### **Public Document Pack**

### NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

### THURSDAY, 17TH DECEMBER, 2020

### SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

#### Agenda No Item

2. a) <u>MINUTES - 13 FEBRUARY 2020 to 19 NOVEMBER 2020</u> (Pages 3 - 76)

To take as read and approve as a true record the minutes of the meeting of the Committee held on the following dates:

- 13 February 2020;
- 28 May 2020;
- 18 June 2020;
- 16 July 2020;
- 20 August 2020;
- 17 September 2020;
- 15 October 2020;
- 19 November 2020.

The Chair has agreed that the Minutes listed above be approved at this meeting



# Agenda Item 2a

арргото.	
13 February 2020;	
28 May 2020;	
18 June 2020;	
16 July 2020;	
20 August 2020;	
17 September 2020;	
15 October 2020;	
19 November 2020.	

The following Minutes are attached for the Planning Control Committee to consider and



#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

# MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERNON ROAD, LETCHWORTH GARDEN CITY ON THURSDAY, 13TH FEBRUARY, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Terry Tyler (Chair), Daniel Allen (Vice-Chair), Ruth Brown,

Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Michael Muir, Sue Ngwala, Sean Prendergast,

Mike Rice and Michael Weeks

In Attendance: Simon Ellis (Development and Conservation Manager), Sam Dicocco

(Senior Planning Officer), Nurainatta Katevu (Legal Advisor) and Amelia

McInally (Committee, Member and Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 7 members of the

public, including registered speakers.

#### 92 APOLOGIES FOR ABSENCE

Audio Recording - Start of Item - 14 Seconds

Apologies for absence were received from Councillor Ian Moody.

Having given due notice Councillor Michael Muir advised that he would be substituting for Councillor Moody.

#### 93 MINUTES - 23 JANUARY 2020

Audio Recording - Start of Item - 30 Seconds

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 23 January 2020 be approved as a true record of the proceedings and be signed by the Chair.

#### 94 NOTIFICATION OF OTHER BUSINESS

Audio Recording - Start of Item - 38 Seconds

There was no other business notified.

#### 95 CHAIR'S ANNOUNCEMENTS

Audio Recording - Start of Item - 41 Seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded:

(3) The Chair clarified matters for the registered speakers and informed members of the public that they 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. The 5-minute time limit also applied to Member Advocates.

The bell would sound after 41/2 minutes as a warning and again at 5 minutes to signify that the speaker must cease.

- (4) The Chair reminded Members that there was no longer a limit to the number of questions that could be asked of speakers following their presentation.
- (5) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

#### 96 PUBLIC PARTICIPATION

Audio Recording – Start of Item – 3 Minutes 27 Seconds

The Chair confirmed that all registered speakers were present.

#### 97 19/00248/FP LAND WEST OF, ROYSTON BYPASS, ROYSTON, HERTFORDSHIRE

Audio Recording – Start of Item – 3 Minutes 51 Seconds

Erection of a 73-bed Care Home, (within Class C2) parking, access, landscaping and other associated works.

The Senior Planning Officer addressed Members of the Committee with preliminary matters and advised of four late representations from the following:

Quantum Care, (the potential future operator) dated 5 February 2020; Landscape and Urban Design Officer dated 12 February 2020; Growth and Infrastructure Officer – dated 30 January 2020; and Lead Local Flood Authority – dated 31 January 2020.

The Senior Planning Officer stated that Gillings Planning, (the applicants) had distributed a circular to Members of the Committee on 7 February 2020 to further support the scheme.

The Senior Planning provided Members of the Committee with corrections from Gillings Planning on the Officer Recommendation.

The Senior Planning Officer presented the report in respect of application 19/00248/FP supported by a visual presentation consisting of photographs and plans.

Anna Gillings, the Agent for the application thanked the Chair for the opportunity to address the Committee in respect of planning application 19/00248/FP and introduced Mr Sam Rous from Frontier, the applicant and Mr Stuart Mynott from Quantum Care, the operator of the proposed care home. Ms Gillings, Mr Rous and Mr Mynott shared the allocated speaking time and drew Members' attention to the following:

- Whilst there were already 2 Care Homes currently in Royston, there was a need for 5.
- Discussions had taken place with Quantum Care on how best fit to deliver the proposed new Care Home facility.
- Quantum Care already provided a broad range of care services in Hertfordshire and the proposed new home would be reflective of their other homes.
- The proposed new home would provide 70 jobs.

- Quantum Care had been operating a 29 bed Care Home in Royston for over 25 years.
   The significant specialist and complex requirement change of residents over time would be met in the design and layout of the proposed new Care Home.
- If the application were to be approved, Quantum Care would deliver the extension of their services to provide a broad spectrum of care to meet the needs of the Royston Community.
- Hard work had taken place with regard to the design of the proposed Care Home.
- Work with Officers to amend the scheme in response to comments had taken place.
- The proposed new Care Home was the pinnacle in interesting design and innovation to ensure that it enhanced rather than prejudice the draft allocation – a fantastic facility for Royston and the surrounding area in it's current and future needs.

The following Members asked questions and sought clarification of the presentation:

- Councillor David Levett;
- Councillor Ruth Brown;
- Councillor Ian Mantle;
- Councillor Michael Muir;
- Councillor Tony Hunter;
- Councillor Daniel Allen; and
- Councillor Val Bryant.

The Senior Planning Officer responded accordingly to questions that were raised.

The Committee debated the application at great length. Issues discussed included:

Provision of Care – private and state funded split;

Design – scale and mass;

Location – public transport access / alternative sites;

Local requirement – Royston residents – not controllable through planning system; and Social cohesion.

The following Members contributed to the debate:

- Councillor David Levett;
- Councillor Ruth Brown;
- Councillor Daniel Allen;
- Councillor Terry Tyler:
- Councillor Michael Weeks
- Councillor Tony Hunter;
- Councillor Sue Ngwala;
- Councillor Ian Mantle; and
- Councillor Mike Rice

Upon being moved by Councillor Weeks, seconded by Councillor Mike Hughson and put to the vote it was:

**RESOLVED:** That application 19/00248/FP be **REFUSED** planning permission, subject to the reasons contained in the report of the Development and Conservation Manager.

#### 98 PLANNING APPEALS

Audio Recording – Start of Item – 1 Hour 24 Minutes 19 Seconds

The Development and Conservation Manager drew Members attention to Page 25 of the Report entitled Planning Appeals Decision, in particular the Appeal Decision Dismissal of 189 High Street Codicote, Hitchin, Hertfordshire SG4 8UD.

There being no further updates it was:

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

The meeting closed at 8.58 pm

Chair

#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

#### MEETING HELD VIRTUALLY ON THURSDAY, 28TH MAY, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Terry Tyler (Chair), Daniel Allen (Vice-Chair), Ruth Brown,

Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast,

Mike Rice and Michael Weeks

In Attendance: Simon Ellis (Development and Conservation Manager), Nurainatta

Katevu (Legal Advisor), Tom Rea (Principal Planning Officer), Richard Tiffin (Principal Planning Officer), Melanie Stimpson (Democratic Services Manager), Hilary Dineen (Committee, Member and Scrutiny Manager), Mark Robinson (IT Network & Infrastructure Manager), Vic Godfrey (IT Manager) and Matthew Hepburn (Committee, Member and

Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 5 members of the

public, including registered speakers.

#### 99 WELCOME AND INTRODUCTION

Audio Recording – 27 Seconds

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work.

The Committee, Member and Scrutiny Officer advised the following:

#### <u>Attendance</u>

A roll call was undertaken to confirm that the required Members, Officers and Registered Speakers were present and could hear and be heard.

If for any reason the meeting was not quorate an Officer interject the meeting and the meeting would adjourn immediately. Once the meeting was quorate the meeting would resume.

Only Members present during the entire debate for an item were entitled to vote. If a Member had been cut off during the debate and re-joined the meeting, then they would not be able to vote on that item.

#### Live Streaming

The meeting was being streamed live on the Council's YouTube channel. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable

period then the remaining business would be considered at a time and date fixed by the Chair. If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

If technology failed for a member of the public who had attended to exercise their right to speak and was unable to do so, the Chair may decide to proceed to the next item of business to allow for connection to be re-established. If connection could not be restored within a reasonable period, the Chair may decide to conclude the remaining business, or consider the remaining business at a time and date fixed by the Chair. If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

#### Noise Interference

The Committee, Member and Scrutiny Officer asked all in attendance to ensure that electronic devices were muted.

#### Rules of Debate

If a Member wished to speak they should use the raise hand button and this would alert the host that they wished to speak. The host would inform the Chair of the names of the speakers, who should wait to be invited by the Chair to address the Planning Control Committee.

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

If Officers needed to address the Planning Control Committee at any point during proceedings, they were requested to respectfully interject and await a response before addressing the Chair.

#### **Voting**

When satisfied that there had been sufficient debate the Chair would request that the relevant Planning Officer read out the recommendation that Members would be voting upon.

There would be three elements to a vote. Members who wished to vote 'For' the recommendation would be invited to use the raise hand button first. Members who wished to vote 'Against' the recommendation would be invited to use the raise hand button second. Members who wished to 'Abstain' would be invited to use the raise hand button last.

The clerk would confirm the names of Members voting at each stage. However, details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded.

The Committee, Member and Scrutiny Officer would clearly state the result of the vote and the Chair would proceed to the next agenda item.

In the event of a tied vote the Chair would have the casting vote.

The Chair, Councillor Terry Tyler, started the meeting proper.

#### 100 APOLOGIES FOR ABSENCE

Audio Recording – 9 Minutes 11 Seconds

There were no apologies for absence received from Councillors.

#### 101 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 9 Minutes 25 Seconds

There was no other business notified.

#### 102 CHAIR'S ANNOUNCEMENTS

Audio Recording – 9 Minutes 27 Seconds

- (1) The Chair welcomed those present at the meeting;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded and live streamed on the Council's YouTube;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (4) The Chair clarified matters for the registered speakers and informed members of the public that they 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. The 5 minute time limit also applied to Member Advocates.

The bell would sound after 41/2 minutes as a warning and again at 5 minutes to signify that the speaker must cease.

(5) The Chair advised that the Committee would take part in the 'Clap for Carers' and therefore there would be a pause in proceedings at 8pm.

#### 103 PUBLIC PARTICIPATION

Audio Recording – 11 Minutes 18 Seconds

The Chair confirmed that the 5 registered speakers were present and that there were 2 Member Advocates.

# 104 19/01172/HYA ANGLIAN BUSINESS PARK, ORCHARD ROAD, ROYSTON, HERTFORDSHIRE, SG8 5TW

Audio Recording – 11 Minutes 35 Seconds

Hybrid application for the residential redevelopment of the Anglian Business Park to provide a total of up to 67 dwellings (of a range of sizes, types and tenures including affordable housing) and associated parking, landscaping, open space and ancillary works comprising: PHASE 1 - Application for full planning permission for the erection of two apartment blocks within the southern part of the site comprising a total of 28 units and associated parking, landscaping, open space and associated works; SUBSEQUENT PHASES - Application for outline planning permission on the remaining part of the site involving the demolition of the existing business park buildings and the provision of up to 39 dwellings including a mix of houses and apartments and associated parking, landscaping, open space and ancillary works (all matters reserved except for access).

The Principal Planning Officer informed Members of the Committee that there were some corrections to the report, as follows:

- Paragraph 4.3.13 the first sentence should read "would be satisfactory" ("be" was missing)
- Paragraph 4.4.1 should be re-worded to read:

'That permission be granted in detail for phase 1 and in outline for phases 2 and 3. NOTE: Most conditions apply only to the detailed permission for 28 units (phase 1) Conditions will be identified as applying to either the 'detailed' or 'outline' permission. No designation identifies conditions as applying to both.'

Condition 23 should cite 'condition 22' not condition 23.

The Principal Planning Officer presented the report in respect of application 19/01172/HYA supported by a visual presentation consisting of photographs and plans.

Mr Kaine Rowley thanked the Chair for the opportunity to address the Committee in objection to planning application 19/01172/HYA, including:

- The primary concern centred around the increase traffic on Orchard Road during the phased build and after;
- During peak 'non-Covid' times, it already took 10-15 minutes to exit Orchard Grange onto Orchard Road owing to parked vehicles;
- Exiting onto Orchard Road was made more difficult as a result of poor visibility and Heavy Goods Vehicles (HGVs);
- The addition of more HGVs during the construction work and more residential vehicles post construction work, would compound the already existing issue;
- Disruption could be caused to existing residents; and
- Noise from the proposed new play area could affect residents.

The following Members sought clarification from Mr Rowley's presentation:

- Councillor Ruth Brown; and
- Councillor Michael Weeks.

In response to questions of clarification, Mr Rowley responded as follows:

 The issue with exiting the Orchard Grange estate was due to vehicles parked opposite on Charding Crescent and a high number of construction vehicles using the road;

In response to Members' questions, the Principal Planning Officer responded as follows:

 Members were considering outlined and detailed planning permission – Phase 1 in detail and Phases 2 and 3 as a matter of principle up to 39 dwellings.

NB: There was a pause in proceedings at 20:00 to carry out the 'Clap for Carers'. The meeting resumed at 20:05.

Following the pause in proceedings, the Principal Planning Officer continued to respond to questions raised, as follows:

- The site had been industrial for some years;
- The site had not been subject to planning permission for a residential development;
- An element of 2 blocks would be affordable housing;

- The term 'over developed' had no meaning unless precisely defined. Over developed could mean a multiple of things such as garden size being too small, not sufficient parking or the buildings being too big;
- The National Planning Policy Framework urged Authorities to make optimum efficient use of land; and
- This site was being developed at optimum capacity in his opinion.

The Chair thanked Mr Rowley for his presentation.

