

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 21ST MARCH, 2024 AT 7.30 PM**

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Steve Jarvis, Ian Mantle, Michael Muir and Dave Winstanley.*

In Attendance: *Sedem Amegashie-Duvon (Trainee Solicitor), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Caroline Jenkins (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Development Management Team Leader), Callum Reeve (Democratic Services Apprentice), Naomi Reynard (Senior Planning Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *At the commencement of the meeting there were 14 members of the public, including registered speakers present.*

Councillors Clare Billing, Elizabeth Dennis and Daniel Wright-Mason were also present.

188 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 27 seconds

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

Having given due notice Councillor Steve Jarvis substituted for Councillor Peace, Councillor Michael Muir substituted for Councillor Moody, Councillor Ian Mantle substituted for Councillor Allen and Councillor Dave Winstanley substituted for Councillor Nolan.

Councillor Phil Weeder was absent.

189 MINUTES - 15 FEBRUARY 2024

Audio Recording – 2 minutes 2 seconds

Councillor Val Bryant, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 15 February 2024 be approved as a true record of the proceedings and be signed by the Chair.

190 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 54 seconds

There was no other business notified.

191 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 58 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be 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 clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) The Chair advised that agenda item 6, 23/00563/FP, had been deferred to a future meeting of the Committee to allow the Council to consider late information submitted to Members of the Planning Control Committee by the applicant and the Planning Authority was considering its own independent legal advice.

192 PUBLIC PARTICIPATION

Audio recording – 5 minutes 50 seconds

The Chair confirmed that the registered speakers were in attendance.

193 23/00563/FP LAND ON THE SOUTH OF, OUGHTONHEAD LANE, HITCHIN, HERTFORDSHIRE, SG5 2NA

Audio recording – 6 minute 44 seconds

The Chair confirmed that agenda item 6, 23/00563/FP had been deferred to a future meeting of the Committee.

194 23/01947/FP THE ANCHOR, 84 CAMBRIDGE ROAD, HITCHIN, HERTFORDSHIRE, SG4 0JH

Audio recording – 6 minutes 49 seconds

The Senior Planning Officer provided an update that:

- There was an addition to the end of the Condition 7 to read, 'or any other such agreement'.
- There was an addition to the end of Condition 9 to read, 'the applicant should liaise with the Highways Authority with regards to any changes that may need to be made to the kerb line at the site accesses.'

The Senior Planning Officer presented the report in respect of application 23/01947/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Simon Bloxham
- Councillor Val Bryant
- Councillor Michael Muir
- Councillor Tom Tyson
- Councillor David Levett

- Councillor Nigel Mason
- Councillor Ian Mantle
- Councillor Mick Debenham

In response to the points of clarification, the Senior Planning Officer stated that:

- The blue line on the plan showed the visibility splays and were a Highways requirement which allowed motorists to have a complete view of Cambridge Road. These splays complied with Highway standards.
- There would be four, 4-metre-high lights on the site, the operational hours of these lights had not been stated.
- A transport assessment had been completed and concluded that there would be no impact on traffic. Highways therefore did not have any objections to this application subject to Conditions and Informatives.
- The car parking spaces would be open for public use.
- Highways assessed the application, and the visibility splays were acceptable to their standards.
- It was assumed that the light post to the right of the exit would remain.
- The river was situated by the Millstream Pub on the other side of the road.
- There was a detailed landscaping plan for the site, with any vegetation outside of the site boundary remaining in place. There was an ecological assessment in the report that assessed the development as no, unacceptable harm to the area and would comply with policy.
- A condition regarding the sites opening hours could be requested.

In response to a point of clarification, the Development and Conservation Manager stated:

- The site was within flood zone 1 which was the lowest risk of flooding from rivers or sea provided and was outside any flood plain.
- The river was situated outside of the development site.
- There were proposals in the report for the impact of heavy rain and ground water.

The Chair invited Mr Gagandeep Singh to speak against the application. Mr Singh thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The development would dramatically alter the current quaint and calm site.
- When the site was completed, it was anticipated that there would be 1100 vehicles entering the site daily compared to the current 50.
- There were eleven traffic hotspots in Hitchin with three traffic hotspots close to this site on the A505. During peak time this road was bumper to bumper.
- Peak usage of the shop would coincide with peak traffic times.
- From a recent traffic survey 1 car turned into this site in peak time compared to 153 cars at a local, same sized supermarket.
- Hertfordshire Constabulary Design Team had concerns regarding the busy Cambridge Road and this development site.
- There were conflicts with 10.2 of the Local Plan and the retention of local shops.
- There would be alcohol sold at both sites.
- There were 120 reported crimes between August 2021 and July 2023 within 100 metres of this site.
- The application failed on all 4 of the licensing objectives.
- There were already local shops nearby and this new store would put them at risk.
- There was a petition against this development containing more than 800 signatures.

