

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**Meeting held in the Council Chamber, Council Offices, Gernon Road, Letchworth Garden City
on Wednesday, 23 May 2007 at 7.30p.m.**

MINUTES

PRESENT: *Councillors Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman), Mrs A.G. Ashley, D.J. Barnard, Liz Beardwell, Tom Brindley (substitute), Paul Clark, Melissa Davey, A.F. Hunter, Arthur Jarman, David Levett (substitute), Ian Mantle, M.R.M. Muir, R.L. Shakespeare-Smith and Martin Stears (substitute).*

IN ATTENDANCE: *Mary Caldwell (Planning Control & Conservation Manager), Simon Ellis (Principal Planning Officer), Kim Sawyer (Corporate Legal Manager), Katie White (Senior Lawyer) and Ian Gourlay (Senior Committee & Member Services Officer).*

ALSO PRESENT: *Councillors Lawrence Oliver, Alan Millard and F.J. Smith and approximately 50 members of the public.*

WELCOME

The Chairman welcomed those present to the first meeting of the Council's newly established Planning Control Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Billing, J.M. Cunningham and Allison Dear (Councillors Stears, Brindley and Levett were substituting respectively).

2. NOTIFICATION OF OTHER BUSINESS

There had been no notification of any other business.

3. DECLARATION OF INTERESTS

Councillor Melissa Davey declared a personal and prejudicial interest in Agenda Item 14 – 07/00889/1HH – 27 Lawrence Avenue, Letchworth Garden City, as she was the applicant in respect of this application, and chose to withdraw from the meeting for the duration of the Committee's determination of the item.

4. PUBLIC PARTICIPATION

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

5. 07/00165/1AD – JUNCTION OF PASTURE LANE AND BROAD LANE, PASTURE LANE, BREACHWOOD GREEN: TWO DISPLAY BOARDS WITH 6 MOUNTED SIGNS ON TRAILER

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for advertisement consent. She updated the Committee on the contents of a further letter of objection to this and the other four similar applications (see Minutes 6 – 9 below) received from the owner of Green Farm, Bendish. She read out in full the comments of St.Walden's Parish Council in support of this and the other four similar applications.

At the Chairman's invitation, Mr Brian Batchelor, the owner of Green Farm, Bendish, addressed the Committee objecting to this and the other four similar applications.

At the Chairman's invitation, Mr Peter Shaw, the applicant, addressed the Committee in support of application 07/00165/1AD.

Following debate, it was

RESOLVED:

- (A) That application 07/00165/1AD be **REFUSED** advertisement consent, as per the reasons contained in the report of the Head of Planning & Building Control;
- (B) That, if the signs have not been removed within 28 days of the decision, and subject to the Head of Legal & Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised advertisements.

6. 07/00166/1AD – LAND AT JUNCTION OF BENDISH LANE AND CHURCH LANE, BENDISH: DISPLAY OF SIGN MOUNTED ON TRAILER

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for advertisement consent.

At the Chairman's invitation, Mr Brian Batchelor, the owner of Green Farm, Bendish, addressed the Committee making a further statement of objection to this and the other four similar applications.

At the Chairman's invitation, Mr John Shervell, the applicant, addressed the Committee in support of application 07/00166/1AD.

Following debate, it was

RESOLVED:

- (A) That application 07/00166/1AD be **REFUSED** advertisement consent, as per the reasons contained in the report of the Head of Planning & Building Control;
- (B) That, if the signs have not been removed within 28 days of the decision, and subject to the Head of Legal & Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised advertisements.

7. 07/00167/1AD – LAND OPPOSITE JUNCTION OF BENDISH LANE AND WEST END LANE, BENDISH: DISPLAY SIGN MOUNTED ON TRAILER

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for advertisement consent. She updated the Committee on the contents of a late letter received from the Highway Authority (Hertfordshire County Council) objecting to the proposed advertisement on highway safety grounds, and commented that if the Committee was minded to refuse advertisement consent then this should be an additional reason for refusal.

