

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES
ON THURSDAY, 23RD JUNE, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Alistair Willoughby, David Levett, Ian Moody, Morgan Derbyshire, Simon Bloxham and Tony Hunter*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), James Lovegrove (Committee, Member and Scrutiny Officer), Louis Mutter (Committee, Member and Scrutiny Officer) and Ben Glover (Planning Officer), Vicki Wood (Planning Officer), Alex Howard (Planning Officer) and Mark Simmons (Senior Conservation Officer)*

Also Present: *At the commencement of the meeting approximately 35 members of the public in the Council Chamber, with an estimated 15 more in Committee Rooms 2 and 3, including registered speakers and Member Advocates.*

1 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 00 seconds

Apologies for absence were received from Councillors Sean Nolan, Daniel Allen and Terry Tyler.

Having given due notice Amy Allen substituted for Councillor Daniel Allen and Councillor Nigel Mason substituted for Councillor Sean Nolan.

2 MINUTES - 20 April 2022

Audio Recording – 1 minute 23 seconds

Councillor Val Bryant, as Chair, proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 20 April 2022 be approved as a true record of the proceedings and be signed by the Chair.

3 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 03 seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 08 seconds

(1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.

- (2) 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.
- (3) The Chair gave advice to the registered speakers on the speaking procedure and time limits.
- (4) The Chair advised that a break would be taken around 9pm, if required.
- (5) The Chair advised that there had been a change to the order of the agenda and Item 7 and 8 would be taken ahead of Item 6, which would be taken following the conclusion of Item 8.

5 PUBLIC PARTICIPATION

Audio recording – 3 minutes 25 seconds

The Chair confirmed that the registered speakers were in attendance.

6 **22/01342/TD Land at The Rear Of 33 And 35 Coombelands, Melbourn Road, Royston, Hertfordshire, SG8 7DW**

Audio recording – 90 minutes 45 seconds

N.B – The Chair allowed a short break following the completion of Agenda Item 8.

The Planning Officer advised that 11 objections had been received in total and that further documentation received from the applicant had been shared with Members ahead of the meeting.

The Planning Officer read a written statement from Councillor Chris Hinchliff, as ward Member, who was unable to attend due to a positive Covid test. This statement included:

- The responses submitted to the application show that there is strong local opposition to the proposals from residents and the Town Council.
- This is not an attempt to challenge the planning policies, but rather to draw to attention that this new mast infrastructure will not improve the coverage in or benefit the area, where it is generally already good.
- The proposed mast would be taller than the existing street furniture, but also the roof lines of local residences, and will therefore be visible from these.
- The proposed introduction of the industrial mast to a predominantly residential area would affect residents quiet enjoyment.
- The proposals are off a narrow part of Melbourn road and would impose onto the footpath. There would consequently be a negative visual impact on this area of Royston, as outlined in comments from residents and those of the Town Council.

The Planning Officer presented the report in respect of application 22/01342/TD supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Morgan Derbyshire
- Councillor David Levett
- Councillor Alistair Willoughby
- Councillor Amy Allen

In response to questions, the Planning Officer advised:

- The description on the application is for 15metres and the plans detail this, unsure why the 20metre pole is shown on the slides.
- They were unaware how far the site was from the nearest school site.
- This proposal is for a new installation.
- Non-Iodising Radiation protection has to be taken into account regarding schools nearby, but there are not further requirements than this for planning considerations and it does not apply to private residencies with children.

The Chair invited Mr Chris Lobb to speak against the application.

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

- He was a resident of a nearby property and spoke on behalf of other residents.
- Improving connectivity was important for businesses and individuals.
- Taking into account sustainable development, it was important that changes were made to improve the future, it should not compromise the present.
- The small estate has already had additions and developments, including new housing and a bus stop.
- The nature of the mast will not be suitable for the area and will be an eyesore and will impact those living locally as it will rise above the treeline and no clever design will disguise this.
- Further developments to the mast, such as installation of CCTV cameras, would impact further on the privacy of local residents.
- No parking facilities on the A10 for the maintenance vehicles, putting pedestrians and works at risk.
- The site surveys had not been conducted fully and there had been no consideration to alternative sites, where residencies are not affected.

There were no points of clarification from Members for Mr Lobb and the Chair thanked him for his presentation.

The Chair invited the Planning Officer to respond to points raised during the public presentations, including:

- The applicant had chosen the site for a specific reason and they have detailed with other sites were not considered suitable.
- It was not proposed that the mast would impact on the footpath, as it would be located on the grass verge.
- There is parking for maintenance vehicles in the lay-by opposite the proposed site.
- The Planning Officer has no further right to ask for Health and Safety considerations, other than the non-iodising radiation certificate, which had been provided by the applicant.

