

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 31ST MARCH, 2022 AT 7.30 PM**

MINUTES

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

In Attendance: *Simon Ellis (Development and Conservation Manager) and Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), James Lovegrove (Committee, Member and Scrutiny Officer) and Louis Mutter (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 10 members of the public, including registered speakers.*

60 APOLOGIES FOR ABSENCE

Audio recording – 0:15

Apologies for absence were received from Councillor Val Bryant

61 MINUTES - 27 JANUARY 2022, 24 FEBRUARY 2022

Audio Recording – 0:30

RESOLVED: That the Minutes of the Meeting of the Committee held on 27 January and 24 February 2022 be approved as a true record of the proceedings and be signed by the Chair.

62 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1:40

There was no other business notified.

63 CHAIR'S ANNOUNCEMENTS

Audio recording – 1:45

- (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.
- (5) The Chair welcomed Councillor Raj Bhakar to her first Planning Control Committee and notified the Committee that Councillor Simon Bloxham was replacing Councillor Tony Hunter as a member of the Committee

64 PUBLIC PARTICIPATION

Audio recording – 3:20

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

65 21/03464/S73 LAND AT TURNPIKE LANE AND ADJACENT TO 4 MANOR CLOSE, TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE

Audio Recording: 4:00

The Senior Planning Officer advised that there were no updates to provide to Members and presented the report in respect of application 21/03464/S73 supported by a visual presentation consisting of photographs and plans.

In response to a question from Councillor Tom Tyson, the Senior Planning Officer advised:

- One of the conditions in the Officer's report that was imposed was to remove the Permitted Development Rights for ground floor extensions, loft extensions and garden outdoor buildings. At the Committee that condition was not imposed. The report being considered at this meeting would remove PD Rights from the developer.

The Chair invited Phillip Crowe to speak against the application.

Mr Crowe thanked the Chair for the chance to address the Committee and gave a verbal presentation, with points including:

- Mr Crowe is representing Ickleford Parish Council to reiterate the objections already put forward by the Parish Council;
- This land has always been designated as Green Belt, however the Emerging Local Plan is redesignating it as White;
- This application will have irretrievable visual affect on residents, and will detract the village scene from the nearby conservation land;
- The new modified designs benefit only those looking to downsize from much larger properties or are looking for a place in the country;
- Since 2016 Ickleford has undergone many developments. None to date have caused as much heartfelt anger due to bad design and lack of thought;
- Since approval from the inspector the applicant has now put forward a new revised planning application to increase the amount of houses, and altered the total house design to include a bedroom in the now heightened roof line.

The Chair invited Ben Clarke, agent of the applicant, to speak in favour of the application.

Mr Clarke thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- None of the plots are within 20 metres of an adjacent neighbouring window. While plot 5 is closer to some of the properties on Manor Close, considering the bedroom window to be an invasion of privacy is not typically planning practice;
- Affordable housing doesn't kick in until 10 houses or more. In terms of housing need this would bring 5 family homes to the market;
- The level of parking meets the Parking SPD and no objections have been raised from the Highways Authority;
- A new agricultural assessment and landscape plan were submitted as part of the Section 73 and were accepted by Officers.
- The new plan improves drainage and runoff concerns raised by the objector, as the application is removing an area of hard standing which is not to be rain gardens;
- The additional ridgeline height is 200mm, which is less than a standard ruler.

Councillor David Levett sought clarification from the Legal Advisor as to the status of the application.

The Legal Advisor informed the Committee that this application is a Section 73 application, meaning it has already received permission from the Inspector via the appeal. The Committee is not considering this application as a whole but rather the variation of the particular conditions.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Morgan Derbyshire
- Councillor Ian Mantle
- Councillor Tony Hunter

Councillor Morgan Derbyshire proposed and Councillor Tony Hunter seconded and, following a vote it was:

RESOLVED: That application 21/03464/S73 be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Senior Planning Officer.

66 21/03160/FP THE NEW BARN, GREAT NORTH ROAD, RADWELL, BALDOCK, HERTFORDSHIRE

Audio Recording: 21:10

The Senior Planning Officer advised that there were no updates to provide to Members and presented the report in respect of application 21/03160 supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Mike Rice
- Councillor David Levett

In response to questions, the Senior Planning Officer advised:

- That the company that supplied artificial grass has vacated the site and is currently vacant;
- The entrance gates are set in the bottom of the site and the access off the road is about 7-8 meters.