The Locum Planning Lawyer advised that the licensing concerns could not be considered in a Planning application.

In response to a point of clarification from Councillor Tom Tyson, Mr Singh stated that:

- They had surveyed traffic between the hours of 07:00 to 08:00 and again from 16:00 to 19:00 for all vehicles entering the Anchor pub site.
- Two other people surveyed traffic outside the Tesco store by Hitchin station and Tesco in Stopsley using the same time frame.
- From the survey information they took the least number of cars from the surveyed time and multiplied it by the 17, the expected number of opening hours to get the 1100 vehicle movements.

The Chair thanked Mr Singh for his presentation and invited Mr Neil Dodds to speak against the application. Mr Dodds thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The construction work would disturb and affect the wildlife on Purwell Meadow and the increased site activity would have long term negative effects on the nature reserve.
- The existing lighting was not bat friendly and the proposed lighting was even less friendly.
- The biodiversity net gain for habitats would be satisfied by the planting of 6 new trees, however these would take 27 years before the net gain would actually be achieved.
- There were 598 two way traffic movements expected to this site from the Cambridge Road on a typical day. This was a projected increase of 3.9% and would still increase congestion.
- There were busy roundabouts, traffic lights, narrow bridges, bus stops and pedestrian crossings close to this development which all contributed to congestion and noise pollution.
- There would be an increase of road noise and pollution to nearby houses.
- There had already been two fatalities on this road since 2014.
- The new store would detract trade from already established stores.
- There were concerns regarding the drainage proposals for the site, which had previously flooded.

The Chair thanked Mr Dodds for his presentation and invited Mr George King to speak against the application. Mr King thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were concerns from local residents living in the terrace that adjoined the Anchor Pub, whose gardens backed onto the development site.
- Their main concerns regarding traffic, pollution, security and the impact on Purwell Meadow.
- It was currently difficult to turn into the site due to traffic congestion and the new development would cause longer queues.
- The site and the congestion would increase the noise and effects of pollution on their health and wellbeing.
- The opening of a store would exacerbate the existing inconvenience of this already busy road.
- There were concerns that this development would pose an increased security risk to their homes, with darker areas leading to anti-social behaviour.
- If there were brightly lit areas this could cause light pollution to their homes and Purwell Meadow.
- The development posed a risk to the safety of the local families.
- The new bat boxes would not mitigate the loss of extensive wildlife and the damage to the area.
- There had been 38 registered objections to this proposal.
- There was no place or need for a store on this site.

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The Chair thanked Mr King for his presentation and invited Councillor Daniel Wright-Mason to speak against the application. Councillor Wright-Mason thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The transport statement assumed that trips to the store would primarily be by foot.
- It was projected that there would be 598 two way movements in a typical day to the site, of which some would be existing journeys. The resident survey suggested that the actual number of trips would be significantly higher.
- The resident survey stated that pedestrian trips amount to 30% of those journeys.
- All these journeys impacted on an already congested road.
- Extending the isolated car park would increase the risks to local homes, including security, anti-social behaviour and littering.
- There were currently several local stores within a short walk of the proposed site.
- The site was prone to flooding and was on a busy road.
- There were more homes currently being built in this area that would increase the road capacity.
- This was not the right site for this development and the infrastructure needed to be upgraded.
- Local residents had raised concerns regarding the proposal.