Despite the Chairman's invitation, Mr Brian Batchelor, the owner of Green Farm, Bendish, chose to decline his right to speak in objection to this application.

At the Chairman's invitation, Mrs Sandra Dallimore, the applicant's spouse, addressed the Committee in support of application 07/00167/1AD and the following item on the agenda (application 07/00169/1AD).

Following debate, it was

RESOLVED:

- (A) That application 07/00167/1AD be **REFUSED** advertisement consent, as per the reason contained in the report of the Head of Planning & Building Control, and with the following additional reason:
2. The display sign that has been erected on this stretch of Bendish Lane is in a location, due to the junction opposite and proximity to the bend, where drivers would need to take exceptional care. Considering the location of the display sign and being set back from the gated field entrance preceding the approach to a bend and opposite a junction, this would require drivers to look at right angles at the sign. This is in a location where extreme diligence from drivers is required to deal with the conflicting traffic movements. This would lead to interference to the free and safe flow of traffic along Bendish Lane and nearby junction with West End Lane.
- (B) That, if the signs have not been removed within 28 days of the decision, and subject to the Head of Legal & Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised advertisements.

8. 07/00169/1AD – FIELD ENTRANCE OPPOSITE LAW HALL FARM, LAW HALL LANE, BENDISH: DISPLAY SIGN MOUNTED ON TRAILER

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for advertisement consent. She updated the Committee on the contents of a late letter received from the Highway Authority (Hertfordshire County Council) objecting to the proposed advertisement on highway safety grounds, and commented that if the Committee was minded to refuse advertisement consent then this should be an additional reason for refusal.

Despite the Chairman's invitation, Mr Brian Batchelor, the owner of Green Farm, Bendish, chose to decline his right to speak in objection to this application.

Despite the Chairman's invitation, Mrs Sandra Dallimore, the applicant's spouse, chose to decline her right to speak in support of this application.

Following debate, it was

RESOLVED:

- (A) That application 07/00169/1AD be **REFUSED** advertisement consent, as per the reason contained in the report of the Head of Planning & Building Control, and with the following additional reason:
2. The display sign that has been erected on this stretch of Law Hall Lane is in a location, due to the nearby access to Law Hall Farm opposite and proximity to the bend, where drivers would need to take exceptional care. Considering the location of the display sign preceding the approach to a bend with limited visibility and opposite an access, this would require extreme diligence from drivers to deal with the conflicting traffic movements. This would lead to interference to the free and safe flow of traffic along Law Hall Lane.
- (B) That, if the signs have not been removed within 28 days of the decision, and subject to the Head of Legal & Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised advertisements.

9. 07/00170/1AD – GREYFELL, BENDISH: DISPLAY OF TWO SIGN BOARDS MOUNTED ON TRAILER AND ONE SIGN BOARD MOUNTED ON FIELD GATE

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for advertisement consent. She updated the Committee on the contents of a late letter received from the Highway Authority (Hertfordshire County Council) objecting to the proposed advertisement on highway safety grounds, and commented that if the Committee was minded to refuse advertisement consent then this should be an additional reason for refusal.

Despite the Chairman's invitation, Mr Brian Batchelor, the owner of Green Farm, Bendish, chose to decline his right to speak in objection to this application.

At the Chairman's invitation, Mrs Pat Wand, the applicant, addressed the Committee in support of application 07/00170/1AD.

Following debate, it was

RESOLVED:

- (A) That application 07/00170/1AD be **REFUSED** advertisement consent, as per the reason contained in the report of the Head of Planning & Building Control, and with the following additional reason:
2. The display sign that has been erected on a gate on Bendish Lane and located set back from a gated access on Broad Lane are in locations, due to the location of the junction of the adjacent footpath 24 (public right of way) where drivers would need to take exceptional care. Considering the location of the display signs set back from the highway, this would require drivers to look at right angles to view the signs. This would lead to interference to the free and safe flow of traffic along Bendish Lane and Broad Lane.
- (B) That, if the signs have not been removed within 28 days of the decision, and subject to the Head of Legal & Democratic Services being satisfied with the evidence, prosecution proceedings be authorised to remove the unauthorised advertisements.

