**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD AS A VIRTUAL MEETING**
**ON THURSDAY, 17TH DECEMBER, 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, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson*

**In Attendance:** *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Tom Rea (Principal Planning Officer), Mark Simmons (Conservation 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* 5 *members of the public, including registered speakers. Councillor Ian Albert was present as Member Advocate.*

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

*Audio recording – 9 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 Committee, Member and Scrutiny Officer undertook a roll call and drew attention to the Remote/Partly Remote Meetings Protocol Summary which gave advice regarding the following:

- Attendance;
- Live Streaming;
- Noise Interference;
- Rules of Debate;
- Voting; and
- Part 2 Items.

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

## 68 APOLOGIES FOR ABSENCE

*Audio recording – 3 minutes 56 seconds*

Apologies for absence were received from Councillors Ian Moody, Michael Muir as Substitute, and Lisa Nash as Member Advocate.

## 69 MINUTES - 13 FEBRUARY 2020 TO 19 NOVEMBER 2020

*Audio Recording – 4 minutes 31 seconds*

Councillor Ruth Brown advised that since the beginning of March, when NHDC started to hold meetings remotely, it had not been possible to approve Minutes of meetings. Minutes could now be approved with the electronic signature of the Chair being applied following approval.

There were 8 sets of Minutes to agree:

- 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 Legal and Regulatory Team Manager confirmed that the current Chair of the Committee could sign the minutes on behalf of any other Chair who may have chaired a meeting in her absence.

Councillor Ruth Brown proposed, Councillor Daniel Allen seconded and it was:

***RESOLVED:***

(1) That the Minutes of the Meeting of the Committee held on 13 February 2020, 28 May 2020, 18 June 2020, 16 July 2020, 20 August 2020, 17 September 2020, 15 October 2020 and 19 November 2020 be approved as a true record of the proceedings and be signed by the Chair;

(2) That, with the authorisation of the Chair, her electronic signature and initials be attached to the Minutes approved in (1) above.

## 70 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 8 minutes 35 seconds*

There was no other business notified.

## 71 CHAIR'S ANNOUNCEMENTS

*Audio recording – 8 minutes 39 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 as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC Youtube channel.

(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) 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 ½ minutes and speakers would be asked to cease at 5 minutes.

## 72 PUBLIC PARTICIPATION

*Audio recording – 10 minutes 2 seconds*

The Chair confirmed that the registered speakers were in attendance.

## 73 20/01564/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE, SG4 7UJ

*Audio recording – 10 minutes 17 seconds*

Erection of one 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane (as amended by plan received 19.11.2020).

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

## 74 20/02371/LBC HITCHIN TOWN HALL, BRAND STREET, HITCHIN, HERTFORDSHIRE, SG5 1HX

*Audio recording – 10 minutes 25 seconds*

Replace existing wood floor to Hitchin Town Hall using solid oak floor planks secret nailed/glued to new hardwood support battens.

The Conservation Officer presented the report in respect of application 20/02371/LBC supported by a visual presentation consisting of photographs and plans.

The following Members asked questions and took part in debate:

- Councillor Daniel Allen;
- Councillor David Levett;
- Councillor Mike Hughson;
- Councillor Tony Hunter.

In response to questions raised, the Conservation Officer responded as follows:

- The application could have been approved by delegated authority if the building had not been owned by North Hertfordshire District Council;
- A condition could be added to request that details of the oak floor to be used would be submitted to the Local Planning Authority to satisfy it that the material had come from a sustainable source, and also that the existing Kapur floor had been disposed of appropriately;
- It should be possible to obtain a replacement bespoke key for the sprung floor, although it was unclear whether the sprung floor system would still be able to function and whether using the mechanism could cause problems.

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

***RESOLVED:*** That application 20/02371/LBC be **GRANTED** planning permission subject to the conditions and reasons in the report of the Development and Conservation Manager and the following additional condition and reason:

Condition 3 to be added to read:
"Notwithstanding the Method Statement dated 13/10/2020 prepared by Floorteq Limited and in which it states that 'Timber waste and general building debris to be transferred to waste skips via side entrance in Grammar School Walk', details regarding off-site disposal of the existing Kapur timber floor together with details of the source of the oak for the new floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby granted consent. Thereafter, the works shall be undertaken in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the 'NHDC Climate Change Strategy 2020-2025' where at 'Appendix B - Proposed actions' it states that, NHDC will continue to work with its suppliers and contractors to minimise the environmental impact of their products and services across NHDC sites and to work with and where possible require its suppliers and contractors to reduce the impact of goods and services by considering whole life costs."