The Chair thanked Councillor Wright-Mason for his presentation and invited Mr Jake McLeod to speak in support of the application. Mr McLeod thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The application was for a Sainsburys local and improvements and enhancements to the Anchor public house.
- The Pub sector was struggling and not viable, the proposed development would protect the long term future of the Anchor public house.
- This development would protect existing jobs and create new ones.
- The proposed store would generate investment in the public house by increasing trade.
- The proposed store was small and passed the sequential test for urban developments.
- There would be 12 to 20 new jobs created.
- Impact on local business was not a planning consideration.
- The Highways authority had no objections to the detailed transport statement.
- The access point was assessed by Highways for safety and standard visibility splays had been implemented.
- There would be on site parking for the disabled, parents and children as well as EV charging points.
- There had been no objections from the LLFA, and the development would improve drainage conditions by desilting the existing surface water drainage network and by adding drainage gullies to the Cambridge Road.
- The 10% Biodiversity net gain was not mandatory to this scheme.
- It was believed that the scheme would achieve a 28% biodiversity net gain due to landscaping and ecological enhancements.
- The scheme included bat and bird boxes and hedgehog houses and should not adversely impact on the nature reserve.
- The proposed lighting scheme would ensure that there would be no spillage beyond the site boundary.
- There would be EV charging points and cycle parking.
- Six new trees would be planted, and the existing vegetation would be retained.
- This was a high quality designed building on an appropriate site in keeping with the local character of the area.
- The application complied with all levels of the planning policies.

The following Members asked points of clarification:

- Councillor Ian Mantle
- Councillor Mick Debenham
- Councillor Tom Tyson
- Councillor David Levett
- Councillor Val Bryant

In response to points of clarification, Mr McLeod stated that:

- There would be six cycle parking spaces outside the retail unit, these were not shown as being covered but this could be considered.
- There would be improvements to the outdoor dining area of the Anchor, with the erection of a pergola and new patio.
- 10 pubs were closing a day and this retail unit investment would also be an investment in the public house.
- The retail unit met the sustainability requirements and would have energy efficient lighting and water systems. Roof solar panels could be investigated.
- The client had previously invested in similar successful projects linking a public house and a retail unit.
- Highways were satisfied with the traffic survey and had provided a robust transport statement, however without the full details of the assessment from Mr Singh, no comment could be made.
- The trip data assessed that in 2021 there were 15273 two way trips on a typical day, the projected increase of 3.9% or 598 two way trips was not considered severe.

In response to points of clarification, the Development and Conservation Manager stated that:

- The TRICS database method was commonly used and accepted by Planning Inspectors as the main form of assessing traffic generation.
- This database is accessed to identify the potential impact of a particular development. This was common practice of predicting the traffic flow.

In response to a point of clarification the Locum Planning Lawyer stated that:

- The applicant submitted a Transport Statement in June 2023, the TRICS data was shown on page 12 of this statement.
- Although the areas taken for the TRICS data were not stipulated the details were highlighted in paragraphs 3.1 and 3.2 of the transport statement.
- The Cambridge Road was named when analysing the traffic impact as detailed in paragraph 3.3 of the transport statement.

The Chair thanked Mr McLeod for his presentation and invited the Senior Planning Officer to respond to any points raised.

The Senior Planning Officer advised that:

- Highways had stated there would be 598 two way trips per day of which 40-46 would be at peak time.
- Highways consulted with the applicant and gave their opinion that the development would have no significant harm on the Highways network subject to Conditions and Informatives.
- There had been no ecological objection to this application.
- Conditions could be suggested, subject to approval, for opening hours, lighting times, sustainability regarding solar panels and a biodiversity net gain ecology Condition, if appropriate.

The following Members took part in debate:

- Councillor David Levett
- Councillor Steve Jarvis
- Councillor Nigel Mason
- Councillor Ian Mantle
- Councillor Val Bryant
- Councillor Simon Bloxham
- Councillor Michael Muir
- Councillor Tom Tyson
- Councillor Dave Winstanley

Points raised during the debate included:

- There were concerns regarding the increased traffic on the Cambridge Road.
- There were concerns regarding the impact on the landscape.
- The loss of meadow views could be outweighed by the increased employment.
- There would be increased traffic but no highways grounds to turn down the application.
- Whether a lighting condition would be enforceable, which would mitigate the impact of the development on wildlife.
- There was a condition for the opening hours of the store in the report.
- A box junction would assist with the traffic.
- There should not be any deliveries outside the trading hours of the shop.
- This was a good site for solar panels.