10. 07/00347/1 - LAND TO THE REAR OF AND INCLUDING 134 TO 150 (EVENS), GROVE ROAD, HITCHIN: 2, 3 AND 4 STOREY DEVELOPMENT TO PROVIDE 47 ONE BEDROOM AND 48 TWO BEDROOM FLATS; 4 TWO BEDROOM AND 6 THREE BEDROOM HOUSES (TOTAL 105); 124 BASEMENT AND 2 SURFACE LEVEL PARKING SPACES; NEW VEHICULAR AND PEDESTRIAN ACCESS ADJACENT RIVER PURWELL, LANDSCAPING AND ANCILLARY MATTERS

Prior to the consideration of application 07/00347/1, a Member commented that he considered that Hitchin residents were disadvantaged, when compared to much of the remainder of the District, by the lack of a Town Council to make representations on their behalf.

The Corporate Legal Manager replied that Hitchin residents had the right to make representations on planning applications within their town, regardless of whether or not a Town Council existed. In that respect, they were no more disadvantaged than all other residents in the District.

Another Member expressed concern that the meeting was not being held at a venue in Hitchin when two major Hitchin applications were before the Committee, and expressed doubts as to whether the non-Hitchin Members on the Committee had had enough time in which to familiarise themselves with the sites, and therefore whether it would be prudent to defer these applications to the next meeting of the Committee and arrange for it to be held in Hitchin.

The Corporate Legal Manager responded that it did not seem unreasonable to hold meetings of the Committee at a "central" venue, namely the Council's own offices in Letchworth Garden

City. She considered that the timescales for both applications were tight, but that deferral could possibly result in the applicants submitting appeals to the Secretary of State on the grounds of non-determination.

The Corporate Legal Manager referred to comments made by the Hitchin Forum in an e-Mail to Members of the Committee regarding bias in the Head of Planning & Building Control's reports on this and the subsequent item, in that the applicants' Design and Access Statements were re-produced in full (45 and 23 pages respectively), whereas the objectors' letters were summarised on one page and in one paragraph respectively. The Corporate Legal Manager referred to the reason given by the Planning Control and Conservation Manager for inclusion of the statements (as a means of giving the appropriate history of the previous applications) as adequate reason to demonstrate that there was no bias. Members were also able to give adequate weight to objectors' representations, even though they had not been reproduced in full as this was common practice in planning reports.

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for planning permission. She informed the Committee that the Environment Agency had withdrawn its previous objections to the scheme, but had requested that an amendment to Condition 14 and two additional conditions regarding levels and one extra condition relating to surface water drainage be added to any grant of permission. She referred to a number of representations received from local residents since the preparation of the report objecting to the application and re-iterating previous concerns regarding the 4 storey building being out of keeping with the surrounding area; the density of the development; car parking; traffic; and the capacity of the sewerage system to cope adequately with the new dwellings.

The Planning Control & Conservation Manager proposed a further additional condition in respect of the provision of full details of the waste management and recycling schemes for the sites, as recommended by Environmental Health. In respect of the proposed Section 106 Agreement to be attached to any grant of permission, she explained that the level of financial contributions required by the County Council towards secondary education, library facilities and youth and childcare facilities had all been revised to lower levels than those quoted in the report. In addition, she proposed that the proposed Heads of Terms of the Agreement be drafted so as to reflect the requirements of the adopted Supplementary Planning Document on Planning Obligations.