Mr Simon Hoskins, JB Planning Associates, thanked the Chair for the opportunity to address the Committee in support of planning application 19/01172/HYA, including:

- The site had been allocated for residential development in the emerging Local Plan;
- The site was allocated as being one of only few sites available within Royston being suitable for residential development and occupying previously-developed land;
- The site was within a sustainable location, close to the railway station, shopping facilities and the town centre;
- The site was divided into two parts. The northern part comprised of four business units and the southern part comprised of vacant land, immediately available for development;
- In order to bring forward an early residential scheme, the application had been submitted as a hybrid;
- The proposed layout and design of the new flats had been carefully considered to achieve a high quality development. Two blocks were proposed in Phase 1, each containing 14 new flats;
- The scheme provided appropriate levels of car and cycle parking; and
- The S106 agreement provided for 30% of the new dwellings onsite to be affordable housing.

The following Members sought clarification from Mr Hoskin's presentation:

- Councillor Sue Ngwala;
- Councillor Daniel Allen:
- Councillor Tony Hunter; and
- Councillor Ruth Brown.

In response to questions raised by Members, Mr Hoskin responded as follows:

- All of the affordable units would be within the rented tenure:
- The site was previously used for farm manure, making it contaminated land;
- A detailed drainage scheme and a surface water assessment had been put together.
   The finer details of which were with the Lead Local Flood Authority Hertfordshire County Council;
- There was provision for cycle parking 40 for 28 units; and
- The applicant had no objection of the possibility of creating a pedestrian link between the application site and Braeburn Walk. However, there was a view that this would not provide any real benefit for the occupiers of either development.

The Chair thanked Mr Hoskins for his presentation.

In response to issues raised, the Principal Planning Officer provided the following information to Members:

 Play areas needed to be located where there was adequate surveillance. The proposed play area was in the correct place in his opinion; and  Pedestrian access was not desirable in the area discussed by Members for security reasons and because the residents of the adjacent housing development might not want pedestrians walking between parked cars.

The following Members took part in the debate:

- Councillor Ruth Brown;
- Councillor David Levett:
- Councillor Daniel Allen;
- Councillor Ian Mantle; and
- Councillor Tony Hunter.

Points raised during the debate by Members included:

- The lease of the existing units on the site;
- Noise concern;
- The number of parking spaces needed to be increased;
- Concern with changing industrial/employment land into residential; and
- Reducing the height and number of the blocks.

In response to points raised by Members during the debate, the Principal Planning Officer responded as follows:

- There were currently 4 industrial units on the site. The lease of units 1, 2 and 3 expired in 2028, with a break clause in 2023. The lease of unit 4 expired in 2024;
- Condition 11 dealt with noise mitigation measures. A Noise and Vibration Assessment needed to be submitted to and approved by the Local Planning Authority - the Council's Environmental Health Officers had been consulted and were satisfied;
- Members were directed to paragraph 4.3.9 on page 14 of the report in respect to a Member's question on density;
- Members were required to determine the application before them a lesser scheme was not able to be assessed as it had not been looked into; and
- A Construction Traffic Management Plan was detailed at Condition 9.

It was proposed by Councillor Levett, seconded by Councillor Hunter and upon being put to the vote it was:

**RESOLVED:** That application 19/01172/HYA be **GRANTED** planning permission subject to completion of a satisfactory Section106 agreement and the conditions and reasons contained in the report of the Development and Conservation Manager and the following amended and additional informatives:

#### Amended Condition 16:

To include additional sentence after the first sentence as follows: 'these details are also to include the specification of the proposed bin stores'

#### An additional informative to read:

#### **Design of Subsequent Phases**

It should be noted that the Council considers that the design of subsequent phases approved in outline must be predicated on the applicant's overall objective of 'greening the site'. Accordingly, the figure of 39 units is an upper quantum and should be regarded as subordinate to the aforementioned design objective.

#### 105 20/00603/FP 189 HIGH STREET, CODICOTE, HTICHIN, HERTFORDSHIRE, SG4 8UD

Audio Recording – 1 Hour 33 Minutes

Erection of three 4-bed dwellings with associated parking, bin/cycle storage and alterations to existing vehicular access following demolition of existing dwelling.

Before the Development and Conservation Manager introduced the report, Councillor Ian Moody advised the Committee that he would be speaking as a Member Advocate on the item. He further added that he would not take part in the debate or vote and would disable his video and microphone on the completion of his presentation.

The Development and Conservation Manager presented the report in respect of application 20/00603/FP supported by a visual presentation consisting of photographs and plans and advised the following:

- Pre-commencement conditions had been agreed by the applicant;
- Condition 3 was missing from the report and would be added in; and
- Condition 10 was no longer required and would be replaced with a Contaminated Land Condition.

Mr Tom Brindley thanked the Chair for the opportunity to address the Committee in objection to application 20/00603/FP, including:

- While the proposal no longer attempted to incorporate Green Belt land, the impact on the Green Belt remained;
- The impact was exacerbated by the elevated height of the site. Plots 1 and 2 were significantly closer to the Green Belt boundary than the existing property and were significantly higher;
- Policy 57 of the Saved Local Plan required that 'housing proposals should relate to and enhance their site and surroundings, and the layout and design of the proposed dwellings/site will maintain and improve the character of the immediate context. This development would not maintain the character of the immediate context;
- Policy D1 stated the design must "Respond positively to the site's local context". This
  design is incongruous with the site's local context and that the Development must
  respond positively to the site taking into consideration position, orientation, scale, height,
  layout, massing. The height, layout and massing all failed this test;
- Parking was not available on site as the access road was too narrow. The density of the site also made manoeuvring cars difficult. The overall result would be a large number of car manoeuvres creating noise and pollution for both the residents of the site and the neighbouring houses; and
- The development would cause the loss of a substantial number of trees (11).

The following Members sought clarification from Mr Brindley's presentation:

- Councillor Michael Weeks; and
- Councillor Ruth Brown.

In response to questions raised by Members, Mr Brindley responded as follows:

- The peak of the ridge was located where the current building was and ran back almost green belt boundary and then fell away;
- The ridge sloped away in 3 sides;
- The current access served 187, 189 and 189a and this land was not owned by the developer; and

There would be 2 access roads in parallel.

The Chair thanked Mr Brindley for his presentation.

Councillor Ian Moody, Member Advocate, thanked the Chair for the opportunity to speak in objection to application 20/00603/FP, including:

- The amended plans do not represent appropriate development for an edge of the 'built village' site, adjacent to the green belt;
- The site was clearly visible from the higher land to the east of the village;
- The existing dwellings were low level bungalows or chalet bungalows which sat on large plots making the area sparsely developed. The density of the proposal was in conflict with this and therefore is not sympathetic to the area;
- The height of the dwellings was still imposing and would have a significant detrimental impact on the surrounding properties;
- The proposed widening of the access would negatively impact adjacent properties, particularly the privacy of the residents of 191 High Street;
- There were concerns about an increase in traffic accessing onto the High Street in respect of safety and congestion; and
- This proposal rendered the green belt portion of the site inaccessible to pedestrians and vehicles.

The Chair thanked Councillor Moody for his presentation.

Councillor Moody disabled his Camera and Microphone and took no further part in the debate or vote on this item.

Aimee Cannon, WYG Group, thanked the Chair for the opportunity to address the Committee in support of application 20/00603/FP, including:

- There were a number of benefits to the scheme over and above those that the previous scheme delivered:
- The scheme comprised a lower density development with a reduced number of family dwellings;
- The scheme was more spacious allowing for more landscaping opportunities, reduced hardstanding areas and enhanced ecology benefits;
- The proposal would result in an improved widened access with improved sightlines on to High Street;
- No objections had been received from technical officers;
- Objectors had raised the Green Belt as a concern- the revised application did not include any land within the Green Belt, thus there was no impact upon openness of the Green Belt;
- In relation to height, the application site was not subject to any restrictive covenants that stipulated any limit to the height and planning policy did not preclude against two storey dwellings providing residential amenity of neighbouring properties were maintained;
- The dwellings had been designed in close dialogue with Officers;
- The dwellings were at a higher elevation than the existing dwellings fronting High Street, however this needs to be read in context;
- The land did not sit within the planning application redline and as such access to the paddock should not be a material consideration; and
- The proposal was a small-scale housing development within a village identified for growth, on an under-utilised plot, and would provide additional housing contributing towards housing supply in North Herts.

The following Members sought clarification from Ms Cannon's presentation:

- Councillor Terry Tyler;
- Councillor Michael Weeks:
- Councillor Daniel Allen;
- Councillor David Levett; and
- Councillor Mike Hughson.

In response to questions raised by Members, Ms Cannon provided the following responses:

- The proposal would be visible from the green belt;
- Only the access road was owned by the applicant and would be widened by 4.1 metres;
   and
- Some low quality trees would be lost during the widening of the access road. However, these would be replaced as well as there being other landscaping opportunities.

NB: There was a break in proceedings at 21:32. The meeting resumed at 21:40.

In response to points and questions raised by Members, the Development and Conservation Manager responded as follows:

- It would be difficult to control a Right of Way; and
- It would not be in the Committee's remit to grant access to the paddock.

It was proposed by Councillor Allen, seconded by Councillor Derbyshire and upon being put to the vote it was:

**RESOLVED:** That planning application 20/00603/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the amended conditions below:

#### Amended Condition 3 to read:

#### Materials Condition

Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

#### Condition 10:

Condition 10 in the report is to be removed as no longer required and replaced with the following Land Contamination Conditions (added and agreed by agent):

- (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology

- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

Councillor Moody rejoined the committee proceedings by enabling his camera and microphone.

#### 106 19/03033/FP GLYFADA, GOSMORE ROAD, HITCHIN, HERTFORDSHIRE, SG4 9BE

Audio Recording – 2 Hours 32 Minutes 46 Seconds

Erection of six 4-bed and two 5-bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling (revision of previous scheme granted permission under 17/02466/1 and 18/02810/NMA).

The Principal Planning Officer presented the report in respect of application 19/03033/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions of the Principal Planning Officer:

Councillor Mike Hughson.

In response to Councillor Hughson's question, the Principal Planning Officer informed that the applicant was Peter Davies Homes.

It was proposed by Councillor Levett, seconded by Councillor Allen and upon being put to the vote it was:

**RESOLVED:** That planning application 19/03033/FP be **GRANTED** planning permission subject to the following:

- A) The submission of a satisfactory Unilateral Undertaking to secure £32,193.29 as a contribution towards services and infrastructure provided by Hertfordshire County Council:
- B) The conditions, informatives and reasons contained in the report of the Development and Conservation Manager.

#### Amended Condition 17 to read

The development hereby approved shall be carried out in accordance with the Phase 11 Geo-Environmental site investigation report (September 2018) and the submitted Remediation Method Statement (15<sup>th</sup> May 2020) by BRD Environmental Limited.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

#### 107 20/00292/S73 40 DACRE ROAD, HITCHIN, HERTFORDSHIRE, SG5 1QJ

Audio Recording – 2 Hours 43 Minutes

Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow (as amended by plan nos. PL02 E & PL03 D).

The Principal Planning Officer presented the report in respect of application 20/00292/S73 supported by a visual presentation consisting of photographs and plans.

The following Members asked questions of the Principal Planning Officer:

- Councillor Terry Tyler;
- Councillor David Levett;
- Councillor Ruth Brown; and
- Councillor Val Bryant.

In response to questions raised by Members, the Principal Planning Officer responded as follows:

- The item was called in by Councillor Ian Albert as he was concerned with the size and scale of the dormers and the parking;
- Dormers would require planning permission regardless of being in a Conservation Area;
- It was correct that the majority of dwellings do not have front dormers; and
- The front dormers do not have a jarring impact on the environment.

It was proposed by Councillor Levett, seconded by Councillor Allen and upon being put to the vote, it was:

**RESOLVED:** That planning application 20/00292/S73 be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

#### 108 20/00012/FPH 11 COMMON RISE, HITCHIN, HERTFORDSHIRE, SG4 0HL

Audio Recording – 2 Hours 58 Minutes

Part two storey, part single storey front extension, two storey rear extension, erection of single garage off existing access from Cooks Way following demolition of existing garage.

Before the Development and Conservation Manager introduced the report, Councillor Kay Tart advised the Committee that she was not a member of the Committee but would be speaking as a Member Advocate on the item. She further added that she would disable her video and microphone on the completion of her presentation.

The Development and Conservation Manager presented the report in respect of application 20/00012/FPH supported by a visual presentation consisting of photographs and plans.

Councillor David Levett raised a question regarding the report as under paragraph 4.1 – Neighbouring Notifications, 11 Common Rise had been listed as supporting the application.

In response to Councillor Levett's enquiry, the Development and Conservation Manager responded that it was unusual for the applicant to be making representation on their planning application. He further advised that Members should take this as an error.

Councillor Kay Tart, Member Advocate, thanked the Chair for the opportunity to speak in support of application 20/00012/FPH, including:

- There were errors in the report at paragraph 5.2.2. The height should be amended to read 4.8 metres instead of 5.1 metres, the elevation should be amended to read 6.3 instead of 6.8 and the width should be amended to read 4.2 instead of 4.4;
- The key issues for this application were accessibility, the impact on the area and car parking provision;
- There were a number of properties already on this street that had been extended. Therefore, despite this application being unique, it was not the first of its kind;
- There were already a large number of ground floor extensions, all with varying styles;
- There was no longer consistency in house styles on the road;
- The home owners had been considerate to neighbours and properties;
- The extension would not block neighbours' light or obstruct neighbours' windows;
- The risk of this application setting a precedent should not be grounds for refusing planning permission;
- This application should be supported and encouraged it was unique and would enhance the character of Common Rise; and
- Design and character should not be the deciding factor for refusing planning permission as the design would not impact the street.

The following Members sought clarification from Councillor Tart's presentation:

- Councillor Ian Mantle; and
- Councillor Daniel Allen.

In response to questions raised, Councillor Tart responded as follows:

- The half semi-detach was untouched and required modernisation; and
- Th correct measurements were obtained from the applicant.

The Chair thanked Councillor Tart for her presentation.

Councillor Tart disabled her camera and microphone.

