of Community Value, it was with the express expectation – as required by the Localism Act – that it could continue to serve as a pub. And yet the planning officers had, in their report, failed even to mention much of the robust professional evidence put forward by his Group that there was a viable future for The Cabinet as a pub.

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Mr Howes invited the Committee to disregard the conclusions of what he considered to be a shockingly biased report and to determine the matter on the evidence as a whole – not just those parts highlighted by the officers. He asked Members to consider the evidence of:

- the highly successful publican at the Fox and Duck, Ivan Titmuss;
- the chartered surveyor, Anthony Miller; and
- and Philip Goddard, a well-respected local businessman,

all of whom were clear about The Cabinet's viability.

Mr Howes advised that Mr Goddard had even made a cash offer to the applicant to purchase the freehold for continued commercial use as a pub, but was rebuffed. Mr Goddard remained ready to move forward the moment the pub was marketed. Looking at the evidence of the last tenant that, had it not been for misappropriation of funds, The Cabinet would probably still be trading.

Mr Howes commented that the applicant's viability report examined The Cabinet only as a gastropub for fine dining, and as a "wet only" establishment with no food. However, most rural pubs offered drinks and traditional pub fare – a model that the report ignored. As a result, the report provided no useful evidence on which one could properly judge The Cabinet's viability.

Mr Howes considered that the report by Trinity Solutions assumed that any future owner would be saddled with a substantial mortgage at 8% interest. It was far more likely that a future owner of The Cabinet would be a cash buyer who did not need to borrow, or the community. Putting aside the mortgage, Trinity's other assumptions actually demonstrated that The Cabinet would quickly generate a healthy profit.

Mr Howes stated that Anthony Miller, a leading expert in the field, judged that The Cabinet was clearly viable. He invited Members to consider his two reports and to conclude that lack of viability had not been proved.

In respect of the sale of the building, Mr Howes advised that his Group had submitted evidence demonstrating repeated interest over time in buying or renting The Cabinet as a pub. It was clear that only the previous owners' insistence on an unreasonably high purchase price, coupled with their unwillingness to engage, had led to its continued closure.

In summary, Mr Howes considered that the evidence demonstrated that the factors allowing the planning authority to depart from the presumption in favour of retention of local services such as pubs, had not been proved.

Mr Howes advised that his Group had circulated a list of reasons for refusal to Members. In determining this case, he invited them you to give particular weight to the following three planning law concerns:

- Protecting a Valued Community Asset under the Local Plan and national policy, and protecting its status as a listed building in a conservation area. The special interest and characters of which would be substantially undermined by the loss of the pub use from the building;
- Sustainability considerations, such as the employment opportunities The Cabinet had generated, especially for young people; and
- The promotion of healthy, interactive communities, when this was the last pub in the village.

On behalf of the local community, Mr Howes asked the Committee to please refuse this application.

The Chairman thanked Mr Howes for his presentation.

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District Councillor Gerald Morris (Ward Councillor) addressed the Committee in respect of application 16/02113/1 in the role of Member Advocate.

Councillor Morris advised that he was speaking in favour of retaining the Cabinet as the only pub in the village of Reed. There were conflicting studies showing that the pub was viable and not viable. The applicant's study, produce on the insistence of NHDC, stated that a pub which had existed for 400 years was now and forever unviable, when it was known that it had closed because one manager had run it badly and had misappropriated funds, not because it was a poor business.

Councillor Morris considered that the pub's potential customer base had increased in line with the increase in the local population, particularly in Royston and Buntingford. There were many pubs in quiet, rural locations that were very successful, and a picturesque village location was always one of the attractions of visiting the Cabinet.

Councillor Morris commented that the Planning Officer's conclusion at paragraph 4.4.1 of the report that "this location was no longer commercially viable". He felt that if it had not been viable then the pub would not have lasted for the many centuries of its existence. It had closed because of business irregularities and not because of any long term inability to trade successfully. The report stated that there was a low number of dining covers, but the restaurant seated 52 people, with 14 in the bar area, a total of 66 patrons. The large garden was also used for dining and drinking in the summer months. The pub was also use as a wedding venue.

Councillor Morris stated that paragraph 4.4.1 also criticised the lack of parking. However, the car park was larger than many pubs and there was always the possibility of on-street parking. In any event, many villagers would walk to the pub and it was a destination for ramblers, none of whom would require parking.

Councillor Morris commented that it had no doubt not escaped the applicant's attention that, if granted permission, he could in future apply for a second house on the car park area.

Councillor Morris stated that the Planning Officer had also concluded that the overall loss of the pub to the village would be minimal. He was of the view that the loss of the only pub in the village was not minimal, a view shared by the large number of Reed residents in attendance at the meeting.

Councillor Morris advised that the Planning Officer pointed out in Paragraph 4.4.5 of the report that the applicant may need to be re-housed. So an applicant who had been circumspect with the original information he had provided to the Parish Council, the Planning Officer and Conservation Officer had then lodged a retrospective planning application. It was not certain that the applicant even lived at the property, as he was a company Director of RKN Developments based in Essex. He felt that, as such, the applicant would be perfectly capable of re-housing himself when he sold the pub.

Councillor Morris explained that the Cabinet had remained unsold as the previous owners had overpaid to purchase the property, just prior to the 2008 financial crash. They had been unable to reconcile themselves to accepting prices considerably less than they had paid. That was the reason the property had remained empty, not because of lack of viability. The original owners had hoped that they would be offered in excess of the asking price so that the building could be converted to a house. He advised that an individual had come forward who was prepared to purchase the property for continued use as a pub.

Councillor Morris asked the Committee to refuse planning permission for this proposed change of use.

The Chairman thanked Councillor Morris for his presentation.

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Mr Richard Denyer (Applicant's Representative) addressed the Committee in support of application 16/02113/1.

Mr Denyer stated that he was speaking on behalf of Mr Richard Newman, the applicant and owner of the Cabinet since October 2015, for which he was the only bidder at auction.

Mr Denyer questioned whether the continued use of the Cabinet as a public house was commercially viable. He felt that this was not a matter of sentiment, it was a matter of business, and whether the pub would be able to run at a suitable profit so as to be viable. Culverhouse's viability report had concluded that the business would be trading at a loss of over £24,000 per annum in 2015, thus resulting in the business being considered unviable and unsustainable at the present time and in the future. The Trinity Solutions report commissioned by the Local Planning Authority had come to the same conclusion.

Mr Denyer considered that the most sustainable use of the building would be as a dwelling. The community had failed to register any interest in acquiring the property as an Asset of Community Value when the building was advertised for sale. Notwithstanding this, the Culverhouse report on alternative uses had concluded that the provisions within the National Planning Policy Framework and the emerging Policy ETC7 of the North Hertfordshire Local Plan, which only carried limited weight, had been met, and therefore that the application for change of use should be permitted.

