

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

ON WEDNESDAY, 20TH APRIL, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Mike Rice (Chair), Councillor David Levett (Vice-Chair), Val Bryant, Morgan Derbyshire, Tony Hunter, Ian Mantle, Terry Tyler, Tom Tyson, Simon Bloxham and Raj Bhakar*

In Attendance:

Arhamna Jafri (Property and Planning Lawyer), Tom Allington (Strategic Sites Planning Officer), Anne McDonald (Principal Planning Officer) Shaun Greaves (Senior Planning Officer), Tom Rea (Senior Planning Officer), William Edwards (Committee, Member and Scrutiny Manager) and Louis Mutter (Committee, Member and Scrutiny Officer)

Also Present:

At the commencement of the meeting approximately 11 members of the public, including registered speakers.

74 APOLOGIES FOR ABSENCE

Audio recording – 00:25

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

Having given due notice Councillor Ian Moody substituted for Councillor Michael Muir.

75 NOTIFICATION OF OTHER BUSINESS

Audio recording – 0:50

There was no other business notified.

76 CHAIR'S ANNOUNCEMENTS

Audio recording – 0:55

- (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) The Chair advised that a break would be taken around 9pm, if required.

77 PUBLIC PARTICIPATION

Audio recording – 2:02

The Chair confirmed that the eleven registered public speakers were in attendance.

78 21/00434/HYA Land North Of Pound Farm, London Road, St Ippolyts, Hertfordshire, SG4 7NE

Audio Recording: 3:00

The Senior Planning Officer advised that there was one update to the report which had been attached to the agenda as a supplementary agenda pack, which related to the Primary Education contribution referenced at Paragraph 3.3 and 5.4.104 of the report. The amount in the report should be £859,510 and not £859,838. The contributions to the County Council will be index linked. The Senior Planning Officer also reported that the County Council has requested that the matter of fire hydrants not be dealt with in the S106 agreement but as a condition.

The Senior Planning Officer presented the report in respect of application 21/00434/HYA supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Tom Tyson
- Councillor Mike Rice

In response to a question from Members, the Senior Planning Officer advised:

- The trees alongside the northern end of the site were to be retained but weren't part of the planned site.
- There is a national government order that says that for applications in the green belt over a certain size, the application should be referred to the Secretary of State for them to consider to call in.
- The County Council are the education authority and it is for them to determine how the money is spent. The applicant has agreed to offer the contribution that has been sought towards education and it is a matter of the County Council how that money is spent to mitigate the impacts of this development.

The Chair invited Neil Dodds and Alissa McDonald to speak against the application.

Mr Dodds and Ms McDonald thanked the Chair for their opportunity to address the Committee and gave a verbal presentation including:

- Mr Dodds is speaking on behalf of Hitchin Forum, an amenity group which has about 100 members;
- Hitchin Forum have noted significant concerns, including overloaded sewage infrastructure, high surface water levels, closure of the gap between Hitchin and St. Ippolyts and access problems onto and from the B656 London Road;
- The government inspector reviewing the proposed updating of the local plan has expressed concerns about the number of houses required and the use of greenbelt land to provide for them;
- Inappropriate development in the greenbelt should only happen in very special circumstances;

- South of this proposed site is another proposed development in the greenbelt involving 52 dwellings, which also accesses the same B656;
- Ms McDonald stated that the Environmental Agency predict rivers to be 30% higher in winter causing flooding, and 80% higher in the summer by 2050. Hertfordshire has been identified as the driest county in England;
- The Lead Local Flood Authority had, until recently, a number of objections which have now become conditions as part of the application;
- Issues of sewage does not seem to have been addressed either. The Planning Application suggests that the proposed development will connect with the current sewage system, which the residents will testify has had its problems;
- It is noted that the S106 funding the applicant will provide to the Council is currently earmarked for Highover Farm and The Priory School are both over 2 miles away from the site, which seems inappropriate;
- The Three Moorhens Roundabout has been identified as a pollution black spot.