The Planning Control & Conservation Manager referred to a letter from Councillor Deepak Sangha supporting an earlier letter from Councillor David Billing objecting to the scheme. Councillor Billing had circulated his letter of objection to all Members of the Committee. Councillor Billing's main areas of objection were in respect of the design and mix of the proposed development, and its appropriateness with regard to Planning Policy Statement 3 (PPS 3).

The Planning Control & Conservation Manager addressed each of the points made by Councillor Billing in his letter, and concluded that her recommendation that planning permission be granted remained unchanged, subject to the revised elements of the Section 106 Agreement and the additional conditions referred to previously.

At the Chairman's invitation, Mr David Matthews, on behalf of the residents of Grove Road, addressed the Committee making a statement of objection to application 07/00347/1.

At the Chairman's invitation, Mr Steve Boddy, the applicant's representative, addressed the Committee in support of application 07/00347/1.

Following a full debate, it was moved and seconded that application 07/00347/1 be refused planning permission on the grounds that the overall height of the scale of the principal block of flats would not satisfactorily integrate into, or enhance, the established form of the locality; and that the layout made inadequate provision for private open space to serve the occupiers of the proposed flats.

Upon being put to the vote, this motion was lost.

It was moved and seconded that application 07/00347/1 be granted planning permission, subject to a Section 106 Agreement and conditions, inclusive of the proposed amendments to the Section 106 Agreement and the additional conditions suggested by the Planning Control & Conservation Manager outlined earlier in the meeting. It was further moved and seconded that the applicant be requested to implement a Management Plan for the maintenance of the private open space in perpetuity, and to provide details of any proposals for disabled access to the flats (such as a lift).

In accordance with Standing Order 16.5, Councillor Paul Clark requested that a recorded vote be taken in respect of this motion.

(Voting:

For: Councillors D.J. Barnard, Tom Brindley, Melissa Davey, Jane Gray, Fiona Hill, A.F. Hunter, Arthur Jarman, David Levett, Ian Mantle and M.R.M. Muir – 10.

Against: Councillors Mrs A.G. Ashley, Liz Beardwell, Paul Clark, R.L. Shakespeare-Smith and Martin Stears – 5.

The motion was carried.)

RESOLVED:

(A) That, subject to the applicant first entering into an agreement under Section 106 of the Town and Country Planning Act 1990, in accordance with the Council's adopted Supplementary Planning Document on Planning Obligations, with the District and County Councils to achieve the items detailed in the report of the Head of Planning & Building Control, amended as follows:

- d. to make financial contributions of 43,677 towards secondary education, £11,729 towards library facilities and £4,925 towards youth and childcare facilities,

application 07/00347/1 be GRANTED planning permission, subject to the conditions and reasons set out in the report of the Head of Planning & Building Control, and with the following amended/additional conditions:

14. The minimum ground floor level of any building involved in the development must be at least 55.07m AOD unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a reasonable freeboard against flooding and an allowance for climate change.

25. The minimum sill level of any basement involved in the development must be at least 55.07m AOD unless otherwise agreed in writing by the Local Planning Authority.

Reason : To provide a reasonable freeboard against flooding and an allowance for climate change.

26. The minimum evacuation access route involved in the development must be at least 54.77AOD unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe access and egress during times of flood.

27. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works have been approved by the Local Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

28. Full details of the waste disposal and recycling facilities to serve the development shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure sustainable management of waste generated by the development.

29. Full details of the management plan for the amenity and open space areas shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure these areas are permanently maintained in perpetuity.

- (B) That the applicant be requested to provide details of any proposals for disabled access to the flats (such as a lift).