Mr Denyer felt that the works to the property already carried out by the applicant were acceptable. The NHDC Conservation Officer and Enforcement Officer were both aware of the works as they were carried out, before and after the applicant had taken possession of the property. The Conservation Officer's advice was that the works were acceptable should change of use be approved.

The Chairman thanked Mr Denyer for his presentation.

The view of the majority of Members was that the application should not be supported, and comments made included the following points:

- the viability of the continued use of the property as a Public House was clearly subjective, and a number of other pubs in the District threatened with closure and change to residential use had continued to operate and thrive;
- Paragraphs 28 and 70 of the National Planning Policy Framework encouraged the development and retention of local services and community facilities in villages, such as pubs, as did emerging Local Plan Policy ETC7;
- notwithstanding the comment in the Trinity Solutions viability report that Reed was a small village with insufficient population for a local pub, when the Cabinet was at its most successful a fair proportion of its trade came from outside the village, including London;
- in respect of other points made in the Trinity Solutions report regarding pavements, lack of street lights, network of narrow roads/lanes and car parking, nothing had changed in this regard from when the pub was operating successfully in the past; and
- although the Trinity Solutions report conclusion that the pub was commercially unviable was at odds with the objectors' viability report, which was based on a social/community enterprise model for operation of the pub, a social enterprise pub in Preston village was operating successfully as a commercial entity.

However, a number of Members were in favour of granting planning permission, and it was therefore moved and seconded that the application be granted. Upon being put to the vote, this motion was lost.

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It was moved and seconded that the application be refused for the reason that the change of use of these premises to residential use would lead to the loss of a valuable community facility, the last public house in the village of Reed. The change of use therefore conflicted with the requirements of Paragraphs 28 and 70 of the National Planning Policy Framework and Policy ETC7 of the North Hertfordshire Submission Local Plan (2011-2031).

Upon this motion being put to the vote, it was

**RESOLVED:** That application 16/02113/1 be **REFUSED** planning permission for the following reason:

In the opinion of the Local Planning Authority, the change of use of these premises to residential use would lead to the loss of a valuable community facility, the last public house in the village of Reed. The change of use therefore conflicts with the requirements of Paragraphs 28 and 70 of the National Planning Policy Framework and Policy ETC7 of the North Hertfordshire Submission Local Plan (2011-2031).

**33 17/01038/1 - HITCHIN BOYS SCHOOL, GRAMMAR SCHOOL WALK, HITCHIN**

Demolition of existing Cricket Pavilion in advanced state of disrepair to allow for a new two storey teaching and music block comprising of 10 general classrooms, 2 music classrooms and 6 practice rooms, and a multi-use auditorium with capacity for two hundred and twenty people. Provision of 18 additional car parking spaces in 3 differing locations. Reinstatement of bricked up windows in existing Music block.

The Senior Planning Officer (TA) 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 (TA) advised that, since completion of the report, one further response had been received in support of the application, making the final total 62 responses received in support and 70 objections, although it was noted that, of the objections, these included several petitions.

The Senior Planning Officer (TA) stated that the application was for several aspects, with the main aspect being the proposed teaching building to be located along the southern boundary of the sports fields, in the south-west corner of the site. Also proposed were additional parking spaces at three locations along the eastern side of the site, amongst the school buildings and the reinstatement of four windows to the existing arts block.

The Senior Planning Officer (TA) commented that the south elevation of the proposed building would face towards Archers Court and Elmside. He asked Members to take into account the rise in ground levels at the neighbouring properties and the fence and vegetation along the boundary. Much of the first floor windows on the rear of the building were required to be obscured glazed. In addition, two trees were proposed to be planted within a gap between buildings.

The Senior Planning Officer (TA) referred to two sectional drawings, which sought to demonstrate the relationship between the proposed building and the neighbouring buildings. The top plan showed a section through the eastern end of the building and the relationship with Elmside and the lower plan showed a section through the middle of the proposed building and the eastern end of Archers Court. A third sectional drawing, which was of the western end of the building, showed its setting in relation to Archers Court. It could be seen that the first floor was set back at this end of the building, which was the closest point between the buildings.



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The Senior Planning Officer (TA) advised that the key consideration was the impact the proposed building would have on the living conditions and amenity of the neighbouring residents. The report had gone through each aspect in terms of the potential impacts and had concluded that, whilst no doubt there would be some impact and the building would certainly be visible, the impact would not be so significant so as to warrant a refusal of the application. If Councillors considered that there would be a significantly harmful impact, in terms of being overbearing, causing loss of light, causing a loss of privacy or by creating noise and disturbance, this impact must be weighed against the broader benefits of the expansion of the school. He therefore recommended that the application be approved, subject to conditions.

Mr Roger Russell (local resident) addressed the Committee in objection to application 17/01038/1.

Mr Russell advised that he was the leaseholder of one of the apartments in Archers Court. He commented that nobody at Elmside or Archers Court was against the school having all the new facilities it needed. What they were against was the proposed location.

On a technical point, Mr Russell referred to the fact that the report stated that Sport England had not objected to the application. However, they had asked for conditions to be attached and for a tree (with a Tree Preservation Order) to be removed. If the application was approved, then Mr Russell considered that, without attaching these conditions, then the matter would require referral to the Secretary of State.

Mr Russell was of the view that the key issue which would be the basis of the Committee's decision was the balance between the possible effect the proposals would have on the residents of Elmside and Archers Court against the benefit to the school (as set out in Paragraphs 4.3.1 and 4.3.2 of the Planning Officer's report). He felt that the report did not adequately describe the impact that the building would have on the residents' wellbeing. He urged Members to make a site visit before making a decision.

Mr Russell stated that Elmside was a full care home for frail elderly people, including those diagnosed with Dementia. At Archers Court, where most are aged 80-100, the aim was for residents to live as independently as possible. However, many had infirmities and were unable to leave the premises unaided. Social contact was centred around activities in the communal lounge and in the garden. Typically residents enjoyed a variety of events in the lounge and loved to sit in the garden to relax and get some fresh air.

Mr Russell considered that the bulk of the proposed building, just 13 metres away, would mean that when sitting in the lounge the residents would not be able to see the sky. The building's presence and likely associated noise would dominate any activity there; would have a devastating effect on privacy in the lounge, in private bedrooms and living rooms; and would be detrimental to the general amenity and quality of life. Residents feared that they would be unable to sit in the garden without mobility aids, with the fear of being watched and a consequent loss of dignity.

Mr Russell explained that two topics that were high on the nation's political agenda were education and social care of the elderly within the community. He felt that nobody in the community was looking after the residents' interests. There was absolutely no reason in this case why one should be advanced at the expense of the other. There was a solution that would work for all.

Mr Russell advised that Paragraph 4.3.8 of the report referred to where the Headmaster and governors originally chose to build this music facility, which did include teaching rooms, practice rooms and an auditorium, and for which they were granted planning approval. Trees were felled and the site partially prepared, but the school was not able to raise the full funds to complete this development, and so the planning approval lapsed. The report stated that this site cannot be re-considered now because of tree and bats, although there was no report confirming that bats roosted there.