The Chair invited Robert Moore and Simon Hoskin to speak in favour of the application.

Mr Moore and Mr Hoskin thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- Mr Moore is the St. Ippolyts Parish Councillor for the ward in which this development falls;
- Have actively engaged with the applicant over several years, securing meaningful improvements across several areas of the developments;
- A comprehensive Parish-wide consultation with residents took place about this application. A sizeable majority expressed support for this development;
- Some of that support was only as a result of the expectation that the Parish as a whole would benefit from the S106 contributions, especially to the much needed expansion of St. Ippolyts primary school;
- Mr Hoskin is speaking on behalf of the applicant, Osprey Homes;
- The site has been allocated for residential development in the Emerging Local Plan and is referred to as site HT2;
- Expected to make an important and early contribution to meeting the urgent need for new housing in the district;
- The Emerging Local Plan is close to adoption and therefore should be afforded significant weight in accordance with Paragraph 48 of the National Planning Policy Framework;
- Proposals seek up to 84 new homes, in line with the dwelling estimate referred to in Policy HE2;
- The proposed development will deliver substantial benefits which include affordable housing of a mix and type which has been agreed with North Herts Council Housing Officer.

In response to a question of clarification from Councillor Michael Muir, Mr Moore advised that there are 3 nominated sites within the Local Plan, totalling 160 houses. Plus another 100 houses are identified as infill or windfall. Overall Mr Moore's objective is to ensure the S106 contributions go to where they are needed most.

In response to a question of clarification from Councillor Tony Hunter, Mr Hoskin advised that there is a statutory duty for sewage undertakers to provide capacity to deal with new housing. The developer has been in contact with the sewage undertakers and they are aware of capacity issues.

The Chair invited Councillor Claire Strong to speak in support of the application.

Councillor Claire Strong thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- Good to see the Parish Council working with the developers for this application;
- Paragraph 56 of the NPPF says that planning condition should be kept to a minimum and imposed only when necessary and relevant to the planning, this is a large development and it is necessary to ensure the educational needs of the new families and those in the area are met;
- The decision makers should consider current school capacity and whether it is sufficient to accommodate proposed development within the relevant school place area;
- The parents won't want to send their children outside of the village and on the other side of Hitchin;

The Chair then asked Antony Proietti of Hertfordshire County Council to advise on any points of clarification raised by the speakers and by Members. He advised that despite St Ippolyts proximity, the development sits within the Hitchin Priory planning area; therefore the County Council has to look at the capacities of the schools in the Hitchin Priory area rather than St. Ippolyts village.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor David Levett
- Councillor Val Bryant
- Councillor Michael Muir

In response to questions from Members Antony Proietti advised:

- This is a constrained site, there is no ability to expand into adjacent land, therefore the 0.3 SC of expansion is the totality of the expansion capability of that school;
- The Council puts a high consideration on carbon, but the Council is not proposing that the children from this village will go to the schools previously mentioned;
- There is limited capacity for this expansion at St. Ippolyts, at least 2/3s of this development contribution will be unable to go St. Ippolyts;
- Any further developments in St. Ippolyts will be the same in that S106 contributions will not go to the St. Ippolyts expansion project;
- The education forecast is available on the Hertfordshire County Council website, which shows what figures are for the current years and the predicted next 4 years.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Ian Mantle
- Councillor Tom Tyson
- Councillor Tony Hunter

Councillor David Levett proposed and Councillor Ian Mantle seconded and, following the vote it was:

RESOLVED: That application 21/00434/HYA be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Senior Planning Officer along with the following additional condition:

- Condition 30 to be added with the following:

Prior to commencement of each phase of the development hereby permitted, detail of the installation of fire hydrants for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure there are adequate water supplies for use in the event of an emergency for the proposed development.