During the debate the Development and Conservation Manager advised that:

- A lighting scheme had been submitted with the application, and this showed the proposed lighting levels, which were the lowest suitable lighting level for the proposed use. The lighting would be fitted with cowls to reduce light scatter.
- The proposed opening hours were between 7am to 11pm, seven days a week. A condition limiting these hours could be implemented.
- There was not a sustainability policy regarding fitting PV Panels to buildings, but a sustainability report could be requested from the applicant.
- The applicant submitted an energy statement with the application and indicated that the scheme would achieve part L of the building regulations, PV panel were not required for a scheme of this level, however the site would have energy efficient lighting and insulation levels.
- Solar panels on all south facing building could be considered for the new Local Plan.
- Condition beyond the policy requirements should not be imposed on applications.
- It was not uncommon for retail applications to have condition on their delivery hours, and these could be restricted to the same as the operating hours.
- An Informative was a guide for the applicant, and there was no reason they could not be amended.
- There could be an Informative to look into the possibility of solar panels.

During debate the Senior Planning Officer advised that a box junction was outside the red line boundary of the application.

The Locum Planning Lawyer advised that:

- The public house had licensed hours but the proposed operating hours for the shop would be helpful. Without operating hours there could be an impact.

- There were tests required for any Condition to be added, the first test was for necessity, would it be unlikely to go ahead with that Condition and was it a benefit. A solar panels Condition would not meet these tests.
- An Informative could be used to emphasise the concern and encourage the applicant to review the matter.

Councillor Simon Bloxham proposed and Councillor Ian Mantle seconded and, following a vote it was:

RESOLVED: That application 23/01947/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager as amended by the Supplementary agenda and with the following additional Conditions 17 and 18 and the following amendment to informative 3 and the addition of informative 8.

“Condition 17:

The retail unit hereby permitted shall not be open to customers and there shall not be any deliveries outside the hours of 07:00 until 23:00 Monday to Sunday and Bank Holidays.

Reason: In the interests of amenity in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Condition 18:

The development hereby approved shall be carried out in accordance with the submitted lighting scheme (Plan No. 020-16-E-01) and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development minimises light pollution and to protect wildlife and habitats in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031 and Section 15 of the NPPF (2023).

Informative 3:

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence (such as the installation of a box junction or keep clear marks). Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

Informative 8:

The applicant shall investigate a scheme of sustainability measures for the shop building, including the installation of solar panels. If sustainability measures are deemed to be feasible, they shall be implemented on site and retained thereafter.”

N.B Following the conclusion of this item there was a short break in proceedings until 21:16.

195 22/02628/FP LAND AT 1-36 FREEMANS CLOSE, HITCHIN, HERTFORDSHIRE

Audio recording – 1 hour 45 minutes 28 seconds

N.B Councillor Nigel Mason declared an interest and left the Chamber at 21:09.

The Senior Planning Officer provided an update that:

- There had been discussions with the applicant regarding the wording of Condition 6 and this would be amended.
- The applicant agreed to accept amendments to Condition 5.
- Further amendments were proposed to Condition 6, as well as amendments to Conditions 7 and 9.
- The Planning Obligation was to be referred to as a Unilateral Undertaking which was a legal deed. Unlike a bilateral S106 agreement these do not have to be entered into by the Local Authority. A Unilateral Undertaking would come into effect when planning permission was granted.
- The planning permission would then be granted subject to completion of a satisfactory planning obligation with time to extend if required and contain the same Informatives and Conditions as amended as the report.

The Senior Planning Officer presented the report in respect of application 22/02628/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Mick Debenham
- Councillor David Levett
- Councillor Steve Jarvis

In response to points of clarification, the Senior Planning Officer stated that:

- When the application was submitted 36 properties were occupied. 9 properties would be moved to flats in phase 2 and the remaining 27 were temporary lets to the Local Authority.
- There was a shortfall of parking spaces on the site, however this had been considered by Highways and was deemed acceptable, with the use of on street parking and the expected low level of car owners and was highlighted at 4.3.53 of the report.
- The Condition 2 mentioned on page 97 of the report was a Highways condition and formed Condition 6 of the report recommendations.

The Chair invited Mr Richard Burgess to speak against the application. Mr Burgess thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Whilst he had been supportive of Phase 1 and 2 there were several outstanding concerns regarding this application for Phase 3 of the development.
- There were concerns that the project missed an opportunity by not using photovoltaic cells (PV) on all of the properties.
- The report from the applicant was vague and stated that they would consider using solar panel at the next stage.
- There were concerns regarding the housing mix, as 1 bedroom dwellings were not selling and there were demands for family sized homes.
- The development had originally been 100% social properties this had now changed to just 40%.
- The application had no consideration for the disruption to the local area during construction or any countermeasures.
- The parking provisions were not adequate and related to a 2018 survey.
- The number of parking spaces included in this application kept changing and was vague.
- It was not clear if the proposed parking spaces took into account larger vehicles.
- The lack of parking presented a safety hazard, especially to school children.

