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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

#### MEETING HELD AS A REMOTE MEETING ON WEDNESDAY, 20TH JANUARY, 2021 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Councillor Ruth Brown (Chair), Councillor 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:** *Tom Allington (Principal Planning Officer), Nurainatta Katevu (Legal & Regulatory Team Leader), Andrew Hunter (Senior Planning Officer), William Edwards (Committee, Member and Scrutiny Officer), Louis Franklin (CSC – IT Support)*

**Also Present:** *At the commencement of the meeting approximately 4 members of the public, including registered speakers, and Councillor Lisa Nash as Member Advocate.*

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

*Audio Recording – 8 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;
- Part 2 Items.

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

The Committee, Member and Scrutiny Officer advised Members that due to a change to the remote meeting software votes at this meeting would be conducted by roll-call.

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

**80 APOLOGIES FOR ABSENCE**

*Audio recording – 3 minutes 9 seconds.*

Apologies for absence were received from Councillor Ian Moody.

The Development and Conservation Manager, Simon Ellis, and Senior Planning Officer, Jo Cousins, were absent from the meeting due to unforeseen circumstances.

**81 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 3 minutes 15 seconds.*

There was no other business notified.

**82 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 4 minutes 9 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;
- (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.

The Chair advised that the Principal Planning Officer, Tom Allington, had stepped in at short notice to replace absent officers and request that Members be considerate of the limited time he had to prepare prior to the meeting.

**83 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes 45 seconds.*

The Chair confirmed that the registered speakers and Member Advocate were in attendance.

**84 20/00637/FP Flint Hall Farm, London Road, Royston, Hertfordshire, SG8 9LX**

*Audio Recording – 5 minutes 50 seconds.*

Conversion of existing barn and grain store to provide two 4-bed and one 3-bed dwellings. Erection of two 4-bed dwellings, associated car parking, landscaping and ancillary works.

The Principal Planning Officer presented the report in respect of application 20/00637/FP supported by a visual presentation consisting of photographs and plans.

Ms Jessica Hall thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- The existing structures were a good example of a 19<sup>th</sup> century model farm and formed a non-designated heritage asset;
- Consent for this development had been granted previously but work had not commenced before the 3 year allotment and therefore permission had lapsed;
- The proposed development would retain and protect the existing buildings;
- Intervention was necessary to preserve these heritage assets;
- Commercial and agricultural uses were not viable and therefore a sympathetic residential development was the only option;

The following Members asked questions:

- Councillor Val Bryant

In response to questions Ms Hall advised:

- Since the first application regulations on protected species had changed;
- A bat survey had been required and was completed;
- The central barn area had open roof space and was retained in the proposed development, providing roosting areas for bats.

The Chair thanked Ms Jessica Hall for her presentation.

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

- Councillor Tony Hunter
- Councillor Tom Tyson
- Councillor Val Bryant
- Councillor Daniel Allen
- Councillor David Levett

In response to questions the Principal Planning Officer advised:

- There was provision in the recommendations for electric vehicle (EV) charging points and imposing more might be considered unreasonable;
- The conditions in the report on vehicle access had been imposed on the recommendation of Herts County Council Highways officers and would have to be fulfilled prior to occupation.

Councillor Daniel Allen proposed, Councillor Tony Hunter seconded and it was:

**RESOLVED:** That application 20/00637/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**85      20/02109/FP Nup End Farm House, Nup End, Old Knebworth, Hertfordshire, SG3 6QJ**

*Audio Recording – 24 minutes 37 seconds.*

Erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access.

The Senior Planning Officer presented the report in respect of application 20/02109/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- Paragraph 4.3.24 of the report should be amended to refer to “3 dwellings”
- Paragraph 4.4.1 of the report should be amended to omit “and to a designated heritage asset.”

The Chair invited Jeanette and Suzie Deards to address the Committee.

Jeanette and Suzie Deards gave a verbal presentation including the following:

- They had lived next to the proposed development site for 40 years and in that time had never been overlooked or disturbed;
- The 3 detached properties proposed would result in overcrowding and would not be in keeping with the area;
- 2 of the proposed properties would overlook their property and have a material impact on their privacy and natural light as well as an impact on the value of their property;
- The proposed entrance to the site had never been used as an entrance before; it was off a busy road with a double corner and therefore dangerous;
- The amount of cars associated with the development would outstrip the proposed parking allocated by the plans and would have a negative environmental impact;
- The developments surrounding the proposed site met existing demand;
- Waste and water drainage in the area was not strong and new residences would result in increased strain on the infrastructure;
- The development was in a conservation area and a green belt site;
- Local schools were oversubscribed; busses were infrequent; there would likely be 2 cars associated with every property which were necessary due to the rural location of the site.

The Chair invited Councillor Lisa Nash (Member Advocate) to address the Committee.

Councillor Lisa Nash thanked the Chair and addressed the Committee including the following:

- Councillor Nash was ward member for the applicant and seeking permission for the applicant to build in their unused back garden;
- The site sat next between a business park against one boundary, residential flats on another and a road on the third, with a well established hedgerow overlooking a small party boundary into open fields;
- A development in this site would not result in any loss of openness;
- The proposed development utilises a small private garden which serves no other purpose at present;
- Some objections contained in the report from nearby residents were not founded on relevant planning considerations;
- In view of Section 13 of the NPPF this development would not alter the boundary of the green belt and would not lead to a loss of openness;
- Previous developments in green belt land had been approved;
- The LEP allowed for this sort of development on other sites.

