

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**Meeting held in the Council Chamber, Council Offices, Gernon Road, Letchworth Garden City
on Monday, 17 December 2007 at 7.30 p.m.**

MINUTES

PRESENT: *Councillors: Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman), D.J. Barnard, Liz Beardwell, David Billing, Clare Body (Substitute), Tom Brindley (Substitute), J.M. Cunningham, Melissa Davey, A.F. Hunter, Arthur Jarman, David Levett (Substitute), Ian Mantle, M.R.M. Muir and R.L. Shakespeare-Smith.*

IN ATTENDANCE: *Mary Caldwell (Planning Control & Conservation Manager), Anne Osborn (Planning Officer), Katie White (Legal Advisor) and Nigel Schofield (Committee & Member Services Officer).*

ALSO PRESENT: Three members of the public (registered speakers).

135. CHAIRMAN'S ANNOUNCEMENTS

Councillor Jane Gray welcomed everyone to the meeting.

Councillor Jane Gray confirmed that the agenda was as listed.

136. APOLOGY FOR ABSENCE

Apologies for absence were received from Councillors: Allison Ashley, Paul Clark and Allison Dear.

137. SUBSTITUTION OF MEMBERS

Councillors: Clare Body, Tom Brindley and David Levett having given due notice and in accordance with the agreed procedures of North Hertfordshire District Council confirmed that they would be attending this meeting as a substitute for Councillors Paul Clark, Allison Ashley and Allison Dear respectively.

138. NOTIFICATION OF OTHER BUSINESS

There was no notification of other business.

139. MINUTES – 15 NOVEMBER 2007

RESOLVED that the Minutes of the meeting held on 15 November 2007 be approved as a true record of the proceedings and be signed by the Chairman.

140. DECLARATION OF INTERESTS

Agenda Item 6. 3: 07/02523/1 – Plots 2- 4, 89 Walsworth Road, Hitchin.
See Minute 144.

141. PUBLIC PARTICIPATION

The Chairman confirmed that the three members of the public who had registered to speak at the meeting were in attendance.

142. **07/02319/1: WEEKLY CAR BOOT SALES AREA, GREAT NORTH ROAD, GRAVELEY, HITCHIN.
CONTINUED USE OF LAND FOR WEEKLY CAR BOOT SALES (AMENDED SITE LAYOUT PLAN RECEIVED 14.11.2007).**

The Chairman invited the agent for the applicant Mr P. Morris to address the Committee. The speaker noted that the officer's recommendation was to refuse the application and he confirmed that the applicant would accept any conditions that may be added should this application be granted. The speaker accepted that clarification of the site being for commercial or recreational use was difficult and that it was the opinion of the applicant that people traveling to this site in the Green Belt were visiting car boot sales for recreational pleasure. The speaker confirmed that the car boot sales were for only 8 hours per one day per week and that 14 days were available to the client without a specific planning permission. There were no permanent features on the site and as traffic was at the weekend there was no congestion on the day of the car boot sale.

The Committee considered the matter of commercial use versus recreational use at the designated site at considerable length and whether it would be appropriate to make a decision that was against policy and contrary to The Development Plan and government advice. Several Members expressed a view that this application should not be allowed as it was within the Green Belt and was commercial whilst other Members considered that because car boot sales were in existence nearby but outside the Green Belt this application would not be unsuitable for this location, and that this development was for recreational purposes and acceptable. It was agreed by all that it was difficult to decide on this aspect of the application. An alternative substantive motion for increasing the number of car boot sale days to 24 with conditions concerning: car parking, signage, entry surface and floodlights was proposed and seconded and being put to the vote this motion was carried by eight votes to seven with no abstentions.

RESOLVED: That subject to the Secretary of State not being minded to call in the application 07/02319/1 this application be **GRANTED** planning permission as per the following conditions and reasons:

- (1) There shall be no more than 24 car boot sales per year with a maximum of one car boot sale per week.

Reason: To protect the rural character of the area.

- (2) Within 3 months of the date of this decision, a one way system shall be implemented on the internal access road as shown on Drawing No. T/3917/02 and 'IN' and 'OUT' signs shall be erected at the entrance and exit of the site to the Local Planning Authority's satisfaction. The signs must be provided in accordance with the Traffic Regulations and General Directions 2002. This arrangement shall be permanently retained as provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the manoeuvring of vehicles likely to be associated with its use.

- (3) Within 3 months of the date of this decision, the in and out accesses shall be constructed in a hard surfaced material for the first 10 metres of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

(4) There shall be no floodlights or external wall mounted lights erected.

Reason: To protect the rural character of the locality.