79 21/02973/PIP Land East Of Picknage Road And Adjacent To 36, Picknage Road, Barley, Hertfordshire

Audio Recording: 1:47:15

The Principal Planning Officer advised that an update to this application had been added as a supplementary agenda pack prior to the meeting but summarised the points including:

- The Consultation response from the HCC Growth Infrastructure Unit was not received by the Planning Department and came to light only today;
- This response was seeking contributions towards education, library and youth services;
- Due to this application being less than 20 housing units the contribution should be obtained by a Unilateral Undertaking;
- This application does have a Unilateral Undertaking but one which does not include the contributions previously mentioned;
- As a result of this, a second reason for refusal has been tabled.

The Principal Planning Officer presented the report in respect of application 21/02973/PIP supported by a visual presentation consisting of photographs and plans.

The Chair then invited Jerry Carlisle to address the Committee against the application.

Mr. Carlisle thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- Reconfirming the Parish Council's unanimous objection to this application;
- Since the Parish Council voiced their objections the plans have not changed;
- Support the village shop and recognise it is a highly valued village amenity; but that support cannot be at any price;
- The landowner wishes to see the entire area from the existing housing to the North up to Picknage Corner developed; if the application were to be approved it would be very difficult to resist further development of the remainder of the site.

The Chair invited Councillor Gerald Morris to speak as a Member Advocate against the application.

Councillor Gerald Morris thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- Councillor Morris is District Councillor for the ward which includes the village of Barley;
- Speaking in support of the officer's recommendation to refuse this application;
- The application is based in part on North Herts Council not having a 5-year land supply; this is a way for the Government to try and force Council's to adopt a Local Plan as quickly as possible, failure to do this penalises the Council and the public by encouraging random house building;
- This site was originally submitted during the early call for sites while the Local Plan was still being prepared; at around 2016 the Local Plan Officer concluded that this location was inappropriate and should not be included as a selected site.

The Chair invited John Ridge to address the Committee in support of the application.

Mr. Ridge thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- Mr Ridge has been a local resident of Barley for 46 years, and is speaking on behalf of residents in surrounding villages and hamlets in favour of this application;
- This application provides a golden opportunity to create a well-run and financially viable village store and post office in a sensible location to meet the needs of the local area;
- The existing shop is not successful and there is an urgent need for new premises; the current premises is not fit for purpose;
- The existing shop has no disabled access and no area for lorries to make their deliveries, resulting in deliveries being made through the entrance of the shop; there is no on-site parking leading to parking on roads nearby and congestion;
- There is a major impact in losing the village shop; Barley is fortunate to have a post office and its loss would be a major impact on the surrounding villages;
- There will be an adverse effect on the environment with the loss of the village shop as the nearest supermarket is 12 miles from Barley;
- The proposed 9 new dwellings will not change the character of the village but will assist in keeping the village shop and nearby schools viable.

In response to a question of clarification from Councillor David Levett, Mr. Ridge advised that the post office has major security issues which is reflected in the insurance problems they have had and would like to see a more safe and substantial building. As the building is LPO licensed shop they are unable to put shutters up to protect the shop.

In response to a question of clarification from Councillor Ian Mantle, Mr. Ridge advised that the shop is currently not financially viable, if the application was not approved the shop will likely close.

In response to points raised by public speakers, the Principal Planning Officer advised:

- The information put forward in the application of this site was for a shop with a larger range of items and longer opening hours; it was not specifically stated that the shop is on the brink of closure and the application is not being considered on this basis.

The following Members took part in the debate:

- Councillor Tony Hunter
- Councillor David Levett

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

RESOLVED: That application 21/02973/PIP be **REFUSED** planning permission for the following reasons:

“Due to there being no unmet need for a shop facility in Barley, there is no policy support for the proposed shop and 9 enabling dwellings on land outside of the village boundary. The proposed development would have adverse harm on the context of open landscape and edge of village setting in this location as well as unacceptable impact on the residential amenities of the adjoining neighbour number 36. As a result, the application is considered to fail to comply with the provisions of saved Policy 6 of the Local Plan 1996 and emerging Policies CGB1, CGB2b and D3 of the Submission Local Plan 2011 – 2031.