The Chair invited Mr Stephen Rice to address the Committee.

Mr Rice thanked the Chair for the opportunity to address the Committee and gave a presentation including the following:

- In view of the housing supply shortfall the provision of 3 dwellings should be given some weight;
- The principle in favour of sustainable development meant that unless an exception was in play approval should be given, and that while the land in question was in the green belt a decision of the Supreme Court included in their application indicated that approval could be granted;
- The site was a private garden and not open land and therefore a development would not impact the openness of the green belt; there was no conflict of purpose with the green belt policy and no harm to the existing character of the area;
- The site was well enclosed;
- The site was not situated in an unsustainable location; local facilities were a short walk or cycle away in Knebworth and a bus route ran nearby;
- Development in Old Knebworth nearby had been permitted.

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

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Sue Ngwala
- Councillor Tony Hunter

In response to questions the Senior Planning Officer advised:

- The proposed dwellings would not have first floor windows facing neighbouring residences and no loss of privacy was anticipated;
- HCC Highways officers had not objected to the proposal;
- The development would have limited ecological impact given the nature of the location;
- Infrastructure and sewerage were not relevant considerations here;
- Each application had to be considered on its merits and permission granted to other applications was of no bearing;
- In assessing whether the proposed development was inappropriate for a green belt site the Committee had to consider what development was already present; the site consisted of an area of hard standing and a lawn and the addition of built development represented a significant loss of openness;
- The provision of 3 new dwellings was not significant enough to outweigh the harm resulting from a loss of openness;
- The new dwellings would be reliant on private vehicles and the site was not well connected to public transport routes, with infrastructure for pedestrians and cyclists lacking;
- The proposed development would be in excess of any Permitted Development Rights attached to existing properties, notwithstanding that none of the existing properties had PDR providing the basis to construct outbuildings;
- Advice had been given to the applicant in the pre-application stage about the problems with the proposal;
- The application had reduced the total number of proposed dwellings from 4 to 3 in order to represent a more spacious development and improve relationship with the character of the area.

In response to questions the Principal Planning Officer advised:

- Per Section 143 of the NPPF development on the green belt was by definition harmful and could only be approved in very special circumstances;

- An exceptional could include development on previously developed land as long as there is no adverse impact to openness;
- 'Openness,' in a Planning context had a more expansive definition than merely visual openness;
- New built development on otherwise undeveloped land did represent a significant reduction in openness;
- The Officer cannot comment on other approvals as he was not familiar with them, however each application must be determined on its own merits in any case;
- There were no very special circumstances to approve development apparent in this application.

It was proposed by Councillor Tony Hunter, seconded by Councillor Mike Rice and:

**RESOLVED:** That application 20/02109/FP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

**86 20/00851/FP Keepers Cottage, Rustling End, Codicote, Hitchin, Hertfordshire, SG4 8TD**

*Audio Recording – 1 hour 10 minutes.*

Change of use and conversion of existing swimming pool, outbuilding and garage into one 3-bed dwelling. Erection of detached garage block with carer flat above following demolition of existing stables, greenhouse and outbuilding (amended by plans received 03/07/20 and 11/12/20)

The Senior Planning Officer presented the report in respect of application 20/00851/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor David Levett
- Councillor Sue Ngwala
- Councillor Tom Tyson
- Councillor Mike Rice

In response to questions the Senior Planning Officer advised:

- The proposed development replacing the swimming pool was of a similar footprint; the proposed carer flat was slightly bigger than the existing structure; the garage building would be approximately 25% larger than the building it replaced;
- More weight should be given to the fact that under the Adopted Local Plan the site is designated as a rural area outside the green belt than its designation under the Emerging Local Plan, which was not yet at a stage of approval as to allow it to take precedence;

In response to questions the Principal Planning Officer advised:

- The designation of the site at present under the Adopted Local Plan should be given precedence;
- At present the site was not in the green belt; to refuse on the basis of harm to the green belt could be considered unreasonable and grounds for appeal.

The Chair invited Councillor Lisa Nash (Member Advocate) to address the Committee.

Councillor Lisa Nash thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- She had supported the objection of Knebworth Parish Council on the basis that they believed the site to be designated as green belt;
- The proposed development would significantly reduce the plot size of the dwelling;
- Converting the outbuildings in to residential dwellings would create a residential footprint disproportionate to the original buildings;
- This increased footprint would harm the openness of the site.

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

- Councillor Daniel Allen
- Councillor Ruth Brown
- Councillor David Levett
- Councillor Tony Hunter

In response to questions and issues raised the Senior Planning Officer advised:

- The report did not contain a construction management plan because the development was small in scale and construction would take place away from the public highway;
- HCC Highways officers had no comment on the proposal;
- The materials stated in the application were of sufficient standard to not require a condition on approval to enforce their use.

It was moved by Councillor David Levett, seconded by Councillor Tony Hunter and:

**RESOLVED:** That application 20/00851/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager and the following amended and additional conditions:

Condition 6 to be amended to read:

“6. Prior to occupation, the proposed new dwelling and carer flat shall each incorporate an Electric Vehicle (EV) ready domestic charging point to provide two such points in total.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.”

The following condition to be added:

“8. Details and/or samples of materials to be used on all external elevations and the roof of the garage and carer flat building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before that part of 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.”

The meeting closed at 9.40 pm

Chair

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