11. 07/00950/1 - LAND OFF WALSWORTH ROAD, ADJACENT TO B & Q STORE AND REAR OF 59 TO 69 DACRE ROAD, HITCHIN: RESIDENTIAL DEVELOPMENT OF 92 DWELLINGS COMPRISING 26 ONE BEDROOM AND 51 TWO BEDROOM FLATS IN 2 BLOCKS OF 3 & 4 STOREYS OVER A SEMI-BASEMENT PARKING AREA FOR 87 VEHICLES; 8 TWO BEDROOM AND 3 FOUR BEDROOM DWELLINGS AND 1 ONE BEDROOM AND 3 TWO BEDROOM FLATS IN 2 AND 3 STOREY TERRACES WITH 10 PARKING SPACES; NEW VEHICULAR & PEDESTRIAN ACCESS VIA WALSWORTH ROAD; EMERGENCY AND SERVICE VEHICLE ACCESS & PEDESTRIAN ACCESS VIA EXISTING DRIVEWAY BETWEEN 64 & 66 DACRE ROAD; LANDSCAPING & ANCILLARY WORKS

The Planning Control and Conservation Manager presented the report of the Head of Planning & Building Control in respect of this application for planning permission. She informed the Committee that the Anglian Water Authority had recommended that additional conditions regarding foul/surface water drainage and surface water attenuation should be added to any grant of permission. She referred to a letter of objection from the Hitchin Forum which had been circulated to Members of the Committee, a further objection letter from a resident of Trevor Road, and a six page objection letter from the Triangle Residents Association. These objections expressing concerns regarding the design, density and dwelling mix of the development; it being out of keeping with the surrounding area; and traffic congestion and access issues.

The Planning Control and Conservation Manager informed Members of the submission by the applicant of some amended plans relating to Plot 80 (nearest to Dacre Road), which had been reduced in height from three to two storeys. She had consulted with the residents in Dacre Road who had objected to this element of the development regarding the amended plans, and was able to report that these residents had withdrawn their objections.

The Planning Control & Conservation Manager referred to a letter from Councillor Deepak Sangha supporting an earlier letter from Councillor David Billing objecting to the scheme. Councillor Billing had circulated his letter of objection to all Members of the Committee. Councillor Billing's main areas of objection were in respect of the design and mix of the proposed development, and its appropriateness with regard to Planning Policy Statement 3 (PPS 3).

The Planning Control & Conservation Manager addressed each of the points made by Councillor Billing in his letter, and concluded that her recommendation that planning permission be granted remained unchanged. She recommended a further condition in respect of the removal of permitted development rights to prevent the insertion of any windows at first floor level in the flank elevation of Plots 79 and 80 facing the properties in Dacre Road.

At the Chairman's invitation, Mr Mark Ashley-Walker, on behalf of the Triangle Residents Association, addressed the Committee making a statement of objection to application 07/00950/1.

At the Chairman's invitation, Mr Peter Luder, the applicant, addressed the Committee in support of application 07/00950/1.

Following a full debate, it was moved and seconded that application 07/00950/1 be refused planning permission on the grounds that the mass and design of Block A and the mass and monolithic effect of Block B would be overbearing and incongruous in the street scenes of Walsworth Road and Nightingale Road detrimental to the character and appearance of the surrounding area.

Upon being put to the vote, this motion was lost.

It was moved and seconded that application 07/00950/1 be granted planning permission, subject to conditions, inclusive of the proposed additional conditions suggested by the Planning Control & Conservation Manager outlined earlier in the meeting. It was further moved and seconded that negotiations should take place with the applicant regarding the installation of a water recycling scheme as part of the development.

In accordance with Standing Order 16.5, Councillor Paul Clark requested that a recorded vote be taken in respect of this motion.

(Voting:

For: Councillors D.J. Barnard, Tom Brindley, Melissa Davey, Jane Gray, Fiona Hill, A.F. Hunter, Arthur Jarman, David Levett and Ian Mantle – 9.

Against: Councillors Liz Beardwell, Paul Clark, M.R.M. Muir, R.L. Shakespeare-Smith and Martin Stears – 5.

Abstention: Councillor Mrs A.G. Ashley – 1.

The motion was carried.)