The following Members took part in the debate:

- Councillor Tony Hunter
- Councillor Simon Bloxham
- Councillor David Levett
- Councillor Tom Tyson
- Councillor Amy Allen
- Councillor Nigel Mason
- Councillor Alistair Willoughby

Points raised during the debate included:

- Proposed masts have previously caused concerns from residents and this was an ongoing issues with residents and companies. It was important to balance the needs of the company with the desires of residents.
- The proposals shown look out of plan in comparison to the housing.
- There was considerable thought given by companies as to the most suitable site for these new masts to ensure maximum exposure.
- There were no material planning considerations for refusing this application and the concerns raised had been addressed in the report.
- The measurements on the plans shown to Members show a different height and it would be helpful to have clarification of this.
- It was noted that the plans did display a height of 14.4metres.

In response to points raised in the debate, the Planning Officer advised:

- It will be visible from nearby properties, but there was nothing specific about this area which could be applied to prevent the mast.
- There had been a change to legislation in March 2022, which would allow extension of the mast up to 25metres, but this site is on a highways and therefore a further application would be required for approval.
- All proposals and documentation have it as a 15metre mast application.

Councillor David Levett proposed and Councillor Morgan Derbyshire seconded and, following a vote, it was:

RESOLVED: That application 22/01342/TD be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager.

7 22/00170/FP The Lord Lister Hotel, 1 Park Street, Hitchin, Hertfordshire, SG4 9AH

Audio recording – 4 minutes 25 seconds

The Conservation and Development Manager advised Members of the following corrections to the report:

- Paragraph 4.1.1 should read 21 self-contained bedrooms, not 24 as written.
- Paragraph 4.2.2 should read 'managers and staff accommodation is within the existing building.

The Conservation and Development Manager presented the report in respect of application 22/00170/FP supported by a visual presentation consisting of photographs and plans.

Councillor David Levett advised that as Chair of the Overview & Scrutiny Committee, he had requested a Call To Account of relevant Members and Officers involved in decisions around Lord Lister Hotel and therefore he would not take part in the debate or vote on this item or Agenda Item 8, but would remain to hear the debate.

The following Members asked questions:

- Councillor Nigel Mason
- Councillor Amy Allen
- Councillor Tony Hunter

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

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- If the conditions in the report are not applied then Breach of Condition Notices can be issued by the Council, where it seems no action is being taken by the applicant.
- It was not the duty of the Development and Conservation Manager to answer for plans within the building.
- The other application included within the report was not entirely comparable, but demonstrated the considerations that the Planning Inspector had applied to this application and that decisions had to be made around Planning Concerns. There were other bodies responsible for other aspects of the development.

The Conservation Officer advised that having visited the site recently that was a large meeting room which in reality appeared to be a break out area for residents, with soft furnishings. There would need to be further clarification from the applicant or their representative as to whether this was the plan.

The Chair advised Members of the details of the Call to Account to be undertaken by the Overview and Scrutiny Committee.

The Chair invited Mr Scot Moir to speak against the application and advised he had been allocated 10 minutes.

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

- He was speaking as a neighbouring resident to the property and was speaking on behalf of his friends, family and the local community.
- The property had been run as outlined in the proposals since 2021 and therefore residents have a clear idea of how it functions.
- These were not self-contained units, and the 21 residents would have to have access to shared kitchen and laundry facilities.
- Typically when the building was used as a hotel, the patrons would stay for a short period of time and would spend little time in the room. This would not be the case under the proposals.
- The installation of a gate on the front arched entrance will have an impact on the highways and vehicles will now have to breach the pavement for access.
- Since the change of use has taken place the police and emergency services have been called out and, due to the location of the site, they are required to park on the pavement, causing issues for pedestrians and pub users next door.
- The issues on site have been coming from both the main building and the annexe, where these were never an issue when used as a hotel, and the high turnover of residents made noise mitigation measures difficult.
- Nine of the rooms on the plans are less than 12 square metres and there was no communal areas indicated on the plans, other than the kitchen and laundry.
- The Half Moon pub next door had never experienced problems with anti-social behaviour, but since the change of use there has been an increase in noise, disturbance, littering, loitering and begging, which has impacted the trade at the pub and has led to customers leaving the venue.
- Police cars parked outside the pub not only prevent customers from accessing the venue, but also cause reputational damage for the business.
- The appeal decision included within the report offered very few parallels with this application. The application in Portsmouth applied to be a HMO, adjacent to an already existing HMO, it was not a support centre as proposed in Hitchin.

There were no points of clarification from Members for Mr Moir and the Chair thanked him for his presentation.

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The Chair invited Councillors Keith Hoskins, Claire Strong and Sam Collins to speak against the application as Member Advocates and advised they had been allocated 10 minutes to share.

