

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:

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.

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