Mr Adam Thapar thanked the Chair for the opportunity to speak in support of application 20/00012/FPH, including:

- Fewer than 1 in 10 homes (approximately 7%) of the UK housing stock was disabled friendly and accessible;
- The extension focused on ensuring better accessibility throughout the ground and first floor;
- This proposal strived to improve living conditions for all people;
- The stairs were currently exceedingly steep and dangerous. To bring these to modern minimum required standards, the footprint of these would double in size;
- These stairs could not ever be modified to accept a stair lift;

- The removal of side facing windows (by way of a front extension) were in direct response to Emerging Planning Policy D3 which ensures no harm comes of living conditions to those living at the property or neighbours and the surrounds;
- Bedrooms on Common Rise typically overlooked one another from 1.5-2.5 meter distances;
- These proposed plans removed this unacceptable condition by pulling the first floor forward slightly to encourage forward facing windows to the habitable room;
- This application was led by a need for universal access into and throughout the property, and the right to privacy; and
- The property did not fall within any significant site of archaeological interest, within the conservation area or within the town centre.

The following Members sought clarification from Mr Thapar's presentation:

Councillor David Levett.

In response to the Member's question, Mr Thapar responded that there was not an opportunity to raise the issue of accessibility with the Case Officer.

In response to points and questions raised, the Development and Conservation Manager responded as follows:

- Design was about context not just scale;
- Internal layout was not a planning factor;
- The focus point was the impact the proposal would have on the street scene; and
- The size errors outlined at 5.2.2 were minor discrepancies rather than errors.

Members briefly debated and sought clarification from the powerpoint presentation after which it was proposed by Councillor Levett, seconded by Councillor Prendergast and upon being put to the vote, it was:

**RESOLVED:** That planning application 20/00012/FPH be **GRANTED** planning permission subject to the following conditions and reasons:

#### Condition 1:

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

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

#### Condition 2:

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

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

#### Condition 3:

Details of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site. Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

#### Proactive statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### 109 20/00374/LDCP 3 LIMEKILN LANE, BALDOCK, HERTFORDSHIRE, SG7 6PG

Audio Recording 3 Hours 34 Minutes 8 Seconds

Extension of existing rear dormer and insertion of new window to first floor bedroom to rear.

The Development and Conservation advised the item was on the agenda as the applicant was an employee of the Council working in the Planning Department.

The Development and Conservation Manager presented the report in respect of application 20/00374/LDCP supported by a visual presentation consisting of photographs and plans.

It was proposed by Councillor Weeks, seconded by Councillor Brown and upon being put to the vote, it was

**RESOLVED:** That, in respect of application 20/00374/LDCP, a Lawful Development Certificate be **GRANTED**.

### 110 20/00646/FPH GLEBEFIELD, LILLEY BOTTOM, LILLEY, LUTON, HERTFORDSHIRE, LU2 8NH

Audio Recording – 3 Hours 38 Minutes 23 Seconds

Two storey side extension, porch and car port following demolition of existing single storey side extension.

The Principal Planning Officer presented the report in respect of application 20/00646/FPH supported by a visual presentation consisting of photographs and plans.

It was proposed by Councillor Tyler, seconded by Councillor Brown and upon being put to the vote, it was

**RESOLVED:** That planning application 20/00646/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

#### 111 PLANNING APPEALS

Audio Recording - 3 Hours 43 Minutes 44 Seconds

The Development and Conservation Manager presented the report entitled Planning Appeals.

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

The meeting closed at 11.15 pm

Chair



#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

#### MEETING HELD AS A VIRTUAL MEETING ON THURSDAY, 18TH JUNE, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Ruth Brown (Chair), Val Bryant, Morgan Derbyshire,

Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala,

Sean Prendergast, Mike Rice and Tom Tyson

In Attendance: Simon Ellis (Development and Conservation Manager), Nurainatta

Katevu (Legal Advisor), Tom Rea (Principal Planning Officer) and

Matthew Hepburn (Committee, Member and Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 4 members of the

public, including registered speakers.

#### 1 WELCOME AND INTRODUCTION

Audio Recording – 0 Seconds

The Chair welcomed everyone to the virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Officer gave advice regarding the following:

#### <u>Attendance</u>

A roll call was undertaken to confirm that the required Members, Officers and Registered Speakers were present and could hear and be heard.

If for any reason the meeting was not quorate an Officer would interject the meeting and the meeting would adjourn immediately. Once the meeting was quorate the meeting would resume.

If a remote Member were to lose connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment. Only Members present for the entirety of debate and consideration of an item were entitled to vote.

#### Live Streaming

The meeting was being streamed live on the Council's YouTube channel. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a time and date fixed by the Chair. If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

If technology failed for a member of the public who had attended to participate and was unable to do so, the Chair may decide to adjourn or proceed to the next item of business to allow for connection to be re-established. If connection could not be restored within a reasonable period, the Chair could decide to conclude the remaining business.

If a Member or Member of the Public dropped out of the meeting and was unable to connect by video, an email had been sent with instructions on how to join the meeting via telephone.

#### Noise Interference

The Committee, Member and Scrutiny Officer asked all in attendance to ensure that electronic devices were muted.

#### Rules of Debate

If a Member wished to speak they should use the raise hand button and this would alert the host that they wished to speak.

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

#### **Voting**

When requested to vote, Members were informed to vote using the Green tick for 'Yes', Red Cross for 'No' and Blue Raise Hand for 'abstain'.

Details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded.

The Committee, Member and Scrutiny Officer would clearly state the result of the vote and the Chair would proceed to the next agenda item.

The Chair, Councillor Ruth Brown, started the meeting proper.

#### 2 APOLOGIES FOR ABSENCE

Audio Recording – 6 Minutes

Apologies for absence were received from Councillor Daniel Allen.

#### 3 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 6 Minutes 14 Seconds

There was no other business notified.

#### 4 CHAIR'S ANNOUNCEMENTS

Audio Recording – 6 Minutes 18 Seconds

- (1) The Chair welcomed those present at the meeting;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded and live streamed on the Council's YouTube;

- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (4) The Chair clarified matters for the registered speakers and informed members of the public that they 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. The 5 minute time limit also applied to Member Advocates.

The bell would sound after 41/2 minutes as a warning and again at 5 minutes to signify that the speaker must cease.

(5) The Chair advised that if the Meeting were to be still underway at 9pm, a comfort break would be called at 9pm.

#### 5 PUBLIC PARTICIPATION

Audio Recording – 8 Minutes

The Chair confirmed that the 4 Registered Speakers were present.

# 6 20/00895/FPH HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB

Audio Recording – 8 Minutes 14 Seconds

Single storey rear extension

The Principal Planning Officer presented the report in respect of application 20/00895/FPH supported by a visual presentation consisting of photographs and plans.

It was proposed by Councillor Levett, seconded by Councillor Derbyshire and upon being put to the vote, it was:

**RESOLVED:** That application 20/00895/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

# 7 20/00896/LBC HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB

Audio Recording – 13 Minutes 32 Seconds

Single storey rear extension

The Principal Planning Officer presented the report in respect of application 20/00896/LBC supported by a visual presentation consisting of photographs and plans.

It was proposed by Councillor Rice, seconded by Councillor Derbyshire and upon being put to the vote, it was:

**RESOLVED:** That application 20/00896/LBC be **GRANTED** listed building consent subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

#### 8 20/00865/FP 1A KINGS ROAD, HITCHIN, HERTFORDSHIRE, SG5 1RD

Audio Recording – 14 Minutes 57 Seconds

Residential development of 5 units comprising 1 x 2-bed flat and 4 x 1-bed flats together with associated bike storage, bin storage and amenity space following the demolition of existing MOT garage.

Before presenting the report, the Principal Planning Officer advised that there were some updates to be provided, as follows:

- In relation to reducing the double yellow line parking restrictions, the Strategic Infrastructure & Projects Manager advised that the yellow lines should be maintained to ensure adequate vehicle turning space; and
- Hertfordshire Highways also advised that yellow line parking restrictions should remain in place to ensure highway safety and access.

The Principal Planning Officer presented the report in respect of application 20/00865/FP supported by a visual presentation consisting of photographs and plans.

Mr Ian Barker thanked the Chair the opportunity to address the Committee in objection to application 20/00865/FP, including:

- Kings Road was a small road running in a northerly direction off Nightingale Road in Hitchin;
- The proposed development was on 3 floors, and would be a higher construction than the next residential property at number 1 Kings Road;
- There would be windows on the 1st and 2nd floor which would give a very clear and considerable overlook into my garden; and
- The proposed development extended as far back as the existing properties and had windows at its rear which extended back significantly the windows would allow very considerable overlook of a type simply not enabled anywhere else on Kings Road.

The following Members asked questions of Mr Barker's presentation:

- Councillor David Levett; and
- Councillor Mike Rice.

In response to questions raised, Mr Barker responded as follows:

- He had not raised objections to the previous application; and
- He could not see into the rear of other people's garden.

Councillor Ian Albert thanked the Chair for the opportunity to address the Committee as Member Advocate, including:

- Hitchin did need further residential accommodation;
- Residents of Kings Road fully recognised that a development both near the station and near the town was desirable;
- The Planning Officer recognised that the new building was considerably higher than the
  existing building but believed that it was acceptable due to other similar developments
  nearby:
- This development would have a significant impact upon residents and would be intrusive;
- Obscured glass on the bottom half of windows would not resolve the problem;

- Another alternative was that the whole of the overlooking windows should be opaque;
- The development would increase traffic congestion; and
- Despite the accessibility to the station and the town, residents still required a vehicle.

The following Members took part in the debate:

- Councillor Tony Hunter;
- Councillor Mike Hughson;
- Councillor David Levett;
- Councillor Val Bryant;
- Councillor Sue Ngwala.

#### Points raised by Members:

- Proposing fully obscured glass to prevent overlooking;
- Obscured windows could impact on the quality of the living space;
- Car parking and the use of a nearby car park for residents to use; and
- Parking was intolerable for residents.

In response to points raised, the Principal Planning Officer responded as follows:

- The garage did cause congestion; and
- Having totally obscured windows in the bedroom was not ideal.

Councillor Levett proposed and Councillor Hunter seconded that a condition be added to the bedroom windows of flats 2 and 4 that they be fully obscure glazed.

The proposal was put to the vote and it was a tied vote. In accordance with the Council's Constitution 4.8.16 (b), the Chair had the casting vote. The Chair voted in favour of the proposal.

Members voted on the Officer's recommendation and it was:

**RESOLVED:** That application 20/00865/FP be **GRANTED** planning permission subject to the conditions and reasons contained in report of the Development and Conservation Manager and the following additional condition:

#### Condition 7:

Notwithstanding the submitted details, the bedroom windows to flats 2 and 4 as shown on the proposed north elevation at first and second floor level on plan no. 403A shall be fully obscure glazed.

Reason: To prevent overlooking and to maintain the privacy of adjoining residents.

### 9 20/00627/S73 TALLY HO, LONDON ROAD, BARKWAY, ROYSTON, HERTFORDSHIRE, SG8 8EX

Audio Recording – 50 Minutes 18 Seconds

Two storey rear extension to provide enlarged kitchen and ground floor and additional residential accommodation on first floor (Section 73 application to vary condition 3 of permission granted under ref 05/00469/1 to allow ancillary residential accommodation for the public house but not for any additional operational floor space in connection with the public house).

The Development and Conservation Manager provided the Committee with one update before presenting the report, as follows:

 The Asset Community Value was created on 7 September 2016 and would expire on 7 September 2021.

The Development and Conservation Manager presented the report in respect of application 20/00627/S73 supported by a visual presentation consisting of photographs and plans.

Councillor Gerald Morris thanked the Chair for the opportunity to speak as Member Advocate in objection to application 20/00627/S73, including:

- Parish Councillors were concerned that The Tally Ho did not repeat what had happened
  to the Cabinet pub, in the adjacent village of Reed where the owner had converted the
  entire building into a house without permission;
- At the Cabinet pub, owing to planning refusal and appeal dismissal, an application was submitted similar to the Tally Ho to subdivide the pub into ground floor, part residential and part wet trade only bar - that application was refused by NHDC in April 2019;
- The entire ground floor area of this pub, including its kitchen had been in business for a long time;
- The case officer stated that the application was adapting and improving the living conditions of the person running the local community facility;
- The applicant's planning consultant stated that the first-floor lacked living space. However, as illustrated from the approved plan 1.2, the first floor included two bedrooms, two bathrooms, a living room and study/office;
- The existing owners had lived on the first floor for many years. To expand the residential
  accommodation at the expense of the ground floor pub would not benefit a local
  community facility; and
- Many villagers have said that the owners were setting up the business to fail in order to attempt to use the entire building residentially.

The following Members asked questions of Councillor Morris' presentation:

Councillor Sue Ngwala

In response to the Member's question, Councillor Morris said that along with himself, the Parish Council were concerned that the pub would be lost as a community facility.

Mr James Gran thanked the Chair for the opportunity to address the Committee in support of application 20/00627/S73, including:

- The use of the ground floor at the rear extension would not increase parking on demand at the site;
- Officers were of the view that permission should be unconditional and not restrict the use of the ground floor to residential only;
- It would allow the owner to use the space for ancillary residential accommodation or for Public House use, increasing viability of the pub not reducing it;
- Officers were seeking to allow full flexibility of the ground floor space in the best interest of the long-term viability of the Public House;
- The application needed to be judged on those merits only;
- The residential use was ancillary to the Public House use and would remain as such even if the ground floor were to change to habitable residential space;
- The proposal still supported the need for a local community facility through improving the living conditions of the persons running the Public House;

- The owner has sought to provide a quality community facility and their intention was to continue with that aim;
- Instead of a full food offer being prepared in the premises, the owners now provided outside catering services which has proved popular with passing customers;
- This had allowed the owners to focus on wet-sales which was their main source of income:
- The ceasing of serving food in house had increased their profit;
- There was no aim to close the pub.