Councillor Hoskins thanked the Chair for the opportunity to speak and advised the Committee of the following:

- He was speaking a Ward Member on behalf of 200 residents and had made clear than any objections to the application have to relate to planning law.
- Although the hotel had ceased trading during Covid restrictions, there was no evidence supplied in the report of the benefit to the loss of the building as it existed.
- Planning should not be granted unless it can be demonstrated that there is a benefit to the community and therefore existing businesses and communities should not have unnecessary limits place on them by decisions taken after their establishment.
- The Council can apply mitigation measures where the proposals will impact on the existing community, but none of these have been highlighted within the application.
- As detailed in the Kingsley Smith solicitors' submission, developments should be safe, inclusive and accessible, which promote health and well-being. The existence of, or fear of, crime should not undermine the quality of life of those existing communities.
- The example included from Portsmouth is of interest, but not comparable, as this site had permission for hostel status granted in 2009.
- The wealth of objections submitted are not speculative, but are confirmed over experiences of the last seven months.
- The requirement of the Local Authority to tackle the issue of homelessness should not impact on the existing communities.

Councillor Strong thanked the Chair for the opportunity to speak and advised the Committee of the following:

- Speaking as the Member, alongside Councillor Hoskins, who called in this item to the Committee.
- The new proposed use of the site would not be similar to a hotel. Guests at a hotel will come and go from the building, but the residents at the hostel will stay in their room throughout the day.
- Developments should function well and add to the quality of the area, both in the short term and longer term.
- Planning training had advised Members that they should look at the harm and whether there were mitigations that could be put in place to deal with these. If not, then planning should be rejected.
- Residents are already having to deal with the noise issues from the property and the conditions in the report would not stop this happening.
- There had been no community consultation prior to the change of use and, furthermore, no consideration applied to the loss of the hotel in relation to the town centre and tourism strategy for the town.
- This was in contradiction with the emerging Local Plan and the NPPF.

There were no points of clarification from Members for Councillors Hoskins and Strong, and the Chair thanked them for their contribution.

The Chair invited Ms Renu Prashar Prinjha, as applicant's representative, and Mr James O'Grady, as applicant, to speak in support of the application and advised they had been allocated 10 minutes to share.

Ms Prashar Prinjha and Mr O'Grady thanked the Chair for the opportunity and advised of the following:

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- They had not been made aware of the extension allocated to speakers on this item and therefore had been unable to prepare a 10-minute verbal presentation.
- There is no adopted policy that requires a viability assessment with regards to the loss of the hotel.
- The hotel was chosen as this would require the least number of changes to the property to bring up to operation standards for supported accommodation.
- Local Authorities had often been required to use hotels for emergency accommodation, and this would take place without any consultation or relevant conditions being applied.
- This application was an example of sustainable development, due to the town centre nature within an existing building. The proximity to amenities and public transport was vital due to the residents not having access to a private vehicle.
- Comments raised on the planning portal had been looked at by Keystone and, where possible, mitigation measures had been applied through the secure by design principles listed in the report.
- The life expectancy of homeless people was almost half of the average life expectancy nationally.
- There was a willingness to engage with communities, whilst providing services for those in need, so that the residents themselves can eventually become part of the community.

The following Members asked points of clarification:

- Councillor Morgan Derbyshire
- Councillor Amy Allen
- Councillor Nigel Mason
- Councillor Tom Tyson
- Councillor Tony Hunter

In response to points of clarification, Mr O'Grady advised:

- There would be 24/7 support available on site for residents.
- The site would offer supported accommodation for residents.
- The staff on site are there to support the service and it is their job to make it a safe environment. The applicant would work with the Local Authority to establish what staffing requirements were required for that accommodation.
- Some of the measures included under the secure by design process include secondary glazing to prevent noise travelling externally, as well as to adhere to the quality of life of those inside. There had also been higher fencing included at the rear of the site.
- The meeting room as labelled on the plans would be a multi-purpose room for residents, it would not be a formal meeting space.
- Staff on site are provided with 40 modules of training, in agreement with the Local Authority.
- Due to the nature of the site and the services provided, there would be constant consultation with partner organisations (police, social services, Local Authority, etc) and relevant adaptations to the service provision will be made.

The Chair thanked Ms Prashar Prinjha and Mr O'Grady for their contribution.

The Chair invited the Development and Conservation Manager to respond to points raised during the public and Member Advocate presentations, including:

- The application is for assisted living and therefore it was implicit that the need for assistance was there. Therefore, regarding this application, this would be a relevant planning consideration.
- The appeal included in the report was a precedent, but wanted to highlight the considerations the Inspector took, and where these were relevant to this application.