## 75 20/01638/FP LAND TO THE REAR OF NOS 61 AND 61A RADCLIFFE ROAD, HITCHIN, SG5 1QG

*Audio recording – 28 minutes 16 seconds*

Conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area (as amended by plan received 21.10.20).

The Principal Planning Officer presented the report in respect of application 20/01638/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- The amended plan, Revision A to the proposed plans and elevations, showed more clarity in terms of the rooflights proposed on the rear elevation of the refurbished and extended building.

The following Members asked questions:

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

The Principal Planning Officer responded to questions as follows:

- Current access to the site was via the applicant's own land between numbers 59 and 60 Radcliffe Road;
- There would be a planning condition securing electrical vehicle charging points;
- The overall height of the building would be raised from 6.3 metres to 6.7 metres.

Ms Lisa Montague, thanked the Chair for the opportunity to address the Committee in objection to application 20/01638/FP.

Ms Montague gave a verbal presentation including:

- In accordance with the National Planning Policy Framework, sustainable development must meet present needs which included the ability for local residents to access parking within the Control Parking Zone (CPZ);
- There were two petitions objecting to the second access route to the development - one of 44 residents to North Herts District Council and one of 54 residents to Hertfordshire County Council;
- There was no need for a second access route, the existing one could be used and this would represent more efficient use of land;
- She had no objection to developing the site in principle, but not at the expense of local residents and parking;
- The proposed development would remove two on-street parking spaces from an already congested area where parking was a problem;
- The following sections of the NPPF were cited in support of this position: 102E e), 92A, 92C, 122 and 123C Section 12.

Mr Duncan Leach, thanked the Chair for the opportunity to address the Committee in objection to application 20/01638/FP.

Mr Leach gave a verbal presentation including:

- The second access route off the highway was not needed, use of the existing access would allow the development to proceed with zero harm;
- He considered that the necessary consultation with the relevant stakeholders for amending the CPZ had not occurred;
- He showed the Committee a photograph showing the busy parking on the road which had increased due to people staying at home during the pandemic.

Councillor Ian Albert, Member Advocate, thanked the Chair for the opportunity to address the Committee in objection to application 20/01638/FP.

Councillor Ian Albert gave a verbal presentation including:

- This was the latest in a series of applications in the roads off Walsworth Road and Nightingale Road, Hitchin, which were likely to have a detrimental effect on parking and increase the number of vehicles in the area;
- The development would necessitate the removal of at least one, possibly two parking spaces;
- The development itself would be improvement on what was there now and would provide additional dwellings in the area;
- The new entrance way was very narrow and raised doubts over the operability of the turntable;
- The bin storage seemed to be above 15 metres from the collection point;
- Exceptional circumstances for removing the two parking spaces had not been demonstrated and there was a better access way in existence;
- There was no comment from the parking section of North Herts District Council which would have been helpful.

Mr Ryan Albone thanked the Chair for the opportunity to address the Committee in support of application 20/01638/FP.

Mr Ryan Albone gave a verbal presentation including:

- The application was seeking full planning consent for the conversion of existing outbuildings to 2 new dwellings behind 61 and 61A Radcliffe Road;
- The principle of development was accepted;
- The proposed access would provide off-street parking to 3 dwellings (the 2 new plots and 61A)
- It would result in the loss of just one space as the remaining space available for parking would be 15.6m long and therefore provided space for 3 cars;
- The new dropped kerb wold occupy 5.4m which was the approximate length of one on-street parking space;
- Concerns over the loss of parking space to existing residents was appreciated, but it was considered that this was outweighed by the benefits of the development;
- Other nearby parking areas were available to residents;
- The alternative should the application be refused may be to seek permission for the same 2 properties, but with no off-street parking provided. Parking permits would then have to be provided to new dwellings which would increase the demand on street;
- If the applicant were to seek a new dropped kerb for a private driveway in the same place but to serve 61A only, this would likely not require planning permission and be solely under the jurisdiction of Herts County Council Highways team. A later re-use of this then existing access to serve the new dwellings would then be possible;
- The existing access was very narrow and therefore only appropriate to serve the one existing dwelling.

The following Members asked questions of clarification:

- Councillor Daniel Allen;
- Councillor David Levett;
- Councillor Mike Hughson;
- Councillor Val Bryant.

Mr Ryan Albone responded to questions as follows:

- The existing access way was approximately 2.3 metres at the tightest point; the proposed new access way was 3 metres wide which met Herts County Council Highways requirements;
- This width would allow ambulances access but not larger fire appliances; fire access was separate;
- Two of the three parking bays which would remain were ‘drive in’ bays so only required 4.8m space;
- Highways would not accept more than 3 dwellings coming off either the new or existing access ways due to their width.