The Chair invited Max Goode, agent of the applicant, to speak in support of the application.

Max Goode thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- The planning application seeks to construct a high quality premises, allowing the relocation of a highly successful construction company;
- The applicant has outgrown their current premises and to support their continued growth, the applicant has undertaken a substantial exercise to identify an appropriate site for their relocation, which has resulted in the submission of this planning application;
- This planning application has followed on from two years of consultation with the Council;
- The relocation of this construction company to this site will help the Council's business recovery plan;
- This site is an ideal base for the applicant, and will allow them to continue to provide their partners with their services;
- This application has received no objections from the public or from officers.

In response to a point of clarification from Councillor Tom Tyson, Max Goode advised that the Applicant is seeking to leave their current site, which is due to their continued growth. They require a larger site to ensure that the continued growth can be sustained, and by relocating to North Hertfordshire this is a public benefit to the District.

The following Members took part in the debate:

- Councillor Tom Tyson

In response to a question raised by Councillor Tom Tyson, The Senior Planning Officer advised that an informative could be added to the application to ensure there was adequate signage to the site to avoid HGV's from missing the turning and driving down into Radwell.

Councillor Morgan Derbyshire proposed and Councillor Ian Mantle seconded and, following a vote it was:

RESOLVED: That application 21/03160/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Senior Planning Officer with an additional informative as follows:

"The applicant is advised to provide appropriate signage for traffic directional purposes in and around the site, with the prior agreement of the Highway Authority and in accordance with any Highway Authority licence, in the interests of road safety."

67 21/01742/FP LAND AT HATCHPEN FARM, THE JOINT, REED, ROYSTON, HERTFORDSHIRE

Audio Recording: 34:40

The Senior Planning Officer advised there was one update to the report and this related to a query raised from a Briefing with Members about the excavated soil from the site; the Planning Agent has confirmed that the soil will be retained within the farm holding and used elsewhere, and will not result in a change in land holding.

The Senior Planning Officer presented the report in respect of application 21/01742/FP supported by a visual presentation consisting of photographs and plans.

In response to a question from Councillor Ian Moody, the Senior Planning Officer advised that there were no plans to add solar panels in this application.

In response to a question from Councillor Tony Hunter, the Senior Planning Officer advised that the existing buildings aren't in view so the proposed buildings will not be in sight either.

The following Members took part in the debate:

- Councillor David Levett

Councillor David Levett proposed and Councillor Ian Moody seconded and, following a vote it was:

RESOLVED: That application 21/01742/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Senior Planning Officer.

68 21/02632/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE

Audio Recording: 44:10

The Development and Conservation Manager advised of updates concerning the report including:

- The applicant has agreed to submit a Section 106 Unilateral Undertaking should Members grant the application;
- A concern that has been raised by a local resident about plans not showing a new dwelling under construction in Gunnels Green. This new dwelling would not prejudice living conditions of this site. Paragraph 5.3.23 of the report this matter is dealt with;
- Recommending an additional condition to protect the Oak Tree by the entrance of this site.

The Development and Conservation Manager presented the report in respect of application 21/02632/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Margaret Trinder to address the Committee against the application.

Margaret Trinder thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- She is the Chairman of Preston Parish Council;
- Preston residents are most concerned with the number and size of dwellings on this particular plot within the conservation area, and the increased traffic on local lanes; fewer dwellings would alleviate these issues;
- Appreciate that the District Council needs to build new houses, this should not harm rural villages like Preston;
- Materials chosen should reflect the local vernacular and surrounding area;
- Do not agree that measures in this application are adequate to meet the Council's target of 0 carbon emissions by 2030;
- Greywater contribution is not applicable in this development – an inexplicable contradiction;
- Water is a scarce resource and Hertfordshire has limited rainfall;
- No condition concerning solar panels has been added after the applicant stated they would be willing to provide them.

In response to a question of clarification from Councillor David Levett, Margaret Trinder advised that the grasscrete partially alongside the site and by the side of the road; the parents have to park there to pick up their children.

The Chair invited Councillor Claire Strong to speak as a Member Advocate against this item.