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- Issues with crime are included within the report, but these are not within the planning considerations and are overseen by other authorities and legislation.
- The safe communities detailed in the National Planning Policy Framework (NPPF) applies more to the built environment and is not applicable to a change of use in this instance.
- Similarly, the NPPF does talk about protecting the loss of community facilities, but this does not protect hotels and there are other options of hotels remaining in the town, and therefore would not be a material consideration in this application.
- The Environmental Health Officers had not raised any concerns regarding the living conditions within the building or the noise concerns. If the Committee refused along these lines, they would not be supported by the relevant consultees.
- The Highways Authority had not been consulted on this application, but as raised by Mr Moir, the barrier at the arched entrance would alter the free flow of traffic and so would be a suitable reason for deferral until further consultation can be held with Highways.
- The Police would not support any rejection of the application on appeal. Should deferral take place to consult with Highways, then it would be possible to ask the police for some further information, but they were unable to compel them to comment on the application.

The following Members took part in the debate:

- Councillor Tony Hunter
- Councillor Morgan Derbyshire
- Councillor Simon Bloxham
- Councillor Tom Tyson
- Councillor Ian Moody
- Councillor Nigel Mason
- Councillor Amy Allen
- Councillor Val Bryant
- Councillor Alistair Willoughby

Points raised in the debate included:

- There had been nothing within this report that the application is not supported by the Police and other than local objectors, there was no indication that anti-social behaviour had taken place on or around the site.
- There were several representations made this evening which made it difficult to support the application, but there remained compelling arguments in favour. Sometimes Members of the Planning Control Committee need to take into account other aspects of the development. This is not necessarily a suitable site in Hitchin and, should the refusal go to appeal, this may be a risk the Committee has to take.
- The behaviour of those involved should not be considered when deciding on the application and that whilst there was sympathy for residents' views, these were not necessarily planning matters. It was not the job of the planning department to manage people's behaviour on the site.
- Concern regarding the use of the phrase "in this location", someone is always likely to be upset by the decision regardless of the location.
- It was important to have all information in front of Members and deferral to receive a response from Highways regarding the installation of a gate would be appropriate.
- The Committee has the ability to go against the suggestions of the Planning Officer.
- The Committee Members have only heard of the harm being done to the area and existing residents, and without further evidence from the police it is difficult to align with creating healthy and safe communities.

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

RESOLVED: That application 22/00170/FP be **DEFERRED** to receive a response from Highways regarding the installation of a gate and to request further details from the Police regarding anti-social behaviour in the area.

8 22/00171/LBC The Lord Lister Hotel, 1 Park Street, Hitchin, Hertfordshire, SG4 9AH

Audio recording – 77 minutes 23 seconds

Following the deferral of Agenda Item 7 22/00170/FP, Councillor Tony Hunter proposed and Councillor Morgan Derbyshire seconded and, following a vote, it was:

RESOLVED: That application 22/00171/LBC be **DEFERRED** to receive a response from Highways regarding the installation of a gate and to request further details from the Police regarding anti-social behaviour in the area.

9 19/01106/FP Burford Grange, Bedford Road, Ickleford, Hitchin, Hertfordshire, SG5 3XG

Audio recording – 123 minutes 13 seconds

The Development and Conservation Manager advised Members that Matthew Armstrong Highways Area Manager (North & East) from Herts County Council was available via Zoom to answer questions and provided the following updates:

- Comments had been received from Ickleford Parish Council.
- Further comments had been received from the Herts and Middlesex Wildlife Trust.
- Highways had clarified that on carriageway bus stops were safer than off carriageway, given the priority of buses.
- There would be funds allocated to make a biodiversity net gain off site.
- Some of the Section 106 funds had been changed, following the net reduction of one house in the proposals.
- Due to the site being situated on currently allocated Green Belt land, this application would need to be referred to the Secretary of State if approved.

The Development and Conservation Manager presented the report in respect of application 19/01106/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor David Levett
- Councillor Nigel Mason

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

- The applicant was Cala Homes.
- For affordable rental properties, this would equate to 80% of the market value rent and 40% of this development would be in that category.

The Chair invited Ms Jill Saunders and Mr Phillip Crowe to speak against the application.

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

- Objections from local residents had been set out in writing and a challenge to the legality of the site selection had been made and was awaiting a response from the Planning Inspector.

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- The review which downgraded the relevance of the site to the green belt failed to offer justification or rationale for doing so.
- A strategic master plan was required for Ickleford due to the number of proposed developments.
- If the proposals are approved then, as a minimum, the conditions in the report need to be enforced.
- Full protection, with additional planting, of trees should be included within the proposals.
- It was good to see the inclusion of a light controlled crossing over the busy road in the proposals and requested the footpath be extended.

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

- Ickleford Parish Council has continued to object to the plans, which will be built on green belt land and will be built before the return of the Local Plan from the Inspector.
- Requested that all sewage will flow south towards Hitchin, not north into the older sewers which were already under strain.
- Given the new national plans to protect chalk streams, it was not suitable to propose that all surface water will run into the River Oughton.
- The siting of the pelican crossing proposed should be moved south, alongside the new bus stop, which would be of more use to residents and children using the bus stop.