The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Unilateral Undertaking) securing obligations towards education, library and youth services. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with policy 51 of the North

Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies 2007) and proposed Local Plan Policy SP7 of the Council's Proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)."

80 21/01834/FP Former Westons Cars Site And Land Adjoining 114-142 Cambridge Road, Hitchin, Herts, SG4 0JJ

Audio Recording:2:06:10

The Senior Planning Officer advised that there were a number of updates to provide to Members including:

- As alluded to in the report, the applicant has now confirmed their agreement to pay the Council £100,000 as a financial contribution in lieu of affordable housing provision on the site;
- There are some revisions to the S106 contributions in the report: Paragraph 4.76 has a contribution that is missing. This was originally requested by the County Council and it is £10,296 plus the indexation towards Special Education Needs and Disabilities;
- The applicant has queried the conclusions in the report regarding the viability. This relates to Paragraphs 4.60-4.63 as not including the revised comments of the Council's viability consultants Dixon Searle Partnership in response to additional information that the applicant submitted to the Council. Would advise that this query is justified as the revised comments of the consultants do state that they accept the overall conclusion that the scheme will not support a contribution to affordable housing;
- Following further discussions with local residents, the applicant has suggested an additional planning condition to secure details of boundary treatments.

The Senior Planning Officer presented the report in respect of application 21/01834/FP supported by a visual presentation consisting of photographs and plans

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor David Levett

In response to questions from Members the Senior Planning Officer advised:

- The proposal to remove permitted development rights are one of the conditions included in the report;
- There are dedicated bin stores and a cycle store for Block D along the left side of it. Block C has a cycle store towards the left hand corner which is shared with Block B. Both Block B and Block C have their own bin storage areas. There is no specific provision for mobility scooters but a condition could be added.
- The bin storage area for the houses are situated at the back.
- The main access road includes a turning head in the centre of the site which is suitable for refuse collection vehicle to enter the site and leave in forward gear; the Highway Authority are happy with these arrangements.
- Part of the vegetation has grown out since the building has been left unoccupied but it is unknown whether that goes past the red line in the plans.

The Chair invited Dan Burden and Jon Scurr to speak against the application.

Mr Burden and Mr Scurr thanked the Chair for the opportunity to speak and gave a verbal presentation including:

- Mr Burden lives opposite to the proposed entrance of the development and is representing the residents of Hamden Road;
- All of the traffic will come on the residential road of Hamden, no traffic will go on the main thoroughfare of Cambridge;
- Since the Old College Site has been redeveloped the pictures shown in the Officer's presentation of Hamden Road do not show that is now essentially a car park;
- Paragraph 5.54 of the reports state a prediction of an extra 20 cars during the morning rush-hour, we are looking at a development of 28 residences which will see 2 vehicles per flat;
- Paragraph 4.34 claims there is an existing primary entry point to the garage which is incorrect;
- Mr Scurr lives at the end of the Allwoods Place development which will be right next to the new blocks;
- This plan represents an overdevelopment of the site and the wrong housing mix, think that small houses for families like Block A is what is required for the other blocks;
- Do not feel that the flooding objection raised by the Flood Authority has been addressed, the developer has put forward their own assessment but this hasn't been formally accepted;
- The main objection is overlooking a loss of property, cramming 4 separate development blocks into this site will inevitably to them being overlooked from all sides. These buildings will overlook and effect light of those living on Allwoods Place and Cambridge Road.

The Chair invited Councillor Elizabeth Dennis-Harburg to speak against the application.