Mr Russell stated that it was the residents' opinion that there was no reason why the music facilities that the school wanted could not still be built on the site. The additional general classrooms now required for school expansion (HCC requirement) could then be built as a single storey unit which would be much less intrusive and quieter. There was plenty of space in the school grounds for the general classrooms, but no evidence had been put forward that this solution had been considered.

Mr Russell commented that the applicants did visit Archers Court, but only after they were asked to do so. While the Head Teacher was explaining his proposal, a man was working in the school field not far from Archers Court using only hand tools. The Head Teacher could not make himself understood against this noise, and it was necessary to ask the man to stop work. He felt that noise would therefore be a serious problem.

Mr Russell urged the Committee to think carefully about the effect the building would have on Archers Court as a community of over 90 people, and to consider their vulnerable circumstances. He invited and urged Members to visit the site themselves, to see what the new building would mean to the residents and the effect it would have on their way of life.

The Chairman thanked Mr Russell for his presentation.

District Councillor Simon Harwood (Ward Councillor) addressed the Committee in respect of application 17/01038/1 in the role of Member Advocate.

Councillor Harwood advised that he found himself in the unenviable position of having to represent all sides of his ward – the senior citizens of Archers Court on one side and the parents, children and prospective students of the Hitchin Bots School.

Councillor Harwood had spoken with the residents of Archers Court, and had noted that they had been under considerable stress about the potential impact of the proposed development on their quality of life. The residents were not necessarily opposed to the building, only its proposed location immediately adjacent to Archers Court.

Conversely, Councillor Harwood considered that the completed development would raise the number of school places from 120 to 180 per year. Across the Hitchin schools' area, this would see 100% placement of children living in the SG4-9 postcode area in a local school.

Councillor Harwood asked the Committee to consider the level of consultation carried out between the applicant and residents of Archers Court, and possible alternate locations for the scheme. He also asked the Committee to consider, if it was appropriate, a deferral of this application to enable further consultation to take place in the hope of arriving at a solution which meet the needs of both parties.

The Chairman thanked Councillor Harwood for his presentation.

Mr Martin Brown (Head Teacher, Hitchin Boys School) addressed the Committee in support of application 17/01038/1.

Mr Brown advised that Hitchin Boys School was a local state school, providing non-selective education for boys in Hitchin. The school had been on its existing site for well over 100 years, although had been founded for over 400 years. The school was consistently oversubscribed, and had several hundred applications each year for its 165 places.

Mr Brown stated that the need for expansion was due to an increase in the primary school population in Hitchin. The school had agreed, along with Hitchin Girls School, to expand by an additional 45 places per year, which would result in a year group of 210 students. The aim was to satisfy the demand from Hitchin residents for Hitchin schools.

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Mr Brown considered that there was no doubt that expansion of the school was required. A new building was necessary as the school would be unable to accommodate the additional students in its existing buildings.

Mr Brown acknowledged that the proposed location of the building was one of the most contentious issues. This was the fourth or fifth iteration of the school's attempts to find a suitable location for the development. He was concerned at the loss of the existing cricket pavilion as, though old and dilapidated, it was an iconic building. Unfortunately, all of the other possible locations for the new building had been exhausted.

Mr Brown stated that, in order to minimise the impact of the proposed building, it had been designed so that its profile was much lower than most two storey buildings. In respect of noise concerns, complete acoustic protection would be provided, and surveys had indicated that there would be no noise nuisance emanating from the building by its proposed use as a music facility.

Mr Brown pointed out that the school was about to commence an approved construction project adjacent to the proposed site, and that disruption could be minimised and efficiency maximised by building both projects at the same time.

In summary, Mr Brown stated that the school had to embark on this building project to accommodate expansion in order to benefit the parents and children of Hitchin; the proposed location was the only viable solution; and the school had done as much as it could to minimise the scheme's impact on its neighbours. He considered that the scheme would be of benefit to the community, and respectfully asked the Committee to approve the planning application.

The Chairman thanked Mr Brown for his presentation.

In respect of the issue raised in Mr Russell's presentation regarding Sport England, the Senior Planning Officer (TA) clarified that Sport England had not objected to the application, as the school had located the building as far south as they were able. This would still slightly impinge on the sports playing fields, however, a way had been found to reorganise these activities so that the sports pitches would be retained. In order to accommodate the re-location of the sports pitches, a tree would need to be removed. If this tree was covered by a Tree Preservation Order then its proposed removal would need to form the subject of a separate application. He undertook to include an additional informative to that effect.

A Member referred to a series of alleged errors/questions set out in Mr Russell's full objection letter. The Senior Planning Officer (TA) responded to these alleged errors/questions in turn.

The Committee was divided as to whether to grant, defer or refuse planning permission to the application. Some Members were concerned that the living room of Archers Court was directly opposite the proposed new building, and that the closest part was only 13 metres away from it. Further concern was expressed about the consultation and engagement with the residents and the conformity of the application with Paragraph 17 of the National Planning Policy Framework, which empowered local people to shape their surroundings.

In response to a Member's question, the Senior Planning Officer (TA) confirmed that the proposed site for a previous permission which had lapsed was on the north side of the existing school buildings, but was for a significantly smaller building than that now proposed.

In response to a further Member's question, the Senior Planning Officer (TA) confirmed that, although the school playing fields were sizeable, in order to maintain the sports pitches to the satisfaction of Sport England, the chosen location for the new building, though not ideal, had proved to be the only viable location.

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A number of Members appeared content with the application as submitted, and it was moved and seconded that planning permission be granted, as per the conditions and reasons set out in the Planning Officer's report.

As an amendment, it was moved and seconded that any approval should be subject to:

- a revision to Condition 7 so that on no more than 8 occasions in any one calendar year use of the building for music performances should be between 0900 and 1900 hours; and on a further 8 occasions in any one calendar year use of the building for general teaching/ancillary purposes should be between 0800 and 1900 hours; and
- a revision to Condition 8 to require all windows in the building facing south toward Archers Court and Elmside to be obscure glazed.

Upon this amendment being put to the vote, it was lost.

Upon the substantive motion being put to the vote, it was

**RESOLVED:** That application 17/01038/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and subject to the addition of the following informative:

The applicant is informed that should any trees that are subject if a Tree Preservation Order be required to be removed, in order to accommodate the realignment of the school sports pitches, this would require the submission of a separate application for 'Application for tree works: works to trees subject to a tree preservation order (TPO) and/ or notification of proposed works to trees in a conservation area. Town and Country Planning Act 1990'. Further information on the submission of such applications can be found at the planning pages of the council's website, [www.north-herts.gov.uk/home/planning](http://www.north-herts.gov.uk/home/planning).

#### **34 17/00700/1 - LAND NORTH OF MILL CROFT, ROYSTON ROAD, BARKWAY**

Outline application (including Access) for the erection of up to 25 dwellings.