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

- All Members of the Committee should have received a letter from concerned residents;
- The Committee should consider whether these revised plans containing more dense plans will have a harmful effect on the village;
- The planning permission that was granted previously was for 3 dwellings with the same amount of space between them as other dwellings in the area;
- This development is changing from 3 dwellings to 10. The mix of housing has changed from 13 bedrooms to 36 bedrooms;
- The lane is not very wide and a lot of traffic congestion already from the school;
- Senior Conservation Officer's report says they have no objection but did have quite a few concerns, and reported that the application would have a harmful impact on the character and appearance on this part of the area;
- The comments from the Neighbourhood Parish Working Party Group felt that this plan would have an adverse effect on the village and that the number of dwellings should be reduced.

The Chair invited Ben Borthwick, agent to the applicant, to speak in support of the application.

Mr. Borthwick thanked the Chair for the opportunity to address the Committee and gave a verbal presentation which included the following:

- The applicant would be in full support of an additional condition regarding the use of greywater and solar panels;
- The applicant recognises the site potentially provides the last remaining opportunity to deliver sustainable and suitable housing in the local village context;
- The proposal makes effective use of land to meet the need for new houses, with a net gain of 7 units from the previously approved scheme;
- The scheme sits within the settlement boundary of Preston and provides an appropriate density of development reflecting its locality;
- The proposal will result in a biodiversity net gain;
- The proposal relocates the access along the back lane to a location further away from a protected tree.

In response to a question of clarification from Councillor Tom Tyson, Mr. Borthwick advised the figures provided are accurate in terms of dwellings per hectare.

In response to points raised by public speakers, the Development and Conservation Manager advised:

- The Conservation Officer stated that the degree of harm would be towards the mid-to-lower end of the less than substantial harm continuum. You have to weight that against the public benefit of development. In this case, the public benefits are quite considerable;
- Difficult to condition the retention of the grasscrete. Condition 6(i) could be stretched to include areas directly outside the site.
- Can repeat the conditions used in the previous planning application for the 3 dwellings around solar panels and greywater.

The following Members took part in the debate:

- Councillor David Levett

Councillor David Levett proposed, Councillor Mike Hughson seconded and, following a vote it was:

RESOLVED: That application 21/02632/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following edited and additional conditions:

- Condition 6(i) to read as follows:

“Post construction restoration/reinstatement of the working areas and temporary access to the public highway and reinstatement of any damage to car parking (grasscrete) area on the adjoining public highway;”

- Condition 18 to be added with the following:

“Throughout the period of construction the development hereby permitted and thereafter, the oak tree adjacent to the proposed site entrance shall be protected and retained in accordance with Agricultural Best Practice to the satisfaction of the Local Planning Authority.

Reason: In the interests of the preservation of the tree, biodiversity and ecology.”

- Condition 19 to be added with the following:

“Prior to first occupation of the development hereby permitted, a feasibility study shall be undertaken to fully ascertain the installation of solar panels on the approved dwellings. The study shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. If the feasibility study determines that solar panels are appropriate in certain locations, such panels shall be fitted onto the dwellings prior to their occupation and thereafter retained and maintained for their intended purpose.

Reason: In the interests of reducing potential carbon emissions and mitigating climate change.”

- Condition 20 to be added with the following:

“Prior to the first occupation of the development hereby permitted, full details of a waste water reduction strategy associated with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. All approved measures shall be carried out in accordance with the approved details or particulars prior to first occupation of each dwelling to which they relate and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of waste water management.”

69 21/03527/FP LAND REAR AND ADJACENT TO 60, ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE

Audio Recording: 1:33:20

Councillor Tom Tyson announced to the Chair that he had a declaration of interest in this item and would leave the Chamber for the remainder of the item.

At this point Councillor Tom Tyson left the Chamber.

The Development and Conservation Manager advised that he had two updates to provide to Members concerning this report including:

- Correction: This application has been called into the Committee by Councillor Steve Jarvis not Councillor Tom Tyson;
- Add an additional condition regarding the vehicular access driveway to be resurfaced in a permeable but non loose material for the first 17.5 metres.

The Development and Conservation Manager presented the report in respect of application 21/03527/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle

In response to questions, the Development and Conservation Manager advised:

- The proposed dwellings do not specifically have areas of storage for mobility scooters and bicycles due to the bespoke design; could be stored in their own domestic space instead.

The Chair invited Phillip Hills to speak against the application.