The following Members sought clarification of Mr Gran's presentation:

- Councillor Mike Hughson;
- Councillor Tom Tyson; and
- Councillor Sue Ngwala

In response to questions, Mr Gran advised as follows:

• The pop-up catering services were mobile units that offered a variety of different cuisines.

The Development and Conservation Manager responded to points raised as follows:

- There were no restrictions on the ground floor extension, enabling the occupiers to manage the whole floor space as they felt fit;
- The application was not a material change of use; and
- The owners were not required to use the ground floor in a certain way or for certain purposes.

The following Members took part in the debate:

- Councillor David Levett and
- Councillor Tony Hunter.

Points raised during the debate included:

- Removing the condition that hindered flexibility of the use of the ground floor;
- The opening hours of the business:
- The use of the building as a community facility;
- The viability of a wet-sales only pub; and
- The future use of the premises.

Councillor Tony Hunter proposed to refuse the application. However, as there was no seconder to the proposal, the motion to refuse was lost.

It was proposed by Councillor Ngwala to move the Officer's recommendation to grant planning permission which was seconded by Councillor Levett. Upon the vote, it was:

**RESOLVED:** That application 20/00627/S73 be **GRANTED** planning permission unconditionally.

#### 10 PLANNING APPEALS

Audio Recording – 1 Hour 24 Minutes 27 Seconds

The Development and Conservation Manager presented the Planning Appeals and advised that there was one update for Members, as follows:

 Planning appeal ref. 19/02365/FP - The Exchange, Queen Street, Hitchin. Delegated decision to refuse planning permission for 10 flat apartment block. Written representations appeal and Ward Members could make representations to the Inspector.

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

The meeting closed at 8.57 pm

Chair

#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

#### MEETING HELD AS A VIRTUAL MEETING ON THURSDAY, 16TH JULY, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant,

Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson

In Attendance: Simon Ellis (Development and Conservation Manager), Nurainatta

Katevu (Legal Advisor), Richard Tiffin (Principal Planning Officer) and

Matthew Hepburn (Committee, Member and Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 5 members of the

public, including registered speakers.

#### 11 WELCOME AND INTRODUCTION

Audio Recording - 0 Seconds

The Chair welcomed everyone to the virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Officer gave advice regarding the following:

#### <u>Attendance</u>

A roll call was undertaken to confirm that the required Members, Officers and Registered Speakers were present and could hear and be heard.

If for any reason the meeting was not quorate an Officer would interject the meeting and the meeting would adjourn immediately. Once the meeting was quorate the meeting would resume.

If a remote Member were to lose connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment. Only Members present for the entirety of debate and consideration of an item were entitled to vote.

#### Live Streaming

The meeting was being streamed live on the Council's YouTube channel. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a time and date fixed by the Chair. If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

If technology failed for a member of the public who had attended to participate and was unable to do so, the Chair may decide to adjourn or proceed to the next item of business to allow for connection to be re-established. If connection could not be restored within a reasonable period, the Chair could decide to conclude the remaining business.

If a Member or Member of the Public dropped out of the meeting and was unable to connect by video, an email had been sent with instructions on how to join the meeting via telephone.

#### Noise Interference

The Committee, Member and Scrutiny Officer asked all in attendance to ensure that electronic devices were muted.

#### Rules of Debate

If a Member wished to speak they should use the raise hand button and this would alert the host that they wished to speak.

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

#### Voting

When requested to vote, Members were informed to vote using the Green tick for 'Yes', Red Cross for 'No' and Blue Raise Hand for 'abstain'.

Details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded.

The Committee, Member and Scrutiny Officer would clearly state the result of the vote and the Chair would proceed to the next agenda item.

The Chair, Councillor Ruth Brown, started the meeting proper.

#### 12 APOLOGIES FOR ABSENCE

Audio Recording – 6 Minutes

There were no apologies for absence.

#### 13 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 6 Minutes 6 Seconds

There was no other business notified.

#### 14 CHAIR'S ANNOUNCEMENTS

Audio Recording – 6 Minutes 11 Seconds

- (1) The Chair welcomed those present at the meeting;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded and live streamed on the Council's YouTube;

- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (4) The Chair clarified matters for the registered speakers and informed members of the public that they 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters.

The 5 minute time limit also applied to Member Advocates. The bell would sound after 41/2 minutes as a warning and again at 5 minutes to signify that the speaker must cease.

(5) The Chair advised that a comfort break would be called after Agenda Items 5 & 6 or at 9:00pm, whichever came first.

#### 15 PUBLIC PARTICIPATION

Audio Recording – 7 Minutes 30 Seconds

The Chair confirmed that the Registered Speakers were present.

## 16 20/00117/OP LAND WEST OF TUTHILL HOUSE, KELSHALL TOPS, THERFIELD, HERTFORDSHIRE

Audio Recording – 7 Minutes 45 Seconds

The Principal Planning Officer advised that there were some corrections to be made to the report, as follows:

- Paragraph 4.3.9 delete ('then s.52');
- Paragraph 4.3.43 penultimate sentence should read 'on the private car' not 'of';
- Reason for refusal (RFR) 2. First sentence should read 'on private transport' not 'of'; and
- RFR 4 delete final 'plan'.

The Principal Planning Officer presented the report in respect of application 20/00117/OP supported by a visual presentation consisting of photographs and plans.

Mrs Lynne Bogie thanked the Chair the opportunity to address the Committee in objection to application 20/00117/OP, including:

- It was inappropriate development of land in a rural position outside the development limits of Therfield, a site which did not meet the criteria for inclusion as a development site in the Emerging Local Plan;
- The site was unsuitable in terms of highway and access and failed to promote sustainability;
- An access for the proposed development immediately next to this existing junction would be highly dangerous;
- Planning permission had been granted in 1992 to use the site for the open storage of agricultural machinery and as an operating depot for four heavy goods vehicles. This use was ongoing and generated a significant amount of vehicular movements each day;
- The site was Previously Developed Land and attracted favourable treatment when considering development; and
- The only significant use of the site, and the only significant traffic movements, would arise out of the unlawful breakers and scrap yard referred to in the officer's report.

The Chair thanked Mrs Bogie for her presentation.

Mr Michael Calder thanked the Chair for the opportunity to address the Committee in support of application 20/00117/OP, including:

- Officers agreed that the application was to be determined in accordance of the planning balance set out in the National Planning Policy Framework (NPPF);
- The difference between the applicant and the Officer was whether the tilted balance applied and the weight of harms and benefits in the planning balance;
- There were three strands to sustainability: social, economic and environmental;
- In respect of the social strand, in the light of the shortfall in the Council's five year land supply and delay in the emerging local plan, the delivery of much needed family housing should be considered:
- The NPPF supported the provision of developments in rural locations such as Therfield;
- Housing could enhance local amenities, supporting paragraph 78 in the NPPF, and putting weight on the planning balance;
- The development of housing would bring economic benefits such as job creation, local labour supply chain and household spending on local services;
- Changing the land use from commercial to residential would have little impact on the character of the area;
- There would be four parking spaces per unit, a double garage and visitor parking spaces; and
- Access to the centre of the village would be via public right of way networks.

The Principal Planning Officer responded to points raised by referring to page 70, Previously Developed Land in the NPPF, and advised that it was his view that the site was not on previously developed land.

The following Members sought clarification from the Principal Planning Officer:

- Councillor Sue Ngwala;
- Councillor Val Bryant; and
- Councillor Tony Hunter.

In response to questions, the Principal Planning Officer advised as follows:

- In relation to paragraph 3.4 within the report, it was felt that given the recommendation was to refuse the application, a flood risk assessment was not necessary; and
- Members were directed to paragraphs 195 197 in the NPPF in regards to heritage assets.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Daniel Allen; and
- Councillor Tony Hunter.

Points raised in the debate included:

- Failing to meet parking requirements;
- The site was not in the emerging local plan;
- There were objections from the Local Lead Flood Authority, CPRE and the Environment Agency; and
- The development was outside the settlement boundary.

It was proposed by Councillor Levett and seconded by Councillor Allen to refuse planning permission and upon being put to the vote, it was:

**RESOLVED:** That application 20/00117/OP be **REFUSED** planning permission as per the reasons contained in the report of the Development and Conservation Manager.

# 17 20/00118/OP LAND WEST OF TUTHILL HOUSE, KELSHALL TOPS, THERFIELD. HERTFORDSHIRE

Audio Recording – 40 Minutes 17 Seconds

The Principal Planning Officer advised that there were some corrections to be made to the report, as follows:

- Paragraph 4.3.7 delete ('then s.52');
- Paragraph 4.3.45 penultimate sentence should read 'on the private car' not 'of';
- Paragraph 4.4.1- the citation of 4.3.34 should read 4.3.37;
- RFR 3 -first sentence should read 'on private transport' not 'of';
- RFR 5 delete final 'Plan'.

The Principal Planning Officer presented the report in respect of application 20/00118/OP supported by a visual presentation consisting of photographs and plans.

Mrs Lynne Bogie thanked the Chair for the opportunity to address the Committee in objection to application 20/00118/OP, including:

- It was poorly designed, inappropriate development of land in a rural position outside the development limits of Therfield;
- The proposed development was urban in character, overcrowded, and wholly unsuited to a very visible site in the countryside;
- The site was unsuitability in terms of highway and access, and failed to promote sustainability, for the reasons identified in the officer's report;
- There was likely to be serious traffic from such a major development; and
- There were concerns about the road safety implications of a new major junction so close to her access lane.

The Chair thanked Mrs Bogie for her presentation.

Mr Michael Calder thanked the Chair for the opportunity to address the Committee in support of application 20/00118/OP, including:

- There was an absence in the five year land supply and an out-of-date Local Plan;
- Significant weight should be given to the social, economic and environmental benefits of the development;
- More housing would meet the needs of the village and local residents:
- The development would provide much needed family homes;
- A building was erected in 1972 on the land and therefore this site met the definition of Previously Developed Land; and
- The benefits of the development outweighed the harm to heritage asset.

The following Members sought clarification of Mr Calder's presentation:

Councillor David Levett.

In response to the Member's question, Mr Calder advised that the density of the development was greater than the surrounding villages and there were 31 dwellings per hectare.

The Principal Planning Officer responded to points raised as follows:

- The tilted balance was not engaged; and
- The definition of Previously Developed Land (PDL) excluded buildings that were in agricultural use. The building erected on the site in 1972 was likely used for agricultural purposes and therefore the site did not qualify for the PDL status.

The following Members took part in the debate:

- Councillor Daniel Allen; and
- Councillor Tony Hunter.

Points raised by Members included:

- The overdevelopment of the area; and
- The site was 3x more unsuitable than the previously application.

It was proposed by Councillor Allen to refuse the application as per the Officer's recommendation which was seconded by Councillor Hunter. Upon being put to the vote, it was:

**RESOLVED:** That application 20/00118/OP be **REFUSED** planning permission as per the reasons contained in the report of the Development and Conservation Manager.

NB: There was a break at 20:27 and the Committee resumed at 20:38.

# 18 20/00908/FP LAND BETWEEN 24 AND 26 CEDAR CRESCENT AND 92 GREEN DRIFT, ROYSTON, HERTFORDSHIRE

Audio Recording – 1 Hour 7 Minutes 55 Seconds

The Development and Conservation Manager presented the report in respect of application 20/00908/FP supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager drew Members' attention to the Relevant History, as detailed at paragraph 1.0 on page 53 within the report.

Following the summary of the Relevant History, Members sought clarification from the Development and Conservation Manager of matters raised. The Development and Conservation responded accordingly.

Mr Philip Holland thanked the Chair for the opportunity to address the Committee in objection to application 20/00908/FP, including:

 The noise and volume of traffic that this application would generate. That point was supported by the Planning Inspector, who had refused the original plan for 3 detached dwellings in September 2015; and • The noise survey was conducted between Thursday 14 November 2019 and Tuesday 19 November 2019. However, Mr Holland had hired a compactor on Monday 18 November 2019, which was used in the front garden of 94 Green Drift in the morning. He was required to wear ear defenders while using the compactor. The noise levels of traffic recorded at other times appear to be similar to that of the compactor recorded on the Monday morning.

The Chair thanked Mr Holland for his presentation.

Councillor Carol Stanier, Member Advocate, thanked the Chair for the opportunity to address the Committee in objection to application 20/00908/FP, including:

- The proposal involved creating an unacceptable form of backland development which
  would have identifiable physical relationship with the existing pattern of frontage
  developments within the area, thereby failing to have adequate regard to the character
  and context of the surrounding area and detracting from the general character and
  appearance of this particular part of Royston;
- The proposal for three dwellings would result in a significant increase in the use of the single access driveway giving rise to a loss of residential amenity to the occupiers of the adjoining dwellings particularly the bungalow at No. 94 Green Drift;
- The economic and social benefits of the proposal were clearly and demonstrably outweighed by the environmental and social harm. As such, the development failed to accord with policy D3 of the Emerging Local Plan and the National Planning Policy Framework taken as a whole;
- Royston Town Council had objected to every iteration of this development as being overdevelopment and not in keeping with the area;
- Residents on Cedar Close were concerned that as the official address will be on this
  road, visitors including delivery etc would come to this road and parking in front of the
  access would reduce their own access to driveways; and
- This road was a quiet, largely retirement road and increased traffic and parking would be extremely undesirable and alter the character of the road considerably.

The following Members sought clarification of Councillor Stanier's presentation:

- Councillor Sue Ngwala; and
- Councillor David Levett.

In response to questions, Councillor Stanier advised as follows:

- It was believed that the applicant lived at Number 92; and
- The increase in vehicles accessing the property related to the 2015 multiple dwellings.