The Principal Planning Officer responded to points raised as follows:

- He agreed that achieving sustainable development was not just about profit for the developer but that there must be beneficial outcomes for the wider community and that we should not be carrying out development that compromised the needs of future generations;
- Also planning decisions should be taken in the public interest, but one of those interests was to ensure the local planning authorities delivered a supply of homes to meet its housing needs in sustainable locations such as this, where people could access a wide range of employment opportunities and other community services and in doing so reduce their need to travel, and in particular to use cars;
- The loss of the parking space was acknowledged but this had to be balanced against the need to deliver new homes in sustainable locations;
- Whilst there might be merit in an alternative scheme, the scheme before the Committee was that scheme detailed in the report and presentation;

- Consultation had been carried out through the planning application;
- The Controlled Parking Zone situation would be a matter for the Council's Strategic Infrastructure and Projects Team who managed the CPZ in this area;
- The bins were between 30 and 37 metres away from the highway. A condition could be included for a bin storage area placed towards the front of the site;
- Amendments to the Council's Parking Strategy were being considered in light of other recent developments in the area.

The following Members took part in debate:

- Councillor Sue Ngwala;
- Councillor David Levett.

Comments included:

- It was suggested that the Committee might want to consider deferring its decision on the application until discussion had taken place concerning potential amendments to the Council's Parking Strategy which might affect the development;
- A change to the CPZ would require a full consultation and a full review of that CPZ;
- The source of funding would need to be considered.

It was proposed by Councillor Sue Ngwala, seconded by Councillor David Levett, and:

***RESOLVED:*** That application 20/01638/FP be **DEFERRED** for the following reason:

To seek more information on any changes to the local Controlled Parking Zone (CPZ) that would take place to lose an existing on street car parking space if permission was granted. More information was needed on the practical implications and likely impact on local parking conditions.

**76 20/02474/FP ASHCROFT, SLIP LANE, OLD KNEBWORTH, KNEBWORTH, HERTFORDSHIRE, SG3 6QG**

*Audio recording – 1 hour 15 minutes 55 seconds*

Erection of one detached 4-bed dwelling including creation of vehicular access off Slip Lane.

The Principal Planning Officer presented the report in respect of application 20/02474/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- The Addendum Report differed from the original report only in that it included the formal comments of Heritage England who did not wish to comment on the application;
- Councillor Lisa Nash had confirmed her support of Codicote Parish Council's objection.

Ms Tracey Sullivan thanked the Chair for the opportunity to address the Committee in support of application 20/02474/FP.

Ms Sullivan gave a verbal presentation including:

- The scheme had been approached with thought and consideration to the surroundings;
- Professional, impartial advice had been sought on the development from a variety of sources including on planning, ecology, arboricultural and highways.

The following Councillors took part in debate:

- Councillor David Levett;
- Councillor Daniel Allen.

It was proposed by Councillor David Levett, seconded by Councillor Daniel Allen, and:

***RESOLVED:*** That application 20/02474/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

*NB: The Committee took a comfort break at 21.01*

*The meeting resumed at 21.16 at which time the Committee, Member and Scrutiny Manager undertook a roll call.*

**77 20/01017/FP LAND SOUTH OF DURHAM WAY, ROYSTON GATEWAY, ROYSTON, HERTFORDSHIRE, SG8 5GX**

*Audio recording – 1 hour 46 minutes 38 seconds*

Erection of three Class E (former B1C, B2 and B8) units with associated car parking and ancillary works.

The Development and Conservation Manager presented the report in respect of application 20/01017/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- There had been discussion with the applicant's agent and the description of the development had been changed to read as follows: Erection of three Class E (former Class B1C units), B2 and B8 units with associated car parking and ancillary works. This clarified that it was only the former Use Class B1C that fell within the new Use Class E.
- The wording of recommended Condition 3 had also been changed to read: Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 Order the approved units should only be used for uses falling within Use Class E(g) which was former Use Class B1, B2 and B8, and should not be changed to any other use including any other uses within the new Use Class E which could include A1, A2, A3, D1 without first obtaining a specific planning permission from the local planning authority;
- Because of those changes to the recommendation, there needed to be subsequent changes to paragraphs 4.32, 4.33 and 3.33.