The Senior Planning Officer (KP) 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 (KP) updated the Committee with a letter from the Campaign for Rural England (CPRE), objecting to the development for the following reasons:

- It was contrary to the existing, emerging and national policies;
- It would be unsustainable development, due to a reliance on private transport and apart from construction work, would not support the economic role;
- Its impact on the pattern of development of Barkway, as there was no development to most of its boundary;
- Its impact on the landscape, due to its prominent location on the Chiltern Ridge, and would be detrimental even with landscape planting; and
- objected to use of Grade 2 agricultural land.

The Senior Planning Officer (KP) advised that this was an application for outline planning permission for 25 houses. The site was an agricultural field and measured 2.1 hectares. The development included a public open space and the retention of the agricultural use for part of the site. It is intended that 40% of the housing would be affordable.

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The Senior Planning Officer (KP) stated that the application site abutted Royston Road. It was opposite the junction with The Joint and lay adjacent the telecommunications mast. The Barkway Village Boundary lay to the south of the site (the houses opposite the site also lay beyond the village boundary). A drawing roughly indicated the zones for the housing, open space and agricultural land. It also showed the access into the site. A further drawing showed the applicant's evaluation of the openness of the site and the projected fall zone for the mast. However, she considered that this was not an accurate illustration of existing plant screening of the site.

In respect of material planning considerations, the Senior Planning Officer (KP) explained that, as this was an outline planning application, the main consideration related to the principle of residential development on this location. The site lay within the rural area beyond the Green Belt, and lay beyond the defined village boundary. It did not relate to a site allocated for housing in the emerging Local Plan. Officers had taken a precautionary approach, as the emerging Local Plan, whilst carrying some weight, was not yet adopted.

The Senior Planning Officer (KP) was of the view that the location of the site, beyond the built limits of Barkway, was considered to be harmful to the intrinsic beauty of the countryside and the wider landscape setting. The harm was considered to outweigh the benefits of providing housing. Consideration had also been given as to whether the development would be sustainable. It had been found to be unsustainable due to:

- the likely dependence of future occupiers on private transport, as there were very limited services in the village; and
- for economic reasons, due to the loss of Grade 2 agricultural land.

The Senior Planning Officer (KP) commented that a Section 106 Agreement would be required, but that this had not been provided to secure planning obligations or affordable housing. There was also a likelihood that the site could contain quite significant archaeological finds and an investigation would be required before any permission was granted, as this could affect the development. This had not been provided. She therefore recommended that the application be refused for the above reasons.

Parish Councillor Graham Swann (Barkway Parish Council) addressed the Committee in objection to application 17/00700/1.

Parish Councillor Swann advised that Barkway was a rural community with few amenities, which meant that normal day to day shopping, schooling above the age of 9, and entertainment was normally sought further afield in other villages or towns.

Parish Councillor Swann stated that Barkway had a limited bus service that connected to Royston and Hertford, but that connection times did not make it viable for connection by train to London or Cambridge for normal work start times or return times. Therefore, the reliance on the car within the village was high, as cycle routes were along unlit country lanes that had steep inclines and sharp bends and which were rarely used for commuting by any cyclist.

Parish Councillor Swann considered that, in the absence of any realistic measures or other reasons which may offset the unsustainable impact of the development, the proposal would be contrary to the objectives of the National Planning Policy Framework (NPPF) generally, and specifically Paragraphs 14 and 49.

Parish Councillor Swann explained that currently the High Street in Barkway was closed, due to a drain culvert collapsing. Four years ago, there was an almost identical incident a few metres away. Therefore, he felt that further consideration should be given to increased traffic movements along the High Street for this and future possible developments which could cause further issues with the Victorian culverts running under the High Street.

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Parish Councillor Swann commented that the proposed site was outside the existing permitted development boundary and had not been included or even offered in the Preferred Land Allocations, the proposed Local Plan submission, or the Local Plan submission approved by the Council on 11 April 2017.

Parish Councillor Swann was of the view that the location of the development would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the area and, as such, would afford harm to the intrinsic value of the rural area. The development of this Grade 2 agricultural site, and the fact that it was disconnected from the rest of the village in an area where such developments did not currently exist, would significantly harm the character and visual amenity of this part of the countryside. He considered that this harm clearly outweighed the benefits of providing new dwellings on the site. The proposal was therefore contrary to the provisions of the NPPF.

Parish Councillor Swann stated that the absence of a five year housing stock should not be a queue for valuable agricultural land and rural communities to be blighted by unsustainable housing that would have a detrimental and irreversible impact on the rural landscape and the associated communities. It was for the above reasons, and those laid out within its full objection letter, that Barkway Parish Council could not support this application.

The Chairman thanked Parish Councillor Swann for his presentation.

District Councillor Gerald Morris (Ward Councillor) addressed the Committee in respect of application 17/00700/1 in the role of Member Advocate.

Councillor Morris advised that he was speaking in support of the Planning Officer's recommendation that planning permission be approved.

Councillor Morris drew attention to the representation made on the application by the Campaign for Rural England (CPRE), which had already been referred to by the Planning Officer in her introduction. This concise letter covered most of the issues of objection.

Councillor Morris stated that the site was not included in the Local Plan, which already demonstrated a five year land supply. The site was not submitted by the applicant, at any time, for consideration as part of the Local Plan.

Councillor Morris commented that the site was adjacent to the historic RAF Barkway Tower and its buildings, also owned by the applicant. This complex was now under review for historical listing by English Heritage. A decision on this would be taken shortly. He felt that the proposed development would therefore be harmful to the setting of RAF Barkway.

Councillor Morris explained that the housing estate would be located at the very peak of the Chiltern Ridge, also known as the East Anglian Heights. This location had been singled out within the Submission Local Plan, highlighting the need for its protection. The proposed houses would contravene that protection.

Councillor Morris considered that the danger to house residents from the RAF Barkway mast should be self-evident. Should the mast fall over in the direction of the houses, with possible casualties, NHDC would no doubt be held irresponsible in its duty of care in allowing these houses to be built

Councillor Morris urged the Committee to refuse what he considered to be a hostile outline planning application.

The Chairman thanked Councillor Morris for his presentation.

Ms Shelley Coffey (Applicant's Agent) addressed the Committee in support of application 17/00700/1.

Ms Coffey advised that the report suggested that the proposed development would cause significant harm to the rural landscape. However, the Council's Landscape and Urban Design Officer did not raise an objection, but surmised "some form of residential development within the south-eastern part of the site could be acceptable in landscape and design terms".

Ms Coffey stated that the south eastern corner was the part of the site proposed to host the housing development, with the remainder of the site providing public open space and a landscape buffer. The site was well contained visually within the landscape due to adjacent buildings and landscaping. The applicant's landscape assessment identified that there were no unique or special characteristics to the site's landscape. In the light of this landscape assessment and the comments of the NHDC Landscape Officer, she did not consider that there was any justification for refusing the application on landscaping grounds.