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The Chair thank Mr Burgess for his presentation and invited Ms Shenaz Virji to speak in support of the application. Ms Virji thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This application was the third phase of the John Baker Place redevelopment for which settle had committed £15 Million of funding.
- This was a major investment in the area and would allow residents to thrive.
- This phase had 48 affordable homes.
- Phase 1 had been a 100% affordable scheme for 37 retirement homes and retail units.
- Phase 2 was under construction for 46 affordable houses.
- The current houses in Freeman Close were undersized, not efficient and did not meet current living space standards.
- The phase would provide new, well insulated homes.
- The development had been designed after consultation with North Herts Council to meet the housing needs of the community.
- The dwellings would meet the new energy building regulations and have a fabric first approach to insulation.
- The applicant had been working closely with Officers, the Community and residents of the Westmill Estate.
- Settle was committed to this investment and the positive outcomes for the Westmill community.

The following Members asked points of clarification:

- Councillor Dave Winstanley
- Councillor Mick Debenham
- Councillor Michael Muir

In response to points of clarification, Ms Virji stated that:

- The road would be widened to 6 meters.
- The intention was to meet, part L of the building regulations with dwellings having a fabric first approach to insulation. Consideration would then be made regarding either solar PV or heat pumps.
- There were solar PV panels on Phase 1 of the development which had been built under the old building regulations and these were beneficial to the elderly residents. This had resulted in a 10% improvement on the building regulations.
- They would start with the fabric first insulation and then decide the best approach to meet the building regulations.
- There was a high demand for 1 and 2 bedroom properties, which could be attributed to the bedroom tax, there was also a need for larger accommodation, so it had been decided to provide a mixture, of small and large dwellings.
- There were options in the application for heats pumps and this would be dependent on what best met the needs of the residents.

The Chair thanked Ms Virji for her presentation and invited the Senior Planning Officer to respond to any points raised.

The Senior Planning Officer stated that:

- There were Conditions for the energy statement to be updated. The statement proposed that there would be solar panels on the larger flat blocks and air source heat pumps for the dwellings.
- There was no policy regarding solar panels in the Local Plan.
- The details of the housing mix were shown at paragraph 4.3.20 of the report and was supplied by the Housing Supply Officer.

- The application did not meet the policy for housing mix but did meet the local need. The policy was flexible on density, and the local housing need was for smaller units.
- The Housing Supply Officer advised on the housing mix and considered it acceptable.
- The affordable housing policy had a 40% requirement, requests over this amount cannot be a requirement.
- The development proposed a mixture of 65% affordable rentals and 35% shared ownership homes.
- Conditions 10 and 16 related to the impact on construction and included a traffic management plan.
- Condition 17 restricted the hours of construction.

In response to a disclosure of interest from Councillor David Levett, the Locum Planning Lawyer confirmed that there was no conflict of interest from being a settle tenant.

Councillor David Levett proposed and Councillor Dave Winstanley seconded, and following a vote, it was:

RESOLVED: That application 22/02628/FP be **GRANTED** planning permission subject to the completion of a satisfactory Planning Obligation, with the applicant agreeing to extend the statutory period in order to complete the agreement if required and the reasons and conditions set out in the report of the Development and Conservation Manager with amended conditions 6, 7 and 9, and an addition to informative 5.

Condition 6:

Before commencement of the highways works and landscaping works relating to this development, additional plans shall be submitted and approved in writing by the Local Planning Authority which show the provision of pedestrian dropped kerbs and tactile paving across the site at all key junction points / pedestrian desire lines. The works shall be implemented as approved by this plan before first occupation.

Reason: So that all users of the development can safely, conveniently, and sustainably walk and wheel access the site, in compliance with paragraphs 110-112 of the NPPF, and Inclusive Mobility 2022.

Condition 7:

No dwelling forming part of the development shall be occupied until the bus stop along Westmill Road (120 metres south of Freemans Close) has been upgraded. The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110 - 112 of the NPPF and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).

Condition 9:

Before the development hereby approved is first occupied, all on site vehicular areas, including internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

Informative 5:

A Sustainable Highway improvements/sustainable transport contribution of £24,640 (index linked to SPONS January 2019) is payable by a Planning Obligation.”

196 21/01882/FP LAND EAST RHEE SPRING AND ORWELL