In response to a point of clarification from Councillor Alistair Willoughby, the Highways Area Manager (North & East) advised that the pathway could be extended further south, as suggested by Mr Crowe, but that highways land eventually runs out. Extension would only benefit 1 or 2 homes south of the site and all works must be relevant, and directly related, to the development.

The Chair thanked Ms Saunders and Mr Crowe for their presentation.

The Chair invited Councillor Sam North to speak against the application as Member Advocate.

Councillor North thanked the Chair for the opportunity to address the Committee and advised of the following:

- The Council had now received the draft Local Plan from the inspector and it is currently undergoing the fact checking process. It would be of benefit to the Committee to delay the decision until the time when the Local Plan is adopted, or not, which would allow for a decision in line with how policy is, not how it might be.
- Ickleford is a village with a strong character and this development is not in keeping with the existing residences.
- Residents were not against developments but would rather these use existing brown belt land.
- The biodiversity net gain on site is only 3% of that currently achieved by the green field site.
- The open spaces included in the plans are not for the wider village and would only be suitable to those on the new site.
- There is already poor air quality in this area.
- A new housing development is not necessary to install a new pelican crossing as proposed.
- There are significant concerns regarding drainage and sewers in Ickleford and these would need to be addressed and answers prior to commencement.

There were no points of clarification for Councillor North from Members and the Chair thanked him for his presentation.

The Chair invited Mr Neil Farmsworth, as the applicant's representative, to speak in support of the application.

Mr Farmsworth thanked the Chair for the opportunity to address the Committee and advised of the following:

- The site offers a mix of dwellings, including 2, 3, 4 and 5 bedroom dwellings, with 40% of these being affordable, as agreed with Council's Housing Department.
- The site is proposed to be removed from the green belt and incorporated into the existing Ickleford boundary and it had only a moderate contribution to the green belt.
- Whilst the Local Plan has not yet been adopted, its adoption is imminent and therefore, its plans should be taken seriously and applied. This has already happened at other sites in North Hertfordshire.
- Housing on the site will be centred around a village green, with each dwelling having a private garden, with a mixture of detached and semi-detached houses. Brick will be the primary exterior material and architecture has been developed in line with existing buildings.
- This development will benefit from the introduction of Cala Home's Sustainability Strategy, as such all properties will have air source heat pumps which will reduce the dwellings emission by 35% of the baseline.
- This is the first Cala Homes site in England to use solely timber frames.
- There were no objections from Highways and the site offers parking above requirements.
- The Highways plans included within the development will bring several improvements to the roads in the surrounding area.
- Confirmed that sewage will be moved south towards Hitchin and road surface water will not flow into the River Oughton.

There were no points of clarification for Mr Farmsworth from Members and the Chair thanked him for his presentation.

The Chair invited the Development and Conservation Manager to respond to points raised during the public and Member Advocate presentations, including:

- In terms of the Planning Inspectors report on the Local Plan, the legal proceedings will have to be completed on this application which can take weeks. Furthermore, the Secretary of State has 21 days to call in any decision.
- There is a huge delay at the Lead Local Flood Authority (LLFA) and in this case it is better to allow the LLFA and the applicant to develop a negotiated position after planning has been approved.
- If nothing could be agreed between the LLFA and the applicant then the application would be brought back to the Planning Control Committee.
- Similarly, if this site was not included in the Local Plan then it would have to be brought back to the Planning Control Committee.
- It was possible to remove Class E structures, relating to outbuildings, to protect the boundary of the site.
- There would be little time to make changes prior to the statutory determination deadline of 30 July. The natural sequence of events mean that there is ability to react to any unknown changes, if included within the Local Plan.
- This site is well below the threshold for SP9 considerations, which applies to developments of over 100 dwellings.
- Cala Homes would be willing to put in writing the confirmation regarding drains.

The following Members took part in the debate:

- Councillor Morgan Derbyshire
- Councillor David Levett

- Councillor Tony Hunter
- Councillor Amy Allen
- Councillor Tom Tyson

Points raised in the debate included:

- There had been a 20% increase in dwellings, from 40 to 48, but this still represented only 20 dwellings per hectare. This application has been ongoing since 2019 and the developer and applicant had made concessions along the way.
- Deferral would lead to a non-determination appeal and, should this happen, the developer would no longer be committed to the conditions outlined in the report, which offer benefits to the wider community.
- Additional conditions could be applied to improve the landscaping on the buffer zones surrounding the site. It was also requested to remove permitted development rights for Class E buildings.
- The developer had sufficiently answer concerns regarding draining and had confirmed sewage would run south and surface water would be sufficiently clean when going into the river.