Ms Coffey considered that there was justification for claims that Barkway was not a sustainable location for new development, when the Council was proposing allocations in the village in its emerging Local Plan, including land directly opposite the application site. Accessibility was only one aspect of sustainability. It was clear from census data that Barkway was experiencing a growing population, with an increase of over 130 people (21% growth) between 2001-2011. However, only 12 new dwellings were provided during that period. House price data showed that the average house price in Barkway was 65% more than the average price in the District. The accessibility of the current housing stock was going to be limited for a large proportion of the existing and future population. The Neighbourhood Plan acknowledged this fact in a previous draft, stating a need for development of dwellings in the village, especially to allow young families to move to the village and enable those reaching adulthood to continue to reside in the village, thereby helping to keep the village vibrant and Barkway First School viable.

Ms Coffey noted that there were only 5 public objections to the application, contrasting with 127 comments on the recently withdrawn application on proposed allocation site BK3. She considered that this was because the community accepted that the Mill Croft site represented a good opportunity to bring forward development in the village and help improve accessibility to the housing market for local people.

Ms Coffey felt that the development would not have a detrimental effect on the availability of the best and most versatile land within the area, which was also of the same grade, as the pocket of land was an insignificant part of a large agricultural holding. She felt that the proposal therefore represented sustainable development.

Ms Coffey stated that the applicant would be happy to work with the Council to agree a Section 106 Agreement to provide necessary and justified planning contributions, including up to 40% affordable housing.

In respect of archaeology, Ms Coffey considered that this would be a matter best addressed at reserved matters stage, once a proposed scheme layout had been established. However, in response to the County Archaeologist's comments, the applicant was willing to undertake initial pre-determination surveys. The applicant had requested time to enable them to provide this survey, but this request had been refused by officers.

Ms Coffey concluded by reiterating her view that the proposed reasons for refusal were unjustified. The site represented a suitable and deliverable site for housing. The site was in the control of a housing developer who was willing to agree shorter time frames for the approval of reserved matters in order to ensure that the development came forward promptly.

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Ms Coffey felt that, whilst the Council considered that the emerging Local Plan would deliver a five year housing land supply, this claim had yet to be tested through the Public Examination of the Plan. This was not a quick process, as neighbouring South Cambridgeshire District Council had submitted its Plan for examination in March 2014, and that examination was still ongoing.

In what she considered to be the absence of any significant adverse impacts, Ms Coffey respectfully requested that the Committee give full consideration to ensuring the early delivery of housing in the village, and the objectives of the NPPF to “significantly boost the supply of housing, and therefore to support this application.

The Chairman thanked Ms Coffey for her presentation.

The Committee was minded to support the recommendation for refusal. Members felt that developing this area of the plateau would be detrimental to the character of the area.

In response to a Member’s question, the Senior Planning Officer (KP) confirmed that the objections made by the Campaign for the Protection of Rural England (CPRE) were largely covered by the proposed reasons for refusal. She added that she had not proactively engaged with the application over a Section 106 obligation, as such work would have been costly and time consuming, bearing in mind there were fundamental objections to the scheme.

The Committee agreed that reason for refusal 3 should be amended to state explicitly that the level of affordable housing to be covered by any Section 106 obligation should be 40%.

**RESOLVED:** That application 17/00700/1 be **REFUSED** planning permission, subject to the reasons set out in the report of the Development and Conservation Manager, inclusive of an amended reason for refusal 3 to state explicitly that the level of affordable housing to be covered by any Section 106 obligation should be 40%.

**35 12/01903/1 - SITE D, LAND TO NORTH OF HOUSMAN AVENUE AND LINDSAY CLOSE, ROYSTON**

Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13.).

The Senior Planning Officer (NR) 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 (NR) advised that there was an error in the report. Under Paragraph 2.1, Policy 8 – Development in Towns was listed as a relevant Policy. However, this policy did not apply as the site was not currently within the settlement boundary of Royston, and so technically the relevant Policy was District Local Plan No 2 with Alterations Policy 6 – Rural Areas beyond the Green Belt.

The Senior Planning Officer (NR) stated that the appendix to go with this item had been circulated by e-mail and hard copies had been tabled. The appendix was a copy of the report when this application was referred to Planning Committee in January 2014.

As discussed under the previous item, the Senior Planning Officer (NR) suggested the amended wording of Condition 4, with the addition of “or any alternative access that as may be agreed by the Local Planning Authority.”



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The Senior Planning Officer (NR) commented that the applicant, Fairview Homes, had planning permission on Sites B and C further to the east and these were near completion. Site A was under construction. The central area was owned by Hertfordshire County Council and there was not currently a planning application for this site. Site D occupied a triangular section of land adjacent to the roundabout of the A505 with the Old North Road and to the north of Housman Ave and Lindsay Avenue.

The Senior Planning Officer (NR) advised that this application had already been considered by Planning Committee in January 2014. There was a resolution that planning permission be granted, subject to the agreement of the Heads of Terms of a Section 106 Agreement. There had been lengthy delays in the negotiation and agreement of a Section 106 Agreement, for reasons which had been outside the control of the Local Planning Authority. However, the Section 106 Agreement had now been agreed by all parties. This application was being referred back to the Planning Control Committee because, due to the passage of time, some of the Planning Obligations were no longer required or justified.

The Senior Planning Officer (NR) stated that there had been a few other changes since the application was last considered by the Committee, which were discussed in the report and, as such, there had been some minor changes to the recommended conditions and informatives. She recommended that planning permission be granted.

Members expressed concern that the application and associated Section 106 obligation was now some five years old. It was acknowledged that this was due to no fault on the part of officers or the applicant, but the Committee questioned the viability of the terms of the Section 106 obligation, particularly as Council policy had in the interim moved towards the emerging Local Plan which recommended provision of 40% of affordable housing. In addition, land values and houses prices had also increased significantly since 2012.

The Committee therefore agreed to defer this application, in order to request a further viability assessment to be carried out in relation to affordable housing, and to have this independently assessed; a request that 40% affordable housing be incorporated in the development, as this is what is now required in light of the Emerging Plan, and especially in light of increases in land values and house prices since last viability report was carried out.

In so doing, the Committee acknowledged the comment of the Senior Planning Officer (NR) that there was a potential risk that the viability assessment could result in less being achieved for the site overall.

**RESOLVED:** That application 12/01903/1 be **DEFERRED**, to enable officers to go back to the applicant (Fairview Homes) in order to request a further viability assessment to be carried out in relation to affordable housing, and to have this independently assessed; a request that 40% affordable housing be incorporated in the development, as this is what is now required in light of the Emerging Plan, and especially in light of increases in land values and house prices since last viability report was carried out.

**36 17/00666/1 - LAND ADJACENT TO A505 AND OLD NORTH ROAD, ROYSTON**

Formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston.

[Prior to the consideration of this item, Councillor Fiona Hill made a Declarable Interest in this and the next Item (Minute 36 below), as she lived in a property in Lindsay Avenue, Royston. She stated that she would listen to the Planning Officer's presentation, speak to the item, and then withdraw for the meeting for the debate and vote upon this item, and would remain outside of the meeting for the whole of the Committee's consideration of the following item – Minute 36 below.]