RESOLVED:

(A) That application 07/00950/1 be GRANTED planning permission, subject to the conditions and reasons set out in the report of the Head of Planning & Building Control, and with the following additional conditions:

7. Details of foul and surface water drainage for the site shall be submitted to and approved by the Local Planning Authority before any works on the site commences. The drainage works shall be constructed in accordance with the approved plans.

Reason: To ensure satisfactory drainage of the site.

8. No development shall take place until details of surface water attenuation for the site have been submitted to and approved by the Local Planning Authority following consultation with Anglian Water.

Reason: To ensure that the development can be properly drained.

9. Notwithstanding the provisions of Class A within Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, no windows shall be inserted at first floor level on the flank elevations of Plots 79 and 80 hereby permitted.

Reason: To safeguard the privacy of the occupiers of the adjacent dwellings.

(B) That negotiations take place with the applicant regarding the installation of a water recycling scheme as part of the development.

12. 07/00558/1HH – 2 MEADOWBANK, HITCHIN: SINGLE STOREY FRONT AND REAR EXTENSIONS AND FIRST FLOOR SIDE EXTENSION

The Principal Planning Officer presented the report of the Head of Planning & Building Control in respect of this application for planning permission.

Following debate, it was

RESOLVED: That application 07/00558/1HH be GRANTED planning permission, as per the condition and reasons contained in the report of the Head of Planning & Building Control.

13. 07/00559/1HH – 2 MEADOWBANK, HITCHIN: RETENTION OF DETACHED GARDEN SHED/WORKSHOP AND INCREASE IN HEIGHT OF FENCING TO 2.4 METRES

The Principal Planning Officer presented the report of the Head of Planning & Building Control in respect of this application for planning permission.

Following debate, it was

RESOLVED: That application 07/00559/1HH be GRANTED unconditional planning permission, as per the reason contained in the report of the Head of Planning & Building Control.

14. 07/00889/1HH – 27 LAWRENCE AVENUE, LETCHWORTH GARDEN CITY: PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION WITH ACCOMMODATION IN ROOF SPACE FOLLOWING REMOVAL OF CONSERVATORY, REAR CONSERVATORY AND SINGLE STOREY SIDE EXTENSION INCORPORATING SINGLE GARAGE

The Principal Planning Officer presented the report of the Head of Planning & Building Control in respect of this application for planning permission.

Following debate, it was

RESOLVED: That application 07/00889/1HH be GRANTED planning permission, as per the conditions and reasons contained in the report of the Head of Planning & Building Control.

15. 07/00872/1CM - SITES A B AND C ON NORTHERN EDGE OF ROYSTON ON SOUTH SIDE OF A505, OLD NORTH ROAD, ROYSTON: CREATION OF EARTH BUND AND BELT OF PARKLAND FORMING A SCREEN OF VEGETATION ALONG THE BOUNDARY OF THREE PARCELS OF LAND ON THE NORTHERN EDGE OF ROYSTON ON THE SOUTH SIDE OF THE A505

The Chairman announced that this application had been withdrawn.

16. PLANNING APPEALS

The Planning Control & Conservation Manager presented the report of the Head of Planning & Building Control in respect of the latest situation with regard to planning appeals. The report contained details of two appeals which had been lodged during the past two months and of one appeal which had been determined.

RESOLVED: That the report be noted, and that regard be had to the Inspector's conclusions in respect of the planning appeal decision.

17. PLANNING ENFORCEMENT CASELOAD

The Planning Control & Conservation Manager presented the report of the Head of Planning & Building Control in respect of the latest situation with regard to planning enforcement cases.

The Planning Control & Conservation Manager updated the Committee on the following cases:

- 67 Hampden Road, Hitchin – although some of the required demolition work had been carried out, this case would be monitored;
- Land at Green Farm, Bendish – this case may be resolved under Highway legislation.

The Planning & Conservation Manager added the following case to the list:

- Barracuda Bar, Royston – prosecution relating to the removal of unauthorised advertisements.

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

The meeting closed at 11.12p.m.

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Chairman