

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 Ian 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 resilient 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 left 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;
 - 2) The applicant to be requested to provide a copy of the Environment Agency water extraction licence;
 - 3) 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 Burleigh 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;
- It 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