Mr David Farrell thanked the Chair for the opportunity to address the Committee in support of application 20/00908/FP, including

- Provided the Committee with an explanation and background to the Relevant History;
- There remained only one outstanding reason for refusing the application which would be on the grounds of the impact of additional traffic generated by the 2 bed chalet on the habitable rooms of the existing house adjacent to Green Drift;
- The acoustic report submitted with the application was completed before the Covid-19 Lockdown period when traffic noise was higher than it was at present;
- The acoustic report confirmed that noise levels complied with British and International standards; and

• The Council's Environmental Health Officer confirmed that he agreed with the methods and conclusions of the acoustic report.

The following Members sought clarification of Mr Farrell's presentation:

Councillor Daniel Allen

In response to the Member's question, Mr Farrell advised that the only trees that would be removed were illustrated on the site plan.

There was further clarification sought by Members in relation to the alteration of Number 92.

The Development and Conservation Manager responded to points raised as follows:

• There were two issues for the inspector (1) the effect on the character and appearance of the area and (2) the effect on living conditions.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Tony Hunter;
- Councillor Sue Ngwala; and
- Councillor Tom Tyson.

Points raised by Members:

- The predicted noise levels were 40 decibels rainfall had a noise level of approximately 50 decibels:
- The noise levels were below what was accepted;
- The noise assessment was adequate;
- The installation of EV charging points to encourage quieter forms of transport.

In response to the EV charging point recommendation, the Development and Conservation Manager directed Members to Condition 10 which had already conditioned the installation of an Electric Vehicle Charging Point.

It was proposed by Councillor Levett to grant planning permission which was seconded by Councillor Hunter. Upon being put to the vote, it was:

**RESOLVED:** That application 20/00908/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

#### 19 PLANNING APPEALS

Audio Recording – 1 Hour 56 Minutes 19 Seconds

The Development and Conservation Manager presented the report entitled Planning Appeals.

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

#### 20 TRAINING & LOCAL PLAN EXAMINATION

Audio Recording – 1 Hour 56 Minutes 37 Seconds

The Development and Conservation Manager provided Members with an update relating to planning training sessions being offered to all Members of the Council by the Planning Advisory Service. He advised that training sessions were proposed for early September and October. There would be four sessions, each lasting 2 hours in order to cover all planning related issues. There was also be specific training for the Chair and Vice-Chair of the Planning Control Committee, with the material needing to be discussed with Executive Members first.

The Planning Lawyer informed Members that dates had been proposed for a virtual Local Plan Examination - The dates proposed were weeks commencing 14 September, 21 September and 28 September. Once dates had been confirmed, Members would be informed via the Member's Information Service (MIS) in due course.

A number of questions were asked of the Development and Conservation Manager in regards to the training. The Development and Conservation Manager advised as follows:

- All Members would be invited to the training; and
- The training would not take place on an evening when there was a Committee meeting.

The meeting closed at 9.35 pm

Chair



#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

# MEETING HELD AS A VIRTUAL MEETING ON THURSDAY, 20TH AUGUST, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Ruth Brown (Chair), Val Bryant, Morgan Derbyshire,

Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Mike Rice, Tom Tyson, Sam Collins (In place of Sean Prendergast) and Ian Mantle

(In place of Mike Hughson)

In Attendance: Simon Ellis (Development and Conservation Manager), Nurainatta

Katevu (Legal Advisor) and Matthew Hepburn (Committee, Member and

Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 5 members of the

public, including registered speakers.

#### 21 WELCOME AND INTRODUCTION

Audio Recording – 23 Seconds

The Chair welcomed everyone to the virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Officer gave advice regarding the following:

### Attendance

A roll call was undertaken to confirm that the required Members, Officers and Registered Speakers were present and could hear and be heard.

If for any reason the meeting was not quorate an Officer would interject the meeting and the meeting would adjourn immediately. Once the meeting was quorate the meeting would resume.

If a remote Member were to lose connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment.

Only Members present for the entirety of debate and consideration of an item were entitled to vote.

# Live Streaming

The meeting was being streamed live on the Council's YouTube channel. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a time and date fixed by the Chair.

If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

If technology failed for a member of the public who had attended to participate and was unable to do so, the Chair may decide to adjourn or proceed to the next item of business to allow for connection to be re-established. If connection could not be restored within a reasonable period, the Chair could decide to conclude the remaining business. If a Member or Member of the Public dropped out of the meeting and was unable to connect by video, an email had been sent with instructions on how to join the meeting via telephone.

### Noise Interference

The Committee, Member and Scrutiny Officer asked all in attendance to ensure that electronic devices were muted.

#### Rules of Debate

If a Member wished to speak they should use the raise hand button and this would alert the host that they wished to speak.

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

# **Voting**

When requested to vote, Members were informed to vote using the Green tick for 'Yes', Red Cross for 'No' and Blue Raise Hand for 'abstain'.

Details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded.

The Committee, Member and Scrutiny Officer would clearly state the result of the vote and the Chair would proceed to the next agenda item.

The Chair, Councillor Ruth Brown, started the meeting proper.

#### 22 APOLOGIES FOR ABSENCE

Audio Recording – 6 Minutes 23 Seconds

Apologies for absence were received from Councillors Daniel Allen, Mike Hughson and Sean Prendergast.

Having given due notice Councillor Ian Mantle advised that he would be substituting for Councillor Mike Hughson and Councillor Sam Collins advised that he would be substituting for Councillor Sean Prendergast.

#### 23 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 6 Minutes 45 Seconds

There was no other business notified.

#### 24 CHAIR'S ANNOUNCEMENTS

Audio Recording – 6 Minutes 50 Seconds

- (1) The Chair welcomed those present at the meeting;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded and live streamed on the Council's YouTube;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (4) The Chair clarified matters for the registered speakers and informed members of the public that they 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. The 5 minute time limit also applied to Member Advocates.

The bell would sound after 4 1/2 minutes as a warning and again at 5 minutes to signify that the speaker must cease.

(5) The Chair advised that there would be a comfort break at approximately 9:00pm if the meeting were to be still underway at that time.

#### 25 PUBLIC PARTICIPATION

Audio Recording - 8 Minutes

The Chair confirmed that the 5 registered speakers were present.

# 26 17/02755/1 LAND AT JUNCTION OF POTTERSHEATH ROAD AND DANESBURY PARK ROAD, WELWYN

Audio Recording – 8 Minutes 20 Seconds

Retrospective application for the change of use of land to use a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home and laying of hardstanding and erection of a timber fence.

The Development and Conservation Manager introduced the item and provided the Committee with the following updates:

- A letter received from Stephen McPartland MP in relation to the application had been sent to Members;
- Members were referred to paragraph 2.4 on page 6 and specifically Policy E of the 2015 Planning for Traveller Sites document published by DCLG;
- Members were directed to the Planning History, detailed at Paragraphs 4.3.1 to 4.3.5;
- There were changes to the Recommendations at Paragraph 5.1 on page 19 within the report, as follows:

# Recommended condition 1 reason. Add additional last line:

'Whilst the very special circumstances are compelling, to enable the matter of land allocation to be resolved through the Local Plan Hearings a temporary permission is justified.'

# Recommended condition 3 reason - re-write the whole reason:

To accord with the terms of the submitted application and evidence of need contained therein.

The Development and Conservation Manager provided an explanation of the current position of the site, as follows:

- The planning application was for two pitches with a maximum of two static caravans;
- Members were to note recommended condition 3 on page 19 which sought to limit the number of pitches to no more than two static caravans on this site - the requirements and the enforceability of that condition could only come into affect if planning permission is granted;
- There were currently 3 static caravans on the site, at least one touring caravan and one amenity block which was one more static caravan than was applied for but one less than the proposed land allocation would allow for in the emerging Local Plan; and
- The siting of the third static caravan was a separate enforcement matter outside the remit of the determination of that planning application enforcement powers were delegated to officers. However, it could be achieved by enforcing the terms of condition 3 if Members were to accept that recommendation.

The Development and Conservation Manager advised Members the reasons to determine the application now were as follows:

- The strategy was to delay the determination of the planning application until after the Inspector had finished the Local Plan Hearings and adjudicated on the proposed allocation of this site for traveller accommodation. Particularly after the Inspector specifically set aside a whole day of the main mods EiP to discuss this issue;
- The additional hearings were scheduled for March 2020 but were delayed due to the pandemic;
- If the Inspector had agreed with the Council's needs analysis and concluded that the site should be allocation for 4 pitches, we would not have hesitated to recommend a permanent permission for this development indeed there remains a strong case for a permanent permission even now:
- From October 18 2020 the site would have been in use for traveller accommodation for 4 years and without a planning application the use would become lawful by longevity. It was therefore necessary to determine this planning application now before the 4 year rule applied and before the additional EiP hearings, which would not be determined before 18 October 2020;
- To enable a fair Local Plan hearing for all interested parties, officers felt that on balance a 2 year temporary permission was justified in this instance although there remained a strong case for a permanent permission even now – but to grant a permanent permission would undermine the Local Plan process;
- A temporary permission allowed for all outcomes a permanent permission later after the Local Plan or if the Local Plan did not allocate that site for traveller accommodation the position could be reconsidered in light of that outcome without a permanent use authorised on the site.

• Members were to note the recommendation at paragraph 5.1 that this application must be referred to the Secretary of State if Members were minded to grant permission in line with the recommendation – the Secretary of State would then have 21 days to decide whether to facilitate a call in inquiry – if not after 21 days and well before 18 October 2020, the temporary permission could be granted and the position on site could be certain pending the outcome of the Local Plan.

Following the Development and Conservations detailed introduction, he presented the report in respect of application 17/02755/1 supported by a visual presentation consisting of photographs and plans.

A Codicote Parish Council representative thanked the Chair for the opportunity to address the Committee in objection to application 17/02755/1, including:

- In 2016 the applicants unlawfully occupied a site within the green belt and submitted a
  retrospective planning application citing exceptional circumstances and the vulnerability
  of a family member as grounds for planning consent;
- There was conclusive evidence for this application to be refused eye witness assertions that the two families did not live at the site and had rarely lived at the site;
- The Danesbury Park Road site was occupied by migrant workers who did not fall within the definition of Gypsies and Travellers;
- The green belt site was put forward several years ago under the emerging Local Plan as having the potential for development. It was deemed unsuitable by NHDC and the site was withdrawn. Is North Herts in danger of operating a two tier system unsuitable for development per se, but adequate for members of the travelling community?
- There had been one too many park homes on the site since last year and no enforcement had been actioned;
- The physical area of the site had increased; the boundary had encroached on to an adjacent site;
- There were other issues: fencing to the boundary with the A1M was too close to the edge, propped up with bricks, posing a danger to motorists; migrant workers were regularly seen sitting on the embankment;
- The hedgerow to Pottersheath Lane had been allowed to encroach and threatens to restrict visibility;
- There was a continual leak of water from an unknown source, perhaps a toilet block, at the junction to the highway; and
- The lives of legitimate residents were being blighted by individuals who had no intention of complying with planning legislation.

Barrister Horatio Waller, Francis Taylor Building, thanked the Chair for the opportunity to address the Committee in objection to application 17/02755/1, including:

- The application sought permission for inappropriate development in the Green Belt, resulting in a loss of openness and encroachment into the countryside;
- Officer support here was premised on the perceived requirement for this site to meet a shortfall in the identified need across the District for pitches;
- Local residents had submitted a robust critique to the local plan inspector on the key conclusions reached in that report. The identified requirement for pitches seems to be artificially inflated, whilst the number of vacant pitches at Pulmore Water were underestimated: and
- It would be hasty for the Committee to determine now that this site was needed to meet unmet need when the local plan inspector had not yet made a decision on the robustness of the evidence base.

The following Members sought clarification from the Codicote Parish Council representative and Barrister Horatio Waller:

- Councillor Mike Rice;
- Councillor Sue Ngwala; and
- Councillor Sam Collins;

The Codicote Parish Council Representative and Barrister Horatio Waller responded to questions as follows:

- There was only eye-witness evidence as to who lived at the site;
- The site was surrounded by houses, enabling residents to see who lived at the site; and
- There were no children on the site.

Councillor Lisa Nash, Member Advocate, thanked the Chair for the opportunity to address the Committee, including:

- The Secretary of State for Housing, Communities and Local Government would consider calling this application in, if the application were to be granted planning permission;
- The residents had support from their local Member of Parliament, the Rt Hon Stephen McPartland;
- It would be wrong to permit the temporary development prior to the Planning Inspector's hearing;
- In 2016, a retrospective planning application was made to permit the change of use for this land to a residential caravan site for two families. The decision notice issued on 20 October 2016 refused this development;
- Other applications in the vicinity had also been refused, owing to their encroachment into the Green Belt;
- Section 13 of the National Planning Policy Framework stated that 'the essential characteristics of Green Belts were their openness and their permanence';
- This application asked for land to be taken out of the Green Belt:
- The NPPF stated that 'Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified'
- The development had harmed the characteristic of the area;
- The development would set precedence to develop further onto the Green Belt; and
- Codicote Parish Council and Pottersheath Residents Association requested Members to refuse the application.

Mr Nathaniel Green, Green Planning Studio, thanked the Chair for the opportunity to address the Committee in support of application 17/02755/1, including:

- It was accepted by the LPA through its own GTAA that there was a shortfall of 10 pitches in the plan period to 2031;
- It was intended by the council that part of the shortfall would be made up by the siting of 4 pitches on this site. Two in the first instance through this application and two more subsequently.
- There were good reasons for the LPA's support of this site, despite its location in the Green Belt:
- The Plan examination had found that the site was deliverable, highways access was considered safe by Hertfordshire County Council and the client was happy to implement the visibility splays at the entrance;
- The site had been assessed as sustainable through the plan process;
- The site was heavily screened and had its visual impact minimised; and

• The examination accepted that exceptional circumstances existed that allowed for the site's inclusion in the emerging plan despite its location in the Green Belt.

The following Members sought clarification from Mr Green's presentation:

- Councillor Mike Rice;
- Councillor Sam Collins; and
- Councillor David Levett.

Mr Green responded to questions raised as follows:

There were children and two families on the site.

NB: The Development and Conservation Manager lost connection to the meeting at 20:17 and re-connected at 20:19.