Councillor Elizabeth Dennis-Harburg thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- Councillor Dennis-Harburg has been working with the residents of the roads nearby for the past year and only in the past 14 days have they heard any positive engagement from the applicants;
- On the 26th January, the Lead Local Flood Authority sent through a very clear and strong objection to this site. It set out that there is no acceptable flood risk assessment or surface water drainage assessment in place and therefore this submission is non-compliant;
- There is significant flooding already in this area. Neighbors of Cambridge Road have been informed that the existing infrastructure in place is not sufficient to tolerate any further building;
- There is much more work to do to make this site compliant for the safety and mitigation of risk for the new and existing community around this site;
- There is no dry-safe pedestrian access should there be a flood;
- A couple of areas residents would like to see ongoing discussions around including maintaining entryways and access sites, noise from a gate attached to a nearby property, the encouragement of anti-social behaviour, headlights flashing into windows, floodlight switch on times, safe demolition given reports of asbestos, increasing the appeal and biodiversity of the new buildings and making sure there is no negative impact on the substation from the development including performing electromagnetic field surveys before during and after construction.

The Chair invited Matt Corcoran to speak, on behalf of the applicant, in favour of the application.

Mr. Corcoran thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- The applicant has worked positively with the Council officers over the past couple of years;
- The application site is a sustainable brown field location which has fallen vacant over the last 4 years;
- The proposals include a significant array of public realm enhancements including improving the Cambridge Road frontage;
- The site is at present all hard-surfaced and includes unsightly vacant industrial sized buildings with unrestricted commercial use not considered appropriate for such a residential location;
- The development will be providing an acceptable level of car parking; each family home has two car parking spaces with visitors and there is no objection from the Highway Authority on access and transport matters;
- The joint developers are part of the considerate contractor scheme so resident engagement will be continued should Members approve the planning permission;
- This site is a windfall site which appears in the Council's Strategic Housing Land Availability Assessment and the numbers being proposed are lower than the Council's technical evidence base;
- The applicants have been working closely with Council officers and in the report there is a surface water condition, number 20. The site is not in a flood-risk area, which Anglian Water have accepted.

Following a question of clarification from Councillor David Levett, Mr Corcoran advised that following trix analysis of the development and no further objections from the Highways Authority there is considered to be no impacts on the local highway network. The additional traffic data from the new site has been taken into account in those calculations.

In response to points raised by public speakers, the Senior Planning Officer advised:

- The site is within flood zone 1 which is the lowest area likely to flood according to the Environment Agency. There is going to be less hard surfacing and more soft landscape;
- The site plan shows pedestrian access to the north onto Cambridge Road and to the south through the existing shared surface onto Hamden Road;
- Condition number 21 deals with any external lighting within the scheme;
- Several conditions relating to construction requiring the developer to carry out the construction phase in accordance with British standards;
- Condition 7 is a landscaping condition as well as the condition the Senior Planning Officer mentioned in his initial update;
- There will be a contribution of £4,000 towards a new traffic regulation order which will consider any restrictions can be placed within that part of Hamden Road to control on street parking.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Simon Bloxham

Councillor Simon Bloxham proposed and Councillor Michael Muir seconded and, following a vote it was:

RESOLVED: That application 21/01834/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Senior Planning Officer and with the following additional conditions:

- Condition 22 to be added with the following:

Prior to the commencement of the development hereby permitted full details of all boundary treatments throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity

- Condition 23 to be added with the following:

Prior to the commencement of the development hereby permitted full details of mobility scooter storage provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To ensure adequate provision for mobility scooter users

81 22/00484/FPH 131 Icknield Way, Letchworth Garden City, Hertfordshire, SG6 4AD

Audio Recording: 2:50:53

The Principal Planning Officer advised that there were no updates to provide to Members and presented the report in respect of application 21/00484/FPH supported by a visual presentation consisting of photographs and plans.

Councillor Morgan Derbyshire proposed and Councillor Simon Bloxham seconded and, following a vote it was:

RESOLVED: That application 22/00848/FPH be **GRANTED** planning permission subject to the reasons and conditions outlined in the report by the Principal Planning Officer.

82 PLANNING APPEALS

Audio Recording:2:53:10

The Strategic Sites Planning Officer presented the report entitled Planning Appeals

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 10:27 pm

Chair