**143. 07/02321/1: DOG TRAINING AREA, GREAT NORTH ROAD, GRAVELEY, HITCHIN.
CONTINUED USE OF LAND FOR DOG TRAINING SCHOOL (AMENDED SITE LAYOUT PLAN RECEIVED 14.11.2007).**

The Chairman invited the registered speaker Mr T. Franklin to address the Planning Control Committee on this planning application. Mr Franklin declined to speak.

RESOLVED: That application 07/02321/1 be **GRANTED** planning permission as per the conditions and reasons set out in the report of the Head of Planning and Building Control.

**144. 07/02523/1: PLOTS 2- 4, 89 WALSWORTH ROAD, HITCHIN, SG4 9SH
EXTENSION TO REAR OF GROUND FLOOR BY 1.4 METRES OF PLOTS 2, 3 AND 4 (AS VARIATION OF PLANNING REF. 06/02558/1 GRANTED PERMISSION ON 9.3.2007).**

Councillor David Billing advised the Chairman that he possibly had to declare an interest in relation to this planning application. The Committee received advice from the NHDC Legal advisor that related to the Members' Code of Conduct and Declarations of Interests and when considerations in relation to these issues were relevant. The Legal Advisor also provided advice that related to other relevant issues that should be considered in order to ensure correct and proper decision making. Councillor David Billing confirmed that after due consideration he did not consider that he had an interest to declare. Councillor David Billing also confirmed that after due consideration he did not consider that he had pre-determined this planning application. He advised that although he had possibly held a view that was contrary to the officer's recommendation that related to a material planning application he retained an open mind in order to consider all arguments put to the Committee.

The registered speaker Mr D. Gibson confirmed that he was the applicant's representative and that the main purpose of the application was to ensure a conformity of design and building works to these three dwellings, rather than allow piecemeal extensions to the rear of Plots 2,3 and 4 following occupation.

The Planning Control Committee debated the merits of this application with particular reference to the loss of amenity land (Ref. Policy 57 guidelines) to the rear of Plots 2,3 and 4 and the close proximity of trees subject to Tree Preservation Orders. It was noted that the guidelines for the depths of gardens had not been adhered to in the original high density scheme. Several Members expressed a view that even though this was a relatively high density development there should be no further loss of garden spaces other than that proposed under this application. The Planning Control and Conservation Manager advised that 11 and 12 metre length gardens may become a normal feature for similar developments, clarified that an additional 50 cubic metres of build could be made under permitted development, that a conservatory was a permanent structure and that garden sheds are temporary structure. Several Members proposed that in order to stop any further loss of garden length at Plots 2,3 and 4 it would be appropriate to include one more Condition (No.4) to remove all forms of permitted development rights at these three dwellings. This proposal was seconded and being put to the vote there were 13 to grant the application with removal of all permitted development rights, one against and one abstention.

RESOLVED: That application 07/02523/1 be **GRANTED** planning permission as per the conditions and reasons set out in the report of the Head of Planning and Building Control and one additional condition (4.).

- (4) Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1955 as amended, no development as set out in Class(es) A,B,C,D,E and F of Part 1 of Schedule 2 to the order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

145. 07/02483/1: 32 SPARHAWKE, LETCHWORTH GARDEN CITY, SG6 4PX REAR CONSERVATORY.

RESOLVED: That application 07/02483/1 be **GRANTED** planning permission as per the conditions and reasons set out in the report of the Head of Planning and Building Control.

146. 07/02464/1: 28 OAKFIELDS AVENUE, KNEBWORTH, SG3 6NP FIVE BEDROOM DETACHED DWELLING FOLLOWING DEMOLITION OF EXISTING DWELLING.

RESOLVED: That application 07/02464/1 be **GRANTED** planning permission as per the conditions and reasons set out in the report of the Head of Planning and Building Control.

147. PLANNING APPEALS

The Planning Control and Conservation Manager (PCCM) advised the Committee that two appeals had been determined (both dismissed on 15 November 2007) in the period since the last meeting of the Planning Control Committee held on 15 November 2007. The report of the PCCM contained details of two appeals that had been lodged since the last meeting held on 15 November 2007.

RESOLVED: That the report be noted.

148. PLANNING ENFORCEMENT CASELOAD

The Planning Control and Conservation Manager gave details of the latest situation with regard to planning enforcement cases and updated the Committee on outstanding enforcement notices as presented in the report. In response to enquiries about previous enforcement notices – not included in this report – the PCCM provided an update for various sites.

RESOLVED: That the report be noted and the actions taken be supported.

The meeting closed at 9.08 p.m.

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Chairman