In response to points raised, the Development and Conservation Manager advised that Condition 8 could only come into force if Members granted planning permission.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Tony Hunter;
- Councillor Ruth Brown;
- Councillor Sue Ngwala; and
- Councillor Ian Mantle.

Points raised in the debate included:

- A Member referred to the following paragraphs on page 24 within the report 'The first conclusion was that the current occupiers of this site did comply with the 2015 definition of Gypsies and travellers. This definition was contained in the 2015 Government publication 'Planning policy for travellers' sites. Travellers were defined as: 'Persons of a nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own, their families or dependents' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.';
- The permission was temporary not permanent;
- The current position of the site;
- The facilities at the site; and
- What the result would be if Planning Permission were to be refused.

Development and Conservation Manager responded as follows to points raised in the debate:

- There were 3 static caravans on site, 1 touring caravan and 1 amenity block;
- Condition 3 was enforceable;
- A second amenity block was also proposed; and
- If Planning Permission were to be refused, the application would not be referred to the Secretary of State and an Enforcement Notice would have to be served on the site. Members would have to provide an explanation as to the reason for refusal at appeal.

It was proposed by Councillor Levett, seconded by Councillor Derbyshire and upon being put to the vote, it was:

**RESOLVED:** That application 17/02755/1 be **GRANTED** planning permission subject to the application being referred to Secretary of State for Housing, Communities and Local Government, the conditions and reasons contained in the report of the Development and Conservation Manger; and

# An additional last line added to Condition 1 reason, as follows:

'whilst the very special circumstances are compelling, to enable the matter of land allocation to be resolved through the Local Plan Hearings a temporary permission is justified.' and

### The Condition 3 reason to be re-written to read:

'To accord with the terms of the submitted application and evidence of need contained therein.'

# 27 20/00970/FP LAND WEST OF 1 THE GREEN, ASHWELL ROAD, NEWNHAM, HERTFORDSHIRE

Audio Recording – 1 Hour 30 Seconds

Erection of a terrace of 4 dwellings (2 x 3 bed and 2 x 4 bed) and new vehicular accesses onto The Green, associated car parking, landscaping and ancillary works.

The Development and Conservation Manager presented the report in respect of application 20/00970/FP supported by a visual presentation consisting of photographs and plans.

Peter Lapham thanked the Chair for the opportunity to address the Committee on behalf of the applicant, North Hertfordshire District Council, including:

- The land was identified as being suitable for residential development and had been vacant for some time;
- The proposals consisted of 2x 3 bed properties and 2x 4 bed properties;
- The homes provided generous rear gardens; and
- A small number of comments had been received from the public in regard to the proposal.

The following Members sought clarification from Mr Lapham's presentation:

- Councillor Ruth Brown; and
- Councillor Tom Tyson.

Mr Lapham responded to questions as follows:

- The size of the proposed dwellings and the number of bedrooms were guided by the existing adjoining houses which were also fairly generous;
- It would have appeared unbalanced if the proposed dwellings were smaller than the existing properties;
- The size of the proposed properties were in keeping with the existing homes;
- The properties would be sold at Market Value; and
- Land would not be taken from Plot 1.

The following Members took part in the debate:

- Councillor Tom Tyson;
- Councillor David Levett:
- Councillor Ruth Brown;
- Councillor Mike Rice; and
- Councillor Sam Collins.

Points raised by Members included:

- Assurance that the proposed properties would be in keeping with the existing ones;
- Plot 1 Parking;
- The number of bedrooms and size of the properties;
- The completion of a Housing Needs Assessment; and
- Market Value vs rent.

The Development and Conservation Manager responded to points raised as follows:

- Referred Members to Conditions 2 and 3;
- The land was Council owned and therefore residents were not authorised to park on it;
- There was a policy that provided balance to community;
- The Housing Needs Assessment was only applied to bigger schemes;
- It was important to get the scale and property right for the area;

It was proposed by Councillor Mantle, seconded by Councillor Tyson and upon being put to the vote, it was:

**RESOLVED:** That application 20/00970/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

#### 28 PLANNING APPEALS

Audio Recording – 1 Hour 25 Minutes 30 Seconds

The Development and Conservation Manager presented the report entitled Planning Appeals.

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

#### 29 MEMBER PLANNING TRAINING UPDATE

Audio Recording – 1 Hour 25 Minutes 52 Seconds

The Development and Conservation Manager informed Members that the dates of the planning training would be announced in due course. However, it was likely it would take place mid-September onwards.

The meeting closed at 9.00 pm

Chair



#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

# MEETING HELD AS A VIRTUAL MEETING ON THURSDAY, 17TH SEPTEMBER, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant,

Morgan Derbyshire, Tony Hunter, Sean Prendergast, Mike Rice,

Tom Tyson and Ian Mantle (In place of Mike Hughson)

In Attendance: Simon Ellis (Development and Conservation Manager), Nurainatta

Katevu (Legal Regulatory Team Manager), Sam Dicocco (Planning Officer), Anna Gouveia (Committee, Member and Scrutiny Officer) and

Matthew Hepburn (Committee, Member and Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 3 members of the

public.

#### 30 WELCOME AND INTRODUCTION

Audio Recording - 8 Seconds

The Chair welcomed everyone to the virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Officer gave advice regarding the following:

### Attendance

A roll call was undertaken to confirm that the required Members, Officers and Registered Speakers were present and could hear and be heard.

If for any reason the meeting was not quorate an Officer would interject the meeting and the meeting would adjourn immediately. Once the meeting was quorate the meeting would resume.

If a remote Member were to lose connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment.

Only Members present for the entirety of debate and consideration of an item were entitled to vote.

### Live Streaming

The meeting was being streamed live on the Council's YouTube channel. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a time and date fixed by the Chair.

If the Chair did not fix a date, the remaining business would be considered at the next ordinary meeting.

If technology failed for a member of the public who had attended to participate and was unable to do so, the Chair may decide to adjourn or proceed to the next item of business to allow for connection to be re-established. If connection could not be restored within a reasonable period, the Chair could decide to conclude the remaining business. If a Member or Member of the Public dropped out of the meeting and was unable to connect by video, an email had been sent with instructions on how to join the meeting via telephone.

#### Noise Interference

The Committee, Member and Scrutiny Officer asked all in attendance to ensure that electronic devices were muted.

### Rules of Debate

If a Member wished to speak they should use the raise hand button and this would alert the host that they wished to speak.

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

# **Voting**

When requested to vote, Members were informed to vote using the Green tick for 'Yes', Red Cross for 'No' and Blue Raise Hand for 'abstain'.

Details of how Members voted would not be kept or minuted unless a Recorded Vote was requested or an individual requests that their vote be recorded.

The Committee, Member and Scrutiny Officer would clearly state the result of the vote and the Chair would proceed to the next agenda item.

The Chair, Councillor Ruth Brown, started the meeting proper.

#### 31 APOLOGIES FOR ABSENCE

Audio Recording – 4 Minutes 47 Seconds

Apologies for absence were received from Councillors: Mike Hughson, David Levett, Ian Moody and Sue Ngwala.

Having given due notice Councillor Ian Mantle advised that he would be substituting for Councillor Mike Hughson.

Having given due notice Councillor Michael Muir advised that he would be substituting for Councillor David Levett. However, Councillor Michael Muir was unable on the night to substitute for Councillor David Levett and therefore tendered his apologies.

#### 32 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 5 Minutes 10 Seconds

There was no other business notified.

#### 33 CHAIR'S ANNOUNCEMENTS

Audio Recording – 5 Minutes 15 Seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded:
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

#### 34 PUBLIC PARTICIPATION

Audio Recording – 6 Minutes 18 Seconds

The Chair confirmed that the 3 Registered Speakers were present.

# 35 20/01605/PIP MILL CORNER FARM, JACKSONS LANE, REED, ROYSTON, HERTFORDSHIRE, SG8 8AB

Audio Recording – 6 Minutes 34 Seconds

NB: Councillor Daniel Allen joined the meeting at the start of the item.

The Senior Strategic Sites Officer presented the report in respect of application 20/01605/PIP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- On page 9 of the report, the word 'not' should be added in between 'does' and 'supersede' so that it reads: 'A representation was made by CPRE Objection Absence of 5 year housing land supply does **not** supersede Local Plan policies [...].
- A late representation had been received by the Historic Environment. The
  representation had no objection in principle, with advice given as to further details
  required at technical details stage. The representation did not impact on the Officer's
  recommendation.

Councillor Ken Langley, Chairman of Reed Parish Council, thanked the Chair for the opportunity to address the Committee in objection to application 20/01605/PIP, including:

- 43 villagers in a population a little over 300 had submitted written objections;
- The application site was an unsuitable location for housing in Reed;
- The site was not needed for housing in Reed;
- Building on the site would irretrievably damage the character and beauty of the village and harm heritage in Reed:
- The application was hostile to the Council's Emergent Local Plan;

- The development was outside the settlement boundary for Reed;
- Reed was already making a more than proportionate contribution to District housing need. In 2011 there were 134 houses. Today there were 149, an 11% growth rate in a village with a First school, but no shop or pub; and
- The development would harm the conservation area and damage the beauty and heritage value which was a precious asset of the village, as detailed on the Officer's report at paragraphs 4.3.13 and 4.3.14.

Councillor Gerald Morris, Member Advocate, thanked the Chair for the opportunity to address the Committee, including:

- There was no great urgency for the property developer to build on this agricultural land beyond greenbelt;
- A Permission in Principle application was a short cut method to try and easily obtain initial planning consent;
- Owing to the short time officers had to determine the PIP application, concerned villagers and the Parish Council also had little time to consider and comment on the application; and
- It was the right decision to refuse the application.

Councillor Tony Hunter proposed to refuse Permission in Principle which was seconded by Councillor Morgan Derbyshire and upon being put to the vote, it was:

**RESOLVED:** That application 20/01605/PIP be **REFUSED** permission in principle as per the reasons contained in the report of the Development and Conservation Manager.

# 36 20/01359/FPH THE COACH HOUSE, HITCHIN ROAD, KIMPTON, HITCHIN, HERTFORDSHIRE, SG4 8EF

Audio Recording – 24 Minutes 44 Seconds

The Development and Conservation Manager presented the report in respect of application 20/01359/FPH supported by a visual presentation consisting of photographs and plans.

Councillor Neil Burns, Chair of Kimpton Parish Council, thanked the Chair for the opportunity to address the Committee in objection to application 20/01359/FPH. Councillor Burns advised that District Councillor John Bishop was unable to attend to give his submission and therefore had asked Kimpton Parish Council to address the Committee instead. Councillor Burns wished Councillor Bishop a speedy recovery.

Councillor Burns' presentation included:

- There were 11 objections to the application and no support;
- The majority of the objections centred around concerns for the Ash Tree and noise disturbance caused at the entrance location currently proposed to the nearside neighbour property dwelling;
- The annex would be the size of a 2 bed house and it would be 5 metres high;
- Construction work was going to be carried out close to the Ash Tree:
- No work had been completed to demonstrate how the Ash Tree would be safeguarded and therefore the tree would suffer and could die; and
- There would be noise disturbance to the neighbour.

The following Members asked questions in relation to the noise and access:

- Councillor Ian Mantle; and
- Councillor Ruth Brown.

Councillor Burns responded accordingly to questions raised.

Councillor Mike Rice raised whether a Tree Preservation Order could be served in order to protect the Ash Tree.

The Development and Conservation Manager responded to concerns over the Ash Tree by advising that Condition 4 could be strengthened and re-worded. The site was already in a Conservation Area, however, a Tree Preservation Order could be served in order to add extra protection.

Councillor Tony Hunter proposed to grant planning permission, subject to the re-wording of Condition 4. The proposal was seconded by Councillor Daniel Allen and upon being put to the vote, it was:

**RESOLVED:** That application 20/01359/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and Condition 4 be amended to read:

'Prior to the commencement of the development hereby permitted (including prior to any demolition on site) a construction management plan and method statement for construction within the identified root protection zones of the adjacent Ash and other trees on the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved works or particulars shall thereafter be carried out in complete accordance with the approved details or particulars for the whole construction project, including demolition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and to retain important trees on the site.'

#### 37 PLANNING APPEALS

Audio Recording – 48 Minutes 10 Seconds

The Development and Conservation Manager presented the Planning Appeals and advised there were no further updates to provide.

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

# 38 PLANNING TRAINING FOR MEMBERS

Audio Recording – 48 Minutes 27 Seconds

The Development and Conservation Manager informed the Committee that the Planning Training for Members would take place on 30 September 2020 for the Chair and Vice-Chair of the Planning Control Committee and Executive and Deputy Executive Members for Planning and Transport.

Training for all other Members would take place on 6 October and 28 October 2020 at 7:00pm. Invites had been sent out to Members.

The sessions were to be held by the Planning Advisory Service and a Member Peer from another Authority.

The Chair, Councillor Ruth Brown, encouraged Members to attend the training.

The meeting closed at 8.22 pm

Chair

#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

# MEETING HELD AS A VIRTUAL MEETING ON THURSDAY, 15TH OCTOBER, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Daniel Allen (Vice-Chair), Morgan Derbyshire,

Mike Hughson, Tony Hunter, David Levett, Ian Mantle (In place of Val

Bryant), Ian Moody, Sue Ngwala, Mike Rice and Tom Tyson

In Attendance: Simon Ellis (Development and Conservation Manager), Jo Cousins

(Senior Planning Officer), Ben Glover (Planning Officer), Anne McDonald (Senior Planning Officer), Nurainatta Katevu (Legal Regulatory Team Manager), Hilary Dineen (Committee, Member and Scrutiny Manager)

and William Edwards (Committee, Member and Scrutiny Officer)

**Also Present:** 

At the commencement of the meeting approximately 6 members of the public, including registered speakers and 3 Member Advocates,

Councillors Ian Albert, Sam North and Claire Strong.