Councillor David Levett proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 19/01106/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 conditions:

“Condition 25

Prior to any demolition and construction works full details of a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure that adequate measures are adopted to control nuisance during works associated with the development from the spread of pollution, notably dust and fine particulate matter.

Condition 26

Prior to the occupation of the development a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

Reason: In the interests of nature conservation

Condition 27

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.”

10 21/02768/FP Oughton Head Pumping Station, Hitchin Road, Pirton, Hertfordshire

Audio recording – 178 minutes 58 seconds

N.B. The Chair allowed a short break following the conclusion of Agenda Item 9.

The Planning Officer advised Members that Herts Ecology had provided their response and this had been shared with Members ahead of the meeting, but in summary no objections had been made.

The Planning Officer presented the report in respect of application 21/02768/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Alistair Gammell to speak against the application.

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

- As a keen conservationist and trout fisherman, he was interested in the conservation of chalk streams.
- Oughtonhead Common was the largest area of its type within Hertfordshire and was a well-used and much-loved site within the local community and is a local nature reserve, with priority habitat sites.
- Herts Ecology noted that without any evidence to the contrary, it is appropriate to be concerned about the possible negative impacts of the decisions on the wetlands and other wildlife habitats.
- All evidence suggests that there may be negative ecological effects on site and no consultees have suggested evidence that there will not be.
- Sites should enhance existing habitats and minimise impact from developments, with mitigations applied where appropriate.
- There is no evidence in the report that there will be a net biodiversity gain, given the losses expected to Oughtonhead Local Nature Reserve.

There were no points of clarification for Mr Gammell from Members and the Chair thanked him for his presentation.

The Chair invited Councillor Sam North to speak against the application as Member Advocate.

Councillor North thanked the Chair for the opportunity to address the Committee and advised of the following:

- The development is proposing to extract high levels of water adjacent to this important natural habitat and recently the common has run dry, causing concern amongst local residents and users of the common.
- Only 200 chalk stream worldwide and 85% are found in England and are very rare habitats, supporting life both in and around the water.
- Due to the Climate Emergency declared by the Council this application should be rejected as this proposed water extraction will have an impact on the nature reserve and the special habitat it offers wildlife.
- The proposals transfer the water resilience in the area and would push the problem to another area in the district.
- These proposals, as noted in the report, would have an adverse impact on the green belt and further demonstrate reasons for refusal.

There were no points of clarification for Councillor North from Members and the Chair thanked him for his presentation.

The Chair invited Dr Ilias Karapanos and Ms Rebecca Lock, as the applicant and applicant's representative, to speak in support of the application.

Ms Lock thanked the Chair for the opportunity to address the Committee and advised of the following:

- This site is important part of Affinity Water strategic plans, agreed with the Environment Agency and Drinking Water Inspectorate.
- Current nitrate levels at Oughton mean that Affinity is currently unable to use this site and is therefore causing 'unplanned outage' on the system.
- The building is an extension of the existing site on Affinity Water land, and has been designed in common with other water treatment facilities and is not dissimilar to rural barns found in other locations.
- The building would not exacerbate urban sprawl and is not related to other developments.
- The need to provide safe and resilient water supplies outweighs the negatives of this proposal.
- Affinity Water have worked hard to address concerns from Officers and consultees to promote the benefits of the scheme and conditions have been placed on the proposals.
- There were no objections from District or County Councillors when consulted over recent months.
- Affinity has already been granted a licence to extract on the site and that is not for consideration with this proposal.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson
- Councillor Alistair Willoughby
- Councillor Nigel Mason
- Councillor Simon Bloxham

In response to points of clarification, Dr Ilias Karapanos advised:

- There are two levels of monitoring of extraction, one element is carried out by Affinity Water and they monitor the flow of the River Oughton to get a base line. The second element is carried out by the Environment Agency who will monitor trends in the wider area.
- The licence to extract water from the Environment Agency has been reviewed frequently since 1966.
- Water resilience revolves around not having single points of failure, to ensure that if there was an issue it could be managed by bringing in supply from elsewhere on the system. The unplanned outage on this site, caused by the increased nitrate levels, means there is less resilience in the system due to this site being offline.
- Graftam Water will continue to function and provide supply to some areas.
- Affinity Water was constantly looking at the environment and where licences can be removed if not necessary.
- They are allowed to extract 450 cubic metres per day of water for the purpose of augmentation on this site and when required and notified by the Environment Agency, Affinity Water will release up to this amount.
- The trigger for this action is based on the springs and set by the Environment Agency. The investigation took place from 1995 to 2000 and suggested the levels it should be and the trigger for taking actions.
- Baseline monitoring is not required of Affinity Water, but this is conducted as a goodwill gesture to help understand the impact.