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The Senior Planning Officer (NR) 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 (NR) advised that she had no updates to the report. Unfortunately, the appendices for this item and the next were not included in the agenda. Members should have received these by e-mail and hard copies were tabled. The appendix was a copy of the report on the previously approved application for the formation of an access road from the Old North Road to serve proposed residential development of 124 units at Site A.

The Senior Planning Officer (NR) stated that she had received a letter from Vincent and Gorbings on behalf of their client, Hertfordshire County Council (HCC), as landowner, which she summarised as follows:

- In general terms, they were wholly supportive of an access from Old North Road, as required by the emerging site allocation, Policy RY4. However, the details submitted at present did not demonstrate that the proposed access could meet the aims of that emerging Policy, as the proposed access would only be suitable for up to 50 dwellings;
- A different road geometry was likely to be required to support the greater number of traffic movements associated with the potential dwellings on the undeveloped area and Site A. This more extensive assessment of traffic movements was undertaken in association with the earlier planning application for an access and spine road through the Masterplan area, ref. 12/01037/1;
- Concerned about the conditions recommended by the Highways Authority. In particular, a condition which required the applicant to submit details demonstrating the refuse vehicle used by NHDC could be accommodated. This should be resolved prior to the grant of planning permission. The vehicle size used for tracking in the submitted application was smaller than the standard sized vehicle usually required for tracking in association with development in Hertfordshire;
- Raised concerns about another condition, as the ability to deliver an access that connected to the east and Burns Road was likely to require a different access geometry/arrangement; and
- Had concerns regarding the proposed access arrangement – suggest the layout would lend itself to a right hand turn out of the site across the road.

The Senior Planning Officer (NR) had received a response to the above concerns from Bletsoes, the applicant's agents for this application, which she summarised as follows:

- Confirmed that Notice was served on HCC in connection with this planning application;
- They submitted plans to show the land owned by HCC;
- They had been involved in very longstanding discussions with Lambert Smith Hampton, the agent acting on behalf of HCC, concerning implementation and the provision of access to serve the future development of the bulk land owned by HCC;
- They understood that Vincent and Gorbings had been instructed by the County Council to prepare a planning application, in connection with development on the HCC bulk land;
- They understood that their road would be suitable for the provision of access to serve additional development, potentially on HCC land, but they hoped the Committee would consider the two applications reported to them on their own individual merits;
- They had attached a copy of a response sent to the Principal Planning Officer, Development Services (HCC), from their highway consultants to support this; and
- Hertfordshire County Council, in their role as highway authority, had not objected to this application. They felt that the comments in the letter related more to matters of land ownership.

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In respect of the above responses, the Senior Planning Officer (NR) commented as follows:

- In the Emerging Local Plan, RY4 land allocation stated that the proposal should allow “access connecting from Old North Road in the west to Burns Road at the east”. The plans showed that the road could connect to Burns Road should the site in the middle of Site A and D be developed for housing in future. Therefore, in her view, the proposal complied with this policy;
- The County Council representation referred to the Highways Authority comments that had been superseded. In the updated comments, the Highways Authority did not recommend a condition requiring an access connecting Old North Road to Burns Road, given all the land required was not within the ownership of the applicant as it was not considered reasonable;
- A condition was recommended by Highways Authority who noted that the vehicles were smaller than those used, which was why they had recommended the condition;
- The Committee could only consider the application before it and this was an access road to serve 39 houses. Should the access not be suitable to serve further residential development then this would be at the risk of the developer and the access could be altered in future;
- The County Council Highways Authority had not objected;
- The applicant served notice on the County Council when they made the application; and
- Land ownership was not a planning matter, but the County Council owned much of the land on which the access was proposed, so they had control as to whether the proposed road went ahead.

The Senior Planning Officer (NR) reiterated that the applications needed to be considered on their own merits and landownership was not a planning matter. As such, the officer recommendation remained the same, but in order to resolve the issue raised by this late representation on behalf of HCC, she recommended that a sentence would be added to the end of the Grampian Condition 4 on the planning application for the residential development on Site D, which would be considered following this item, so that it would read:

“No development shall commence until the highways access works shown on plans (S715PM-E02B; E03) hereby submitted, approved and described by LPA Reference Number 17/00666/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to the north of Housman Avenue and Lindsay Close, ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings or any alternative access as may be agreed by the Local Planning Authority.”

No part of the Development shall be occupied until the Works to implement the approved access have been completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure the proposed development has appropriate and adequate highways access and is acceptable in terms of highways safety.”

The Senior Planning Officer (NR) advised that planning permission was granted in January 2014 for a very similar proposal. However, this proposal was not ever implemented. As such, the planning permission had lapsed. However, it was a material consideration in the determination that planning permission was granted (by the Planning Committee) for a new road in a similar location in January 2014. This current application was very similar, although there has been a slight change to the position of the location of the proposed access road.

Councillor Fiona Hill stated that her comments would relate to this application and the next item on the agenda (Minute 36). She advised that she had severe concerns over the proposed access, and therefore fully supported the comments of Royston Town Council and local residents, and she asked the Committee to consider all these points very carefully when making its decisions on the applications.

[At this point, Councillor Hill withdrew from the meeting.]

A number of Members felt that there should be a link road around the development into Burns Road, as the piecemeal development of the overall site had resulted in a significant effect on residents due to heavy traffic at certain times of the day. Concern was expressed that the proposed access road was to be located between two roundabouts that were close to each other, and the access road appeared to have been moved even closer to the existing housing than the previous proposal for the road.

However, a majority of Members considered that the proposed access was acceptable, and it was therefore

**RESOLVED:** That application 17/00666/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and that should there be a resolution to grant planning permission to application 12/01903/1 (see Minute 36 below), the following sentence should be added to proposed Grampian condition 4 relating to that application: "or any alternative access as may be agreed by the Local Planning Authority".

**37 17/01207/1 - THE SPINNEY, HEATH ROAD, BREACHWOOD GREEN, HITCHIN**

Residential development comprising of 3no.detached 4 bed dwellings, 4no. semi-detached 3 bed dwellings, 2no. terraced 2 bed dwellings and widening of existing vehicular access off of Heath Road.

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.

The Area Planning Officer advised that, since writing the report, he had received a representation from the Breachwood Green Society, which he summarised as follows:

- Concerned that scheme would not provide social housing;
- Lack of facilities meant that residents would need to make car journeys through narrow rural lanes;
- School had no room for expansion;
- Concern for highway safety;
- Concern at height of development relative to adjacent housing;
- Comment that old brick pits on the site had recently been infilled and, with loss of trees, there was concern at the stability of the land; and
- Comment that Breachwood Green cannot sustain further residential development.

Notwithstanding the above comments, the Area Planning Officer recommended that planning permission be granted.

Mr Don Heath (local resident) addressed the Committee in objection to application 17/00348/1.