The Development and Conservation Manager clarified that in September 2020 a new Use Class Order was produced which had replaced Use Classes B1A, B1B, B1C and D1 with a new Class E which related to Commercial Business and Service Uses. The agent and applicant had confirmed that they continued to seek a flexible planning permission for one element of Class E which was former Class B1, B2 and B8, i.e. a flexible permission for office use, light industrial, general industrial and warehouse storage and distribution uses. It was a speculative planning application with no identified end user for each of the proposed units. The purpose of recommended Condition 3 was to prevent changes of use to other uses within the new Class E such as retail, leisure or any other uses without planning permission, i.e. it was not a completely open-ended commercial planning permission. Condition 3 however did allow changes of use within the scope of office, light industrial, general industrial and storage use.

The Development and Conservation Manager further updated the Committee as follows:

- Recommended Condition 15 had been removed as the Environmental Protection Officer had advised that the application site boundary was not adjacent to the site which housed an electricity substation, therefore it had been accepted that no further intrusive investigation was required at that site;
- With regard to the Materials Condition (4) it had been suggested that graded panelling be used to make the building more recessive although it was acknowledged that graded panelling tended to work better on buildings that had a flat roof. The applicant's agent responded to say that they did not consider graded panelling to be an appropriate response in this location and for this scale of building. As detailed in the Planning Officer's report at 4.3.31, the applicant's agent advised that:

  ***'The request to replace the pitched roof with a flat roof in the design has not been possible to accommodate having regard to potential occupier demand. Maintaining the roof slope in its current form allows for the proposed rooflights and provides an opportunity for solar panels.'***

  As such Condition 22 has been recommended requiring details of the solar panels to be submitted and approved by the local planning authority.

  In any case, Condition 4 requires that details of materials be submitted to and approved in writing by the local planning authority. The issue of cladding can be considered when an appropriate application is made for approval of the details required by that condition;

- Condition 21 – Electrical Vehicle (EV) charging points. On the advice of the Environmental Protection Officer in relation to air quality, Condition 21 has been recommended requiring 10% of the car parking spaces to be designed for plug-in electric vehicles and served by EV-ready charging points in line with the emerging Local Plan Policy D4;

- The proposed number of car parking spaces at the site fell short of the maximum standard for this site (based on the Car Parking Supplementary Planning Document) by 27 spaces. This was considered acceptable given the sustainable location and the fact that more than double the minimum number of cycling spaces had been proposed;

- In relation to Section 106 and Sustainable Transport Solutions, although in theory a £65,000 fund was available, a suitable local infrastructure project had not been identified by Hertfordshire County Council, therefore no tariff could not be levied on the developer for this.

The following Members asked questions:

- Councillor Daniel Allen;
- Councillor Sue Ngwala;
- Councillor Ruth Brown;
- Councillor Tony Hunter;
- Councillor Tom Tyson.

The Development and Conservation Manager responded as follows:

- The solar panels would fit between the windows. Condition 22 required details of solar panels to be provided prior to the commencement of development which would ensure this commitment was delivered;

- The Section 106 regulations had been tightened from 2010 and S.106 could not now be used as a tariff, rather a project had to be identified at the planning permission stage that the scheme would impact on in order to access the funding;
- An additional shuttle bus service would be funded by the Business Improvement District (BID) through the businesses who occupied the premises;
- The District Council's Transport Officer had been consulted as well as Hertfordshire County Council regarding potential sustainable transport projects.

Ms Stacey Rawlings thanked the Chair for the opportunity to address the Committee in support of application 20/01017/FP.

Ms Rawlings gave a verbal presentation including:

- The development of the site would offer a range of significant benefits including the provision of 100+ jobs anticipated to be available from the end of 2021;
- The developer hoped to commence on site in Spring 2021 and there would be an approximate 8 month construction period;
- The development offered the construction of three small to medium-sized commercial units tailored to meet the demand for the local area and to help deliver the Council's employment strategy;
- Sustainable transport measures had been provided on site to encourage walking, cycling and bus use. Several other recent schemes had contributed S.106 funding for sustainable transport projects in the area;
- A landscaping scheme had been produced;
- There was extant planning permission for the site.

It was proposed by Councillor Tony Hunter, seconded by Councillor Morgan Derbyshire, and

***RESOLVED:*** That application 20/01017/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

## 78 PLANNING APPEALS

*Audio recording – 2 hours 14 minutes 15 seconds*

There were no updates on Planning Appeals.

The Development and Conservation Manager advised that application 20/00507/FP Oughton Head Pumping Station had now been withdrawn after being deferred following consideration at the meeting of 15 October 2020.

The meeting closed at 9.46 pm

Chair