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- The drought in 2019 was when the water extraction at this site was off, therefore there must have been other factors in this happening.
- The site is only offline at the moment due to the nitrate levels being above the Drinking Water Inspectorate levels.
- Augmentation has been in place at Oughton Springs has been in place since 1996 offering key data for Affinity Water when monitoring the impact of extraction.
- Licences moving forward will be reviewed at a much more frequent rate than currently.
- Previous investigations into the chalk stream had been extensive and no issues were identified in these.
- By allowing the treatment of nitrates at this site, this water would be fed back into the system and would increase resilience.

In response to a point of clarification from the Chair, Councillor Val Bryant, Ms Lock advised that netting of the hedges on the site was to prevent birds nesting in the hedgerows so that if permission was granted work could be started immediately.

The Chair invited the Development and Conservation Manager to respond to points raised during the public and Member Advocate presentations and advised that Affinity Water have a licence and the nitrate levels are the only thing preventing the use of this licence. Additional conditions could be added which would look to mitigate against any ecological impact.

The following Members took part in the debate:

- Councillor Morgan Derbyshire
- Councillor Alistair Willoughby
- Councillor Simon Bloxham

Points raised in the debate included:

- The application had initially been rejected due to an objection from Highways, but they have now removed their concerns.
- There is already a licence to extract water on site and it would be difficult to reject this application because of that.
- Chalk streams are vitally important but in this instance, there seem to be sufficient safeguards applied to protect habitats.

In response to a question from Councillor David Levett the Development and Conservation Manager confirmed that this would not need to be referred to the Secretary of State, if approved by the Committee.

Councillor Morgan Derbyshire proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

RESOLVED: That application 21/02768/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager, including an amendment to Condition 13 and the addition of Condition 14 as follows:

“Condition 13

Prior to commencement, a single method statement for the clearance of vegetation should be submitted to the LPA for consideration. This should incorporate the key considerations outlined in the mitigation measures for the safeguarding of hedgehogs, nesting birds and reptiles in sections 6.3. 6.4 and 6.5 of the Ecological Impact Assessment by SLR Consulting Limited (Ref: 402.06511.00007 Version No:2), including those relating to the time of year.

Reason: In the interests of nature conservation

Condition 14

Prior to the commencement of the development a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved Plan.

Reason: In the interests of nature conservation.”

11 22/00346/FP Land Between Cherry Holt And 2, Caldecote Road, Newnham, Hertfordshire

Audio recording – 224 minutes 40 seconds

The Planning Officer advised Members that the statutory deadline for this application had been extended until the 24 June 2022. There had been documents circulated by the applicant to Members this week and the Planning Officer would clarify these at a later stage.

The Planning Officer presented the report in respect of application 22/00346/FP supported by a visual presentation consisting of photographs and plans.

Councillor Tom Tyson advised the Committee that he had called in this application and the reasons for his call in were detailed in the report. He was not an advocate for this application either way and, whilst he had communication prior to the meeting with the applicant this was limited to procedural advice, he was not predetermined on this and would stay for the debate and vote.

The Chair invited Mr David Cook to speak in support of the application, as the applicant's representative.

Mr Cook thanked the Chair for the opportunity to address the Committee and gave a verbal presentation, supported by a map, including:

- Contextualised the plot in relation to the 2008 Newnham Conservation Area map.
- Highlighted a previous application which had been allowed for a terrace of 4 houses on The Green, in spite of it being closer to Caldecote Road, as well as wider and taller than this proposal.
- The land is in domestic usage and Class E development rights exist within this plot, there is just an absence of built form on the plot at the moment.
- The existing outbuilding within the curtilage of Cherry Holt is large and ugly to the street scheme and it was previously suggested that removing the old building and replacing this would be suitable and of benefit to the conservation area.

There were no points of clarification for Mr Cook from Members and the Chair thanked him for his presentation.

The Chair invited the Planning Officer to respond to points raised during the public presentation, who advised:

- The 2008 map of Newnham Conservation Area has two distinct roads, Ashwell Road and Caldecote Road, with different densities.
- The setting of Cherry Holt is not listed, but the Conservation Officer can consider the setting of this building together with assessing the impact of the development upon other Designated Heritage Assets.

- The location of the proposed dwelling is not in keeping with the height or built nature of the surrounding sites, as well as the spacing between sites.
- A previous application on The Green was granted permission, where the Conservation Officer advised that a terrace would complete the crescent and this is currently being undertaken. This application is not comparable.
- Under Class E permitted development within a conservation area, a building located to the side of an existing dwelling, as is the case here, cannot sit forwards of the rear elevation of no. 2 Caldecote Road without requiring planning permission.
- In-fill development in Newnham is allowed, but this site with within the conservation area and these proposals would do harm to this and to the setting of the adjacent listed building.
- If you don't have a 5-year land supply, applications have to be approved unless the harm demonstrably outweighs the benefits. There has been identified harm proposed to the conservation area and to the significance of Cherry Holt and this would therefore provide a clear reason for refusing permission under the neutral balance test.