Mr Heath advised that he lived at 8 St. Mary's Rise, which was opposite one of the proposed two storey houses. He considered that, if the development was built, his privacy would be lost as he lived in a bungalow.

Mr Heath stated that there had been 20 response in favour of the application from local residents, and only 6 against. He was one of those against, all of whom lived in St. Mary's Rise. He felt that the 20 responses in favour may have been of the view that if this development was carried out, then other proposals for development elsewhere in the village would not take place.

Mr Heath advised that there was once an orchard on the edge of the application site, but that this had long gone. The land was now flat, well fenced and well maintained, but was still very open compared to how it once looked.

Mr Heath understood that none of the eight units proposed were to be offered for affordable housing. He was further concerned that the building construction works would have an adverse effect on the health of some of the residents of St. Mary's Rise.

Mr Heath was concerned that the site was higher than St. Mary's Rise, and with the fact that the Claypits which use to occupy the site had all been filled in, that potential flooding could be a problem.

Mr Heath had noticed that the Campaign for the Protection of Rural England (CPRE) had stated that, in their opinion, the site was not environmentally suitable and was in an unsustainable location.

The Chairman thanked Mr Heath for his presentation.

In responding to an issue raised during Mr Heath's presentation, the Area Planning Officer confirmed that the application was for 8 dwellings, and was therefore below the threshold of 10 dwellings which required the provision of a percentage of affordable housing.

The Committee supported the recommendation that planning permission should be granted. However, in order to mitigate the effect of the development on existing local residents, the Committee agreed that proposed Condition 13 (landscaping) should be strengthened so that the landscaping plan to be provided by the applicant should include substantial planting along the southern boundary of the site with St. Mary's Rise. Similarly, due to the issue raised about potential surface water run off and flooding, it was agreed that an additional condition be added requiring a drainage strategy to be submitted by the applicant, and approved by the Local Planning Authority, prior to the commencement of the development.

**RESOLVED:** That application 17/01207/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and subject to a revised Condition 13 and additional Condition 16 as follows:

13. Notwithstanding the details shown on the submitted plans full details of the hard and soft landscaping of the site including hardsurfaced materials and species of plants and / or trees to be planted shall be submitted to and approved by the Local Planning Authority. The details shall include substantial planting along the southern boundary of the site with St. Mary's Rise. The development shall be carried out in accordance with the details approved.

Reason: In the interests of visual amenity.

16. Prior to the commencement of the development hereby approved, a drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control surface water run-off and to avoid the risk of flooding.

### 38 17/00348/1 - 71-81 HERMITAGE ROAD, HITCHIN

Addition of two storeys to existing building to provide 7 x 2-bed flats (floors 3 and 4); change of use of ground floor of No. 80 to A1 shop unit and entrance hallway, change of use of first floor of No. 80 Hermitage Road from A3 to C3 to provide 1 x studio flat; existing second floor flat of No. 74 Hermitage Road converted to 1 x studio flat and 1 x 1-bed flat; re-clad external elevations of existing building; provision of new stair and lift tower and associated refuse and recycling store. (As amended by plan nos. 3183 01B, 10H, 12D, 15 F, 22).

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.

The Area Planning Officer updated the Committee with an e-mail received from a Mr Stroud, who understood that the Sukawatee restaurant had secured alternative premises. If this was the case, then Mr Stroud withdrew his objection and supported the scheme, as he saw it as a positive reinvigoration of the Hitchin Town Centre.

The Area Planning Officer recommended that planning permission be granted.

Mr Jonathan Read (Applicant's Agent) addressed the Committee in support of application 17/00348/1.

Mr Read advised that, five years ago, there had been a public exhibition in respect of the Hermitage Road former Post Office site. A frequent comment made at this exhibition was question asking when was the adjoining site (ie. the site of this application) going to be redeveloped.

Mr Read stated that, due to the mix of ownerships of the existing occupiers of the building (many of them on long leases) limiting the scheme, a demolition and re-build option would not be realistic.

Mr Read considered that the proposed scheme transformed and reinvigorated the building, which was one of the least attractive in Hitchin Town Centre. The proposals included residential units, together with the recladding and refenestration of the building to create a unified design to work with the existing geometry of the building, and designed to be sympathetic with other buildings in the street scene.

Mr Read explained that, in addition, the proposals completed the pedestrian riverside link between Hermitage Road and Portmill Lane, improving pedestrian connectivity to the Market, St. Mary's Church, Churchyard and major car parks. The proposals contributed to what had been a substantial reinvigoration of Hermitage Road over recent years.

Mr Read commented that two additional storeys had been proposed, making it a five storey building. The scale of the building was mitigated by the setting back of the top floor from the roadside. The two storeys of residential apartments contributed to the overall viability of the scheme.

The Chairman thanked Mr Read for his presentation.

The Committee was supportive of this application, but concern was expressed over the lack of cycle storage facilities. In agreeing that permission be granted, the Committee agreed that this would be subject to an additional condition requiring details of cycle storage facilities to serve the development being submitted to and approved by the Local Planning Authority prior to the commencement of the development.

**RESOLVED:** That application 17/00348/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and subject to a revised Condition 9 as follows:

9. Prior to the commencement of the development hereby approved details of cycle storage facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport choices for the occupiers of the flats.

**39 17/00536/1 - THE CRICKETERS, ARLESEY ROAD, ICKLEFORD, HITCHIN**

Variation to condition 2 (development in accordance with approved plans) of planning permission ref 11/00772/1 granted 23/05/2011 including increase in height of main roof and reduction in depth of side extension and alterations to fenestration (as amended by plan nos. CRI/09/03G, 05G & 07G).

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.

The Area Planning Officer updated the Committee as follows:

1. The Council had received seven additional e-mails expressing support for the proposals, with the main reason for support being that the development would secure the future of the pub as an important asset to the community.
2. An amended site plan had been received and this showed a 1 metre x 1 metre visibility splay taken from the corner of the proposed side extension.
3. Formal comments had been received from the Highway Authority and they raised no objection to the development based on the sightlines proposed. They had suggested an alteration to condition 3 to reflect the reduced sightlines of 1.0m x 1.0m.

The Area Planning Officer confirmed that the revised layout for the extension was slightly smaller than the original footprint, but that the roof line was some 450mm higher than that previously approved.

The Area Planning Officer recommended that planning permission be granted for this alteration to the original permission.

Parish Councillor Colin Thurstance (Ickleford Parish Council) addressed the Committee in objection to application 17/00536/1.

Parish Councillor Thurstance advised that Ickleford Parish Council, as elected custodians of the village, was acutely aware of the need for balanced development. The Parish Council believed it to be important to encourage local business, such as pubs, to evolve and thrive to maintain a vibrant local environment. The Parish Council, therefore, acknowledged the applicant's attempts to develop The Cricketers.

Parish Councillor Thurstance stated, however, that the Parish Council was opposed to the size and scale of the applicant's plans, due to the impact on his neighbours and the general impact on the street scene. It was on this basis that the Parish Council objected to the planning application.