#### 39 WELCOME AND INTRODUCTION

Audio recording – 4 seconds

The Vice-Chair welcomed everyone to this virtual meeting of the Planning Control Committee that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Manager undertook a roll call of Members and Officers to ensure that they could hear and be heard and gave the following advice.

The meeting was being streamed live on the Council's You Tube channel and also recorded via Zoom. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a later date.

Please stay in view of the camera at all times.

If for any reason the meeting was not quorate an Officer would notify attendees by interjecting the meeting. The meeting would adjourn immediately. Once the meeting was quorate the meeting would resume. If connection could not be restored within a reasonable period, then the remaining business would be considered at a later date.

If a remote Member lost connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment. Only Members present for the entirety of debate and consideration of an item are entitled to vote.

Mobile phones and other noise emitting devices should be muted and the mute button on tablets and computers should be muted when not speaking.

When requested to vote, voting would be via the Green tick for "Yes", Red Cross for "No" and Blue Raise Hand for "abstain" functions.

The Vice-Chair, Councillor Daniel Allen, started the meeting proper.

#### 40 APOLOGIES FOR ABSENCE

Audio recording – 5 minutes 8 seconds

Apologies for absence were received from Councillor Ruth Brown (Chair), Val Bryant and Sean Prendergast.

Having given due notice, Councillor lan Mantle advised that he would be substituting for Councillor Val Bryant.

#### 41 NOTIFICATION OF OTHER BUSINESS

Audio recording - 5 minutes 20 seconds

There was no other business notified.

#### 42 CHAIR'S ANNOUNCEMENTS

Audio recording – 5 minutes 51 seconds

- (1) The Vice-Chair advised that, in accordance with Council policy, this meeting was being audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC YouTube channel.
- (2) Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights was set out under Chair's Announcements on the agenda.
- (3) To clarify matters for the registered speakers the Chair advised that Members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applied to Member Advocates.

A warning would be given at 4 1/2 minutes and speakers would be asked to cease at 5 minutes.

#### 43 PUBLIC PARTICIPATION

Audio recording – 6 minutes 56 seconds

The Vice-Chair confirmed that the registered speakers and Members Advocates were in attendance.

# 44 20/00507/FP OUGHTON HEAD PUMPING STATION, HITCHIN ROAD, PIRTON, HERTFORDSHIRE

Audio recording – 7 minutes 5 seconds

The Planning advised that Highways maintained an objection, therefore the recommendations contained in the report should be amended to read:

"That subject to any objections by Highways being resolved and any additional highways conditions being added, that planning permission be granted, subject to the conditions and reasons contained in the report of the Development and Conservation Manager."

He further advised that the Environment Agency had confirmed that a water extraction licence was already held therefore no additional licence was required. Therefore water extraction was not a material consideration in this case as it is an issue for the Environment Agency rather than the Local Planning Authority.

The Planning Officer presented the report in respect of application 20/00507/FP supported by a visual presentation consisting of photographs and plans.

Ms Diane Burleigh thanked the Vice-Chair for the opportunity to address the Committee in objection to application 20/00507/FP and gave a verbal presentation including:

- She was speaking in a personal capacity;
- Pirton Parish Council had raised concerns regarding the impact of the development;
- They had particular concern regarding the impact of the proposed water extraction springhead and the river;
- There was no assessment of the impact on the springhead and the Nature Reserve or Wildlife Area;
- There was a water extraction licence, but it had not been used for many years;
- The comments regarding extraction were therefore premature as the effect of extraction of the Nature Reserve was unknown;
- HMWT were extremely concerned about the impact of water extraction on the nature reserve and this issue was not addressed in the ecological assessment;
- This was a serious omission as the balancing act Members were required to undertake could not be undertaken without this information:
- Chalk Rivers were rare, the River Oughton was one of these and they hosted special types of flora and fauna
- Oughtonhead Common was a Local Nature Reserve which was owned and managed by NHDC
- It hosted more than 200 different types of plants, many species of birds, butterflies, dragonflies, moths, insects, amphibians and mammals;
- Without this information it was impossible for the LPA to assess whether significant impacts would occur and if these could be compensated;
- She urged Members to refuse the application.

The following Members asked questions of Mrs Burleigh:

- Councillor Tom Tyson;
- Councillor Sue Ngwala.

In response to questions Mrs Burleigh advised:

- That she was not aware of the motion passed by Council regarding the perilous nature of chalk streams;
- There was no information provided regarding the amount of water to be extracted or the impact that would have.

The Vice-Chair thanked Mrs Burleigh for her presentation.

Councillors Sam North and Claire Strong thanked the Vice-Chair for the opportunity to address the Committee as Member Advocates in objection to application 20/00507/FP.

Councillor Sam North gave a verbal presentation including:

- There were fewer than 200 chalk streams in the world;
- Percent of these were in Hertfordshire;
- Many species lived solely on these chalk streams;
- Organisations had been warning of the impact of water extractions from chalk streams;
- NHDC had declared a climate emergency and had passed a motion regarding the perilous state of chalk streams;
- Accepting this application would fly directly in the face of that motion;
- Highways stated that this would be prejudicial to general provisions of highway safety;
- The officer report states that this development was an inappropriate development in the green belt;
- Do not feel the small increase in the amount of water available to residents of Hitchin outweighed the damage caused.

Councillor Claire Strong gave a verbal presentation including:

- The proposed buildings were very significant in their size, shape and location;
- The existing pumping station was very visible and this application would almost double the number of buildings;
- The hidden access into the site located on a very dangerous part of the road;
- Not in favour of the suggestion that the application be granted with officers working to overcome the Highways objections;
- The extraction of water would reduce the current healthy flow on the river to a trickle with an impact on ecology;
- She asked that Members refuse the application.

The Vice-Chair thanked Councillors Sam North and Claire Strong for their presentation.

Rebecca Lock, Applicants Agent, thanked the Vice-Chair for the opportunity to address the Committee in support of application 20/00507/FP and gave a verbal presentation including:

- Affinity Water had been working closely with the Environment Agency to reduce the impact of water extractions;
- This included working to reduce extraction by 42 Megalitres per day from endangered chalk streams;
- Due to these reductions it is critical that extractions from other sources were increased to keep supply maintained;
- Affinity had a duty to ensure that there were back up plans in place to supply water to their areas;
- Currently there was supply from the Graffam Water Treatment Works providing imported water:
- This resulted in a high carbon footprint and increased risks of bursts;
- Reinstating Oughton Head would provide a resilliant and sustainable solution;
- The additional buildings were required to provide nitrate removal;
- Other Affinity sites in the area were working at their optimum capacity;
- Creation of a new site would cause greater impact;
- The buildings at Oughton Head already had the abstraction equipment installed, but needed nitrate filtration equipment;
- Safeguarding of the water supply was considered as very special circumstances when considering development in the green belt;
- The access to the site would be widened for the construction period and it would be right hand turn into the site and eft hand turn out of the site;

• The gateway would be moved further onto the site and there were proposals to increase landscaping.

The following Members asked questions of Ms Lock:

- Councillor David Levett;
- Councillor Daniel Allen;
- Councillor Ian Mantle;
- Councillor Tom Tyson;
- Councillor Mike Hughson;
- Councillor Sue Ngwala;
- Councillor Mike Rice;

In response to questions Ms Lock advised:

- The site was classed as operational in that it had equipment installed, although it was not currently in use;
- The carbon footprint was increased by using energy to pump water a long way;
- The proposed extraction rate was 45 megalitres a day and this be used to manage the supply;
- She was unaware of the effects on the chalk stream, however Affinity Water would not undertake this action if it didn't protect the stream. It should be noted that the river was also being segmented.

The Vice-Chair thanked Ms Lock for her presentation.

The Development and Conservation Manager advised Members that water extraction was a matter for the Environment Agency. There were still concerns regarding the Highways objections. He therefore suggested that the recommendations be changed to defer the application to allow further investigations to be undertaken.

The following Members took part in the debate:

- Councillor Tony Hunter;
- Councillor David Levett;
- Councillor Mike Rice.

Councillor Tony Hunter proposed, Councillor David Levett seconded and it was:

#### **RESOLVED:**

- (1) That application 20/00507/FP be **DEFERRED** to enable the following to be undertaken:
  - 1) Request that the applicant respond to HCC highways comments and / or request officers to organise a meeting with them to see if the Highways issues can be resolved:
  - The applicant to be requested to provide a copy of the Environment Agency water extraction licence;
  - Officers be requested to contact Herts Ecology to check whether they have any comments or advice on water extraction and the impact on ecology in that location from the wider development;
  - 4) Request that the applicant confirm the method used to transport water from Graffam Water to the site:
  - 5) Officers be requested to provide a legal view as to whether water extraction is a valid material planning consideration.

(2) That the Development and Conservation Manager be requested to provide the Planning Control Committee with a report regarding all of the matters in (1) above once these matters are finalised.

# 45 20/01096/RM SITE OF FORMER LANNOCK PRIMARY SCHOOL, WHITEWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 2PP

Audio recording – 55 minutes 55 seconds

The Senior Planning Officer presented the report in respect of application 20/00507/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions and took part in the debate:

- Councillor David Levett;
- Councillor Sue Ngwala;
- Councillor Mike Rice.

Councillor David Levett proposed. Councillor Sue Ngwala seconded and it was:

**RESOLVED:** That in respect of application 20/01096/RM, the reserved matters details be **GRANTED** subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

# 46 20/00547/FP 1-3 THE MEAD, HITCHIN, HERTFORDSHIRE, SG5 1XZ

Audio Recording – 1 hour 5 minutes 57 seconds

Prior to consideration of the application Councillor Daniel Allen advised that he had been taught by Mr Shieff, one of the public speakers. However this would not have any bearing on his decision and he would therefore take part in both the debate and vote.

The Senior Planning Officer presented the report in respect of application 20/00507/FP supported by a visual presentation consisting of photographs and plans.

She advised that further representations had been sent to Members by email.

Mr Jim Shieff and Mr Mark Robertson thanked the Vice-Chair for the opportunity to address the Committee in objection to application 20/00547/FP

Mr Shieff gave a verbal presentation including:

- Both he and Mr Robertson lived in the building being discussed;
- There was a lot of local hostility to this application;
- This application would be life changing for him, he felt threatened;
- If approved he would feel trapped in his flat;
- The noise of construction would impact heavily on him;
- The flue would be attached just inches from his window;
- This Committee refused an application for a loft conversion based on fire risk, this application was definitely a fire risk;
- He had a right to enjoy peaceful residence and that is what he was demanding.

Mr Robertson gave a verbal presentation including:

- There was already prolific anti-social behaviour and drug use and this development would make things worse;
- The yard of the shop was a pit;
- It would be challenging to obtain a mortgage on the flats above if the development were approved;
- The already bad parking situation would deteriorate;
- The Mead was a poor area where obesity was already an issue;
- There was a school nearby.

The following Members asked questions of Mr Shieff and Mr Robertson:

- Councillor Sue Ngwala;
- Councillor David Levett.

In response to questions Mr Shieff advised:

- That the proposed Flue would be secured to his wall inches from his sitting room window:
- The only access to the flats above were via the stairs by the proposed side door.

The Vice-Chair thanked Mr Shieff and Mr Robertson for their presentation.

Councillor Ian Albert thanked the Vice-Chair for the opportunity to address the Committee as a Member Advocate in objection to application 20/00547/FP and gave a verbal presentation including:

- No explanation had been given as to how this development would compliment the function and character of the area;
- There were a lot of objections to this application;
- The addition of a takeaway would cause a blight on the area;
- The nearness of the flue to the upstairs window would make the entrance ugly, would likely send noise and vibrations into Mr Shieff's flat and would make opening his window problematic;
- This would have an impact on the clothes drying area for the flats above;
- The area had already been the target of graffiti, rubbish and vandalism and this would likely increase;
- There was a history of smoking drugs and smashing of bottles;
- It was likely that customers would sit on the stairs, which could be threatening;
- There would likely be increased parking problems;
- The opening hours were too long and should be reduced;
- He asked that Members refuse the application.

The Vice-Chair thanked Councillor Ian Albert for his presentation.

The following Members asked questions and took part in the debate:

- Councillor Daniel Allen:
- Councillor Mike Rice:
- Councillor David Levett;
- Councillor Sue Ngwala;
- Councillor Mike Hughson;
- Councillor Tony Hunter.

In response to questions the Development and Conservation Manager advised that:

Condition 6 stated the opening hours as recommended by Environmental Health.

The Senior Planning Officer advised that:

- This was a repeat application that had been submitted to try to overcome previous concerns;
- Planning was unable to legislate for people's behaviour;
- ETC7 of the emerging Local Plan was designed to protect existing shops, this would not apply in this case as the shop was remaining;
- Cleaning of the extraction unit, noise surveys etc would be considered;
- The previous refusal related to size and design.

A Member suggested that, if the application were approved, an additional condition should be included to ensure that the back door remained closed.

Councillor David Levett proposed that the application be refused planning permission on the grounds that the siting of the flue would cause harm to the living conditions of nearby residential dwellings contrary to D3 of the emerging Local Plan. Councillor Sue Ngwala seconded refusal.

Upon the vote it was:

**RESOLVED:** That application 20/00547/FP be **REFUSED** planning permissions for the reasons below:

The proposal would be likely to cause harm to the living conditions of nearby residential dwellings in general, and, in particular to the first floor flats above 1-3 The Mead, where their external access steps and first floor habitable room windows to the existing side elevation are in close proximity to the proposed A5 uses side access door and to the proposed extraction flue. The harm identified would result from unacceptable levels of noise/disturbance and odours in this locality associated with the A5 use. As a result the application is considered to fail to comply with Policies 8 and 57 of the North Hertfordshire District Local Plan no.2 with Alterations 1996, Policies D1 and D3 of the North Hertfordshire District Proposed Submission Local Plan 2011-2031 and the provisions of the NPPF, particularly Sections 8 (Paragraph 91), 12 (Paragraphs 127 & 130), and 15 (Paragraph 180).