Councillor David Levett proposed approval of the application as there were other sites like this in the vicinity and the site was set back.

Councillor Tom Tyson noted that the applicant had made great effort to provide proposals which mitigate against potential harm and it was good to see environmentally friendly design, which was one of the many positive aspects of this application. But the concerns of the Conservation Officer are important and he had highlighted the impact the proposal will have on the intrinsic character of the conservation area in this loose-knit part of Newnham.

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

RESOLVED: That application 22/00346/FP be **REFUSED** planning permission for the reasons outlined in the report of the Development and Conservation Manager.

12 21/03533/FP Land West Of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

Audio recording – 248 minutes 20 seconds

The Development and Conservation Manager advised Members of the following updates to the report:

- A late representation was submitted regarding the report and the author was advised to circulate these to Members directly.
- The trees to the south of the site are not within the site boundary and so cannot be conditioned as such.
- There were three options available to Members; to rely on the existing legal agreements in place, to require new screen planting along the southern part of the site to replace any lost trees or the Council could impose a group tree protection order, which can be imposed outside of planning permission on the site.

In response to a question, the Development and Conservation Manager advised that there was no known threat to the trees to the south of the site, this was meant to provide Members with potential options they could take if they felt appropriate.

The Development and Conservation Manager presented the report in respect of application 21/03533/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Ms Lynn Bogie to speak against the application.

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

- Previous applications have been made on this site, all of which have been rejected or withdrawn following consultation.
- The previous application was not supported by the Planning Officer and was subsequently rejected by the Committee.
- This application now has support from the Planning Officer, but nothing regarding the site has changed. There is no easy access to the site and it is situated away from local amenities.
- The only change is that the application is now for 3 larger houses, as opposed to the 6 smaller dwellings previously proposed.
- Previous application had been refused to the inadequacy of the flood risk assessment and no further evidence has been provided by the applicant for this application.
- Although the LLFA is not a statutory consultee, they wrote to the Development and Conservation Manager to outline that they had not removed their objection.
- The pollution risk assessment is incomplete and has not considered recent developments, but rather takes into account information and evidence which is now a further two years out of date from the previous application.

There were no points of clarification for Ms Bogie from Members and the Chair thanked him for his presentation.

The Chair invited Mr Michael Calder, as the applicant and applicant's representative, to speak in support of the application.

Mr Calder thanked the Chair for the opportunity to address the Committee and advised of the following:

- This application has come following the rejection of a previous scheme and has seen the number of houses on the site reduced.
- Officers have provided their detailed reports into the application and there had been no objections received from statutory consultees.
- The proposals allow for a new opportunity on the site, which currently has no value to the countryside, has a history of commercial use and is almost entirely concrete.
- At present the site has large and visible gates at the front, the development would improve the site and increase the standing of this part of the village, as the gates and fences would be replaced with nicer and softer options.
- Proposals will integrate with the rural setting of the site and would include a biodiversity net gain, substantially above the 10% required.
- The scheme would see 9 people employed throughout the process and would increase spending at facilities in the village.

There were no points of clarification for Mr Calder from Members and the Chair thanked him for his presentation.

The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Tony Hunter
- Councillor Simon Bloxham
- Councillor Tom Tyson

Points raised in the debate included:

- The proposals seem an improvement to the site as currently situated and would be more in keeping with the village.
- It would be possible, should the application be approved, that further conditions could be held with the LLFA regarding further conditions to allay any outstanding concerns they had regarding the plans.
- Sufficient progress had been made on the application to warrant approval, following the reduction of dwellings on the site and subsequent changes to their impact on the surrounding area.
- A group tree protection order on the trees outside the boundary to the south of the site would be the preferred way of ensuring their existence.

Councillor Alistair Willoughby proposed and Councillor Tony Hunter seconded and, following a vote, it was:

RESOLVED:

- (1) That application 21/03533/FP be **GRANTED** planning permission subject to the conditions and reasons as set out in the report and with the following additional condition:

“That the applicant agrees all necessary extensions to the statutory determination period to enable the completion of the deed of variation S106 agreement. In the event that agreement is not secured to extend the statutory determination that the members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement”

- (2) Independently to the grant of planning permission for the Council to investigate whether a group Tree Preservation Order (TPO) should be served on the trees outside the application site immediately to the south to secure their long term protection following an assessment of the state and condition of the trees.

13 Planning Appeals

Audio recording – 274 minutes 20 seconds

The Development and Conservation Manager advised that, due to the time, he would not provide Members with a verbal update on this item.

The meeting closed at 0.04 am

Chair