Phillip Hills thanked the Chair for the opportunity to speak and gave a verbal presentation including:

- Number 60 was purchased circa 2000 and was modernised including permission to build a double garage; in 2002 permission was given to turn it into a quadruple garage;
- At the time of sale it was understood to the occupants of number 60 that the garage was to be used for the developers enjoyment of cars, this soon became clear that this was not going to be the case and was used as a builder's yard;
- No approach was made by the developer to the residents of Number 60, nor was a notification received from North Herts Council;
- There are no other dwellings in Upper Bygrave that has no separate ownership dwelling at the rear of an existing property, and this should remain, to retain the existing character of the village;
- The dwelling is only 22 metres to the backwall of the property at Number 60;
- The existing electric, water and drainage come from the mains at Number 60;
- Constant construction traffic from deliveries;
- Need to be consideration of the high speed vehicles that travel along Ashwell Road;
- There is no turning circle available for large construction vehicles;
- The proposed property will look directly into two separate properties on Ashwell Road.

In response to a question of clarification from Councillor David Levett, Phillip Hills advised that the locked gate is the only access to both Number 60 and the proposed dwelling.

The Chair invited Councillor Steve Jarvis to address the Committee as a Member Advocate against the application.

Councillor Steve Jarvis thanked the Chair for the opportunity to speak and gave a verbal presentation including:

- This application is to create a new dwelling from a domestic garage located in the greenbelt; if this is accepted that could result in a substantial number of dwellings in the greenbelt.
- The photograph shown in the officer's report illustrates how small the access gate is to Number 60 and the proposed dwelling;

- The possible condition of resurfacing the drive would have improve any sound problems that may be caused but wouldn't have an impact any other way;
- Bygrave is a Category C village in the Emerging Local Plan, which sets out that the Council should only be allowing limited affordable housing or facilities for local community needs. An additional dwelling does not fit either of these categories;
- The report states that there is a bus stop on the road but does not say that there is only one bus a day;
- This proposed dwelling is located on a unlit country road with no footpath; the only way to get there would be in a car, which questions the applications sustainability.

The Chair invited Samantha Boyd, agent of the applicant, to speak in support of the application.

Samantha Boyd thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- The proposal is compliant with the development plan and with adopted and emerging local policies;
- Bygrave is a small village, but this Council has accepted Bygrave is suitable for new development when they recently granted permission for three new properties just 100 metres south of the application site;
- They acknowledge the concerns raised by neighbours but highlight that officers of the Council have deemed this application acceptable;
- The Highways Department have no objections over the use of access;
- The whole of the access is in the ownership of the applicant, Number 60 has a legal right of way to access the front of their property.

In response to points raised by the registered speakers, the Development and Conservation Manager advised:

- The Council is in a situation where they have to apply the presumption in favour of sustainable development and the Inspectorate are taking the view that the land supply is so poor that they are more likely to consider dwellings like this one as not causing significant of demonstrable harm that outweighs the benefits of delivering new homes.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Ian Mantle
- Councillor Simon Bloxham
- Councillor Mike Hughson

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

RESOLVED: That application 21/03527/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following additional condition:

- Condition 6 as follows:

“Before the dwelling hereby permitted is first occupied, the existing vehicular access driveway shall be surfaced in a permeable but non loose material (such as black top, permeable resin surface or block paving) for the first 17.5 metres when measured from the point where the vehicular access road meets the public highway and thereafter shall be retained in perpetuity

– Reason: In the interest of protecting the residential amenity of the existing dwelling at 60 Ashwell Road”

Reason: In the interests of appropriate hard surface design and correct phasing of development.

70 PLANNING APPEALS REPORT

Audio Recording: 2:05:30

The Development and Conservation Manager presented the report entitled Planning Appeals Report and highlighted the following points:

RESOLVED: That the report entitled ‘Planning Appeals’ be noted.

71 CURRENT ENFORCEMENT NOTICES

Audio Recording: 2:05:55

The Development and Conservation Manager presented the report entitled Current Enforcement Notices.

RESOLVED: That the report entitled ‘Current Enforcement Notices’ be noted.

72 EXCLUSION OF PRESS AND PUBLIC

Audio Recording: 2:06:58

Councillor Mike Rice, as Chair proposed and Councillor Morgan Derbyshire seconded and, following a vote it was:

RESOLVED: That under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that involves the likely disclosure of exempt information as defined in Paragraphs 5 & 7 of Part 1 of Schedule 12A of the said Act (as amended).

73 CURRENT ENFORCEMENT ACTIONS

Details of decisions taken on this item are restricted due to the disclosure of exempt information as define in Paragraphs 5 & 7 of Part 1 of Schedule 12A of Section 100A(4) of the Local Government Act 1972.

The meeting closed at 9:52 pm

Chair