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Parish Councillor Thurstance commented that, in the Planning Officer's summary for the Committee, he stated that the overall height of the proposed building was "comparable to many other properties along Arlesey Road." The Parish Council believed that the Planning Officer had unintentionally misled the Committee. Arlesey Road was a long thoroughfare with a range of housing styles and sizes, some of which were indeed comparable with what was being proposed for The Cricketers. However, a more appropriate comparison would be with those houses closest to the development. The new height of the Cricketers was greater than all the properties on Arlesey Road immediately to the south of the site, and higher than most of those to the north. Moreover, the increased height of The Cricketers was exacerbated by the fact that the frontage of the building was sited directly onto the pavement of Arlesey Road – not the case for any of the adjacent properties, other than a short row of cottages, the height of which was significantly less than The Cricketers. The overall impact of the extension was a critical point for the street scene, and the Parish Council believed the new size overwhelmed the immediate vicinity.

Parish Councillor Thurstance explained that he did not expect all Members of the Committee to have a detailed knowledge of this site, which was why it was felt important to paint an accurate as possible picture for of the impact that approval would have. The Parish Council also fundamentally disagreed with the Planning Officer's conclusion that "that the variations to the approved planning permission are not harmful to the character and appearance of the area"

The Committee noted that the Parish Council also objected to the application due to the adverse effect on The Cricketers' immediate neighbours. Residents adjacent to the development had had several years of disruption, with associated impact on their health and well-being. By approving this amended application, NHDC would be giving the green light to further disruption to those neighbours. One set of immediate neighbours, Mr and Mrs Derwent, had submitted significant objections to the plans. He felt that these had not been captured in the Planning Officer's summary to the Committee – although they were on the planning portal. The Derwents noted that the rear extension was 4 feet higher and 4 feet wider than originally allowed, and when retrospective planning permission was sought, they were not consulted nor informed of the result. Due process did not seem to have been followed. Additionally, there was the concern over loss of amenity and privacy for the Derwents, as the extension (with window) was only a few metres from their lounge window.

Parish Councillor Thurstance advised that there were also significant road safety and health and safety concerns associated with the plans. These included reduced visibility for vehicles entering and exiting the car park; the 'new entrance to car park' mentioned in the plans did not actually appear to exist; it would be impossible for larger delivery vehicles to manoeuvre into the car park; the Location Plan ascribed land to The Cricketers which was the subject of a boundary dispute – if that was not resolved in the applicant's favour it made vehicular access yet more difficult, if not impossible; no space had been set aside for bins, barrels and other pub paraphernalia to be stored, with likely further impact on vehicular space and access. This larger extension, with associated increase in clientele, would generate excessive noise for neighbours.

Parish Councillor Thurstance explained that some attempts appear to have been made in the current plans to address the access issues, but the Parish Council was not convinced they would fully do so; residents had advised that even with the proposed reduction in the depth of the side extension, access would not be improved.

Parish Councillor Thurstance stated that the Planning Officer's report glibly appreciated neighbours' concerns on the impact to their views, but had dismissed them. It was very easy for those not directly affected by a nearby development to suggest that those who were impacted were either exaggerating or should just put up with it, but the Parish Council believed that this was an approach which should be challenged.



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Parish Councillor Thurstance advised that the Planning Officer acknowledged that approval of the application would exacerbate the boundary dispute between the applicant and his neighbours previously mentioned. He believed that it would be a dereliction of duty for the Committee to approve this application in full knowledge that it would provoke such a dispute. The Parish Council believed that the application contravened National Planning Policy Framework (NPPF) Section 7 – ‘Requiring good design’ – and it agreed with The Cricketers’ neighbours that the extension was oversized and unattractive with negative impact on an important part of the village. Similarly, the application appeared to disregard policies SP9 ‘Design and sustainability’ and D1 ‘Sustainable design’ of the NHDC Proposed Submission Local Plan. He considered that two further policies of the latter were also contravened by the application, namely T2 ‘Parking’ – there would be insufficient parking in the extended facility, assuming access to the car park could actually be achieved, and D3 ‘Protecting living conditions’ – the design would adversely impact the living conditions of those closest to the pub.

Parish Councillor Thurstance concluded by stating that the Parish Council believed this to be an unnecessarily complex application, and the large number of proposed conditions appeared to support its view. There was no confidence that they would be adhered to by the applicant, nor that the Planning Department would have the resources to enforce them. The Parish Council did not understand why the applicant had exceeded the authority of the original planning approval, nor did it understand why he should be rewarded for these breaches by the Committee approving this application. Had the applicant simply abided by the original, smaller planning application, these works might have already been completed, neighbours would have been content, and The Cricketers would be thriving. Therefore, for this and the previously mentioned reasons, the Parish Council respectfully requested the Committee to reject the current application.

The Chairman thanked Parish Councillor Thurstance for his presentation.

In response to issues raised in Parish Councillor Thurstance’s presentation, the Area Planning Officer advised that, in his professional opinion, the increased roof height of 450mm would have no significant adverse impact on the character of the area. The pub would remain a detached two-storey building, separated from neighbouring properties by several metres.

The Area Planning Officer explained that there had been a non-material amendment to the previously approved permission, and that it was not normal process to consult neighbouring properties regarding such amendments.

In respect of visibility, the Area Planning Officer stated that the Highway Authority had raised no objections and were content with the revised plans. He added that the issue of any encroachment onto adjoining properties would be a civil matter, beyond the remit of the Local Planning Authority. In relation to storage, he advised that the ground floor of the side extension accommodated such facilities.

Members expressed a general concern regarding the length of time it had taken for the entirety of the renovation works to the public house. In the expectation that works would be completed expeditiously, the Committee agreed that planning permission should be granted, subject to the revised Condition 3 recommended by the Highway Authority on visibility splays; and additional conditions requiring the submission of a phasing plan for completion of the works and the submission of details of proposed refuse storage. Furthermore, the Committee agreed that an informative should be conveyed to the applicant advising that the Local Planning Authority would be carrying out regular monitoring of the works to ensure that they were completed in accordance with the approved plans and planning conditions.

**RESOLVED:** That application 17/00536/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, subject to the revised Condition 3, new Conditions 14 and 15, and additional informative as follows:

3. Prior to the development being first brought into use a 1.0 metre x 1.0 metre visibility splay shall be provided and permanently maintained on either side of the access. It shall be measured from the edge of the accessway to the edge of the carriageway/back of footpath, within which there shall be not obstruction to visibility between 600mm and 2.0 metres above the carriageway/footpath level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

14. A phasing plan indicating the timeframe for the completion of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of the general amenity of the area.

15. Prior to the completion of the development hereby permitted refuse storage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area.

Informative:

The applicant is advised that the Local Planning Authority will carry out regular monitoring of the works to ensure that they are completed in accordance with the approved plans and planning conditions.

The meeting closed at 11.51 pm

Chairman