NB: The Committee took a comfort break at 21.16

The meeting resumed at 21.28 at which time the Committee, Member and Scrutiny Manager undertook a roll call.

# 47 20/01564/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE, SG4 7UJ

Audio recording – 1 hour 55 minutes 36 seconds

The Development and Conservation Manager presented the report in respect of application 20/01564/FP supported by a visual presentation consisting of photographs and plans.

Mrs Diane Burleigh and Mr Robert Dedman thanked the Vice-Chair for the opportunity to address the Committee in objection to application 20/0154/FP.

Mrs Burliegh gave a verbal presentation including:

- Although not a resident of Preston, she had a close association as a shareholder of the Red Lion Pub;
- She was speaking with the agreement of Preston Parish Council;
- She felt that this application did not comply with Preston's Neighbourhood Plan, in particular Policy HD3, House Types, which the officer acknowledged in his report;
- The application was for 4 and 5 bedroomed houses in a village where the average house price was in excess of £1 Million;
- HD3 identified the need for houses suitable for families, local people and first time buyers rather than large houses;
- There was also a need for bungalows for those downsizing;
- This application failed to comply with HD4 which required development to take into account local housing need;
- Although Preston Council acknowledge the need for low density housing, this was too low at 3 houses per hectare;
- Two or three more houses would still enable appropriate landscaping and wildlife buffer zones whilst protecting the amenity of neighbouring properties;
- It was concerning that the Preston Neighbourhood Plan, made in April 2020, had not been taken into account;
- Paragraph 8.5 of the emerging Local Plan stated that applicants should be mindful of emerging and adopted neighbourhood plans;
- The application should be refused as it did not meet housing needs or requirements of ecology or biodiversity.

Mr Dedman gave a verbal presentation including:

- He lived in the property adjacent to the development and would therefore be the most affected;
- The application area was in the green belt and in a conservation area;
- There was a wealth of wildlife in the field including protected species.

The following Members asked questions:

Councillor Sue Ngwala.

In response to questions Mr Dedman advised:

- There would be a roadway close to the living room and bedroom windows;
- This meant they would see all of the vehicle on the property;
- Only one small hedge was planned in between the development and their house.

The Vice-Chair thanked Mrs Burleigh and Mr Dedman for their presentations.

Mr Colin Eades thanked the Vice-Chair for the opportunity to address the Committee in support of application 20/01564/FP and gave a verbal presentation including:

- The land was not in the green belt;
- The land has been in the ownership of the applicant for twenty years
- The number of houses could not be a factor when judging an application;
- Highways, ecology waste etc either have no objection or objections can be overcome by conditions;
- Is was normal for an application to have a few objections:
- Preston did not lie within the green belt;
- The site came within settlement limits;

- The Councils lacked a 5 year housing supply and this development represented very special circumstances;
- The emerging Local Plan should be given significant weight.
- He urged Members to support the application.

The following Members asked questions:

- Councillor Ian Mantle;
- Councillor Tom Tyson;
- Councillor Daniel Allen:
- Councillor David Levett.

In response to questions Mr Eades advised:

- They would be happy for environmental building standards to be imposed on the development;
- Electric Vehicle Charging Points were included;
- There were a variety of designs of houses in the area. The style of these building was taken from Lutyens buildings.

The Vice-Chair thanked Mr Eades for his presentation.

The Development and Conservation Manager referred to Policies HD3, HD4 and HD5 of the Preston Neighbourhood Plan and advised that if Members were minded to defer the application, they should be working towards consent.

The following Members took part in the debate:

- Councillor David Levett:
- Councillor Tom Tyson;
- Councillor Sue Ngwala;
- Councillor Tony Hunter.

Members expressed concern regarding lack of adherence to Policy HD5 of the Neighbourhood Plan and concern regarding water conservation, biodiversity and landscaping.

Councillor Tom Tyson proposed, Councillor Sue Ngwala seconded and it was:

**RESOLVED:** That application 20/01564/FP be **DEFERRED** for the following reasons:

Members deferred the decision but were minded to grant planning permission. They are looking for a package of measures to seek compliance with Policy HD5 of the Preston Neighbourhood Plan, many of which are already in the scheme, including EV charging points. There is discussion in the policy of water conservation, biodiversity and landscaping. Officers will work with the applicant to seek this submission and report back to Members with a report focussed only on these matters.

# 48 20/01852/FPH 13 SUFFOLK ROAD, ROYSTON, HERTFORDSHIRE, SG8 9EX

Audio recording – 2 hours 31 minutes 28 seconds

The Development and Conservation Manager presented the report in respect of application 20/01852/FPH supported by a visual presentation consisting of photographs and plans.

He advised that both neighbour objections had now been withdrawn.

Councillor Morgan Derbyshire proposed, Councillor Ian Moody seconded and it was:

**RESOLVED:** That application 20/01852/FPH be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

# 49 PLANNING APPEALS

Audio recording – 2 hours 34 minutes 30 seconds

The Development and Conservation Manager reminded Members that the final PAS Training for Members would be held on 28 October 2020.

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

The meeting closed at 10.07 pm

Chair



#### NORTH HERTFORDSHIRE DISTRICT COUNCIL

#### PLANNING CONTROL COMMITTEE

# MEETING HELD AS A VIRTUAL MEETING ON THURSDAY, 19TH NOVEMBER, 2020 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant,

Morgan Derbyshire, Tony Hunter, David Levett, Sue Ngwala, Sean Prendergast, Mike Rice, Sam Collins (In place of Tom Tyson) and

Michael Muir (In place of Ian Moody)

In Attendance: Simon Ellis (Development and Conservation Manager), Nurainatta

Katevu (Legal Regulatory Team Manager), Naomi Reynard (Senior Planning Officer), Matthew Hepburn (Committee, Member and Scrutiny Officer) and Anna Gouveia (Committee, Member and Scrutiny Officer)

Also Present: At the commencement of the meeting approximately 3 members of the

public, including registered speakers and Member Advocate Tom Tyson

#### 50 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

Audio recording 6 seconds

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live onto YouTube and recorded via Zoom.

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate: and
- Voting.

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Planning Control Committee, Councillor Ruth Brown started the meeting proper.

#### 51 APOLOGIES FOR ABSENCE

Audio recording 3 minutes 3 seconds

Apologies for absence were received from Councillors Ian Moody, Mike Hughson and Tom Tyson.

Having given due notice, Councillor Michael Muir advised that he would be substituting for Councillor Ian Moody and Councillor Sam Collins advised that he would be substituting for Councillor Tom Tyson.

#### 52 NOTIFICATION OF OTHER BUSINESS

Audio recording 3 minutes 40 seconds

There was no other business notified.

#### 53 CHAIR'S ANNOUNCEMENTS

Audio recording 3 minutes 45 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded as well as filmed. The audio recording would be available to be viewed on Mod.Gov and the film recording would be available via the NHDC YouTube channel;
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (3) The Chair welcomed the registered speakers to the meeting and explained that objectors, supporters and Member Advocates would each have five minutes per group to speak on each item and would be alerted at 4 ½ minutes and further when their time was up.

#### 54 PUBLIC PARTICIPATION

Audio recording 4 minutes 57 seconds

The registered speakers had been confirmed as present during the roll call.

#### 55 18/02722/FP LAND SOUTH OF HEATH LANE, CODICOTE, HERTFORDSHIRE, SG4 8YL

Audio recording 5 minutes 6 seconds

Residential development of 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road (as amended by drawings received 1<sup>st</sup> and 6<sup>th</sup> November 2018, 17<sup>th</sup> and 18<sup>th</sup> December 2018 and 3<sup>rd</sup> April 2019).

The Chair advised that this item had been withdrawn from the agenda.

# 56 20/00126/FP LAND NORTH OF ASHWELL STREET AND SOUTH OF LUCAS LANE BETWEEN HUNTSRIDGE AND EAST LODGE, 22 LUCAS LANE, ASHWELL, HERTFORDSHIRE

Audio recording 5 minutes 17 seconds

Erection of 24 dwellings including creation of vehicular access off Ashwell Street, footpath link to Lucas Lane, associated public open space and landscaping (as amended by plans received 17.08.20).

The Senior Planning Officer presented the report in respect of application 20/00126/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- Paragraph 4.3.26 under "Recommendation" the first sentence should be deleted as it was included in error;
- Paragraph 4.3.85 all the pound signs had changed to the letter 'J' in error when the report was published;
- The Growth and Infrastructure Team, Hertfordshire County Council had requested that the indexation was clearly stated for the library service, youth service and secondary school education provision. This would be PUBSEC 175.
- There was an error in paragraph 3.23 and in fact fire hydrants were requested as per the consultation response from Hertfordshire County Council, Growth and Infrastructure Team;
- A representation had been received from Bygrave Parish Council since the report was published which highlighted concerns about construction traffic. Should Members be minded to grant permission these concerns could be dealt with by a condition requiring a traffic management plan;
- The Environment Agency had been reconsulted in light of the concerns raised by local residents with regard to surface water flooding. They had provided advice which was received after the Committee report was published. Should Members be minded to grant planning permission this issue this could be dealt with by condition.

Mr Graham Lee, Chair of Ashwell Parish Council, thanked the Chair for the opportunity to address the Committee in objection to application 20/00126/FP.

Mr Lee gave a verbal presentation including:

- Ashwell Parish Council supported the recommendation of the Senior Planning Officer to refuse planning approval for the development, for the reasons stated in her report;
- Ashwell Parish Council had submitted objections to the application previously as detailed in the Senior Planning Officer's report at paragraph 3.24;
- In addition to the previous objections made, the Parish Council wished to raise the safety of the proposed vehicular access via Ashwell Street and Kingsland Way and the safety of non-motorised users of Ashwell Street;
- Ashwell Parish Council considered that the concept and location of the application conflicted with a number of local and national planning policies.

Councillor Tom Tyson, Member Advocate, thanked the Chair for the opportunity to address the Committee, including:

- He was speaking in objection to the application and in support of the Senior Planning Officer's recommendation to refuse planning permission for the development;
- On the whole, neighbours' comments (paragraph 3.25) had been taken in consideration;
- There was an ongoing issue of drainage and sewerage problems thought to be due to a full sewer which might be compounded by new development;

- Open spaces and the rural character of Ashwell were being gradually eroded;
- 116 new homes had been built in Ashwell over the last 9 years;
- This development was unacceptable and would detract from the rural character of Ashwell.

Mr Sav Patel, speaking on behalf of the client Manor Oak Homes, thanked the Chair for the opportunity to address the Committee, including:

- Mr Patel wished to speak in support of the application;
- The development would support the Council's efforts towards meeting the house building and delivery target set by the government and included 8 affordable homes;
- The village of Ashwell was a sustainable location for development as it had a good range of facilities and was located close to the towns of Royston, Baldock and Biggleswade and had a railway station at Ashwell and Morden;
- The current Local Plan was considered to be out of date due to its age and non-conformity with the NPPF particularly in regard to Countryside Protection Policy 6;
- In the emerging Local Plan Ashwell is a Category A village where general development is allowed within the settlement boundary;
- The benefits of the scheme would outweigh the less than substantial harm that has been identified;
- The development had been designed to respond to the site constraints without adversely impacting local residents in terms of open space and views.

The following Members asked questions in relation to conservation and archaeology:

- Councillor David Levett;
- Councillor Val Bryant;
- Councillor Sam Collins.

Mr Patel stated that he considered that the concerns of the Conservation Officer had been addressed by the revised scheme and that his client was willing to undertake archaeology investigations as required and if necessary lift any remains or preserve them on the site.

In response to a question, Mr Patel confirmed that his client would look to agree Section 106 undertakings for the development once the scheme had been granted approval.

The Senior Planning Officer responded to points including:

- Refusal was not recommended on the grounds of concerns with regard to highways safety or drainage as this would be difficult to defend at appeal without objections from the relevant local authorities, but these matters could be raised if the application went to appeal;
- The view of the planning team was that the public benefits of the scheme would not outweigh the harm to the heritage asset;
- The Historic Environment Advisor had advised that the archaeology matter could be dealt with by condition.

The following Members took part in debate:

- Councillor David Levett:
- Councillor Daniel Allen;
- Councillor Tony Hunter;
- Councillor Michael Muir.

Points raised in the debate included:

- The report of the Development and Conservation Officer had concluded that the
  development would occasion less than substantial harm toward the upper end of the
  continuum that would outweigh the public benefits associated with the delivery of 24
  dwellings and this opinion had been supported by several agencies;
- 24 houses would not necessarily make a big difference to housing targets;
- The 8 affordable houses were not secured as the Section 106 agreement was not yet in place;
- There were concerns over highways access;
- The number of vehicle movements in and out of the site per day (24) might have been underestimated:
- Members discussed whether to add highways concerns to the grounds for refusal;
- Members agreed that highways should not be added to the list of grounds for refusal due to the absence of an objection from the Highways Authority and the fact that this may be difficult to defend at appeal;
- The report of the Senior Planning Officer was comprehensive and provided three reasons for refusal;
- The Senior Planning Officer's report contained a balanced assessment of paragraph 196 of the NPPF.

The Development and Conservation Manager and the Legal and Regulatory Team Manager advised that the inclusion of highways concerns in the grounds for refusal without the support of the Highways Authority could result in a substantial cost award against North Herts District Council at a Public Enquiry even if the decision to refuse was upheld. Members subsequently agreed not to include an additional reason of highways concerns in the grounds for refusal.

Councillor David Levett proposed to refuse planning permission which was seconded by Councillor Daniel Allen and upon being put to the vote, it was:

**RESOLVED:** That application 20/00126/FP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

### 57 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals which was noted.

The Development and Conservation Manager advised Members that a recording of the training for Members delivered by the Planning Advisory Service would be made available on the Council's learning platform for all Members.

The Planning Advisory Service had agreed to deliver further training for Parish Councils in the new year.

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

The meeting closed at 8.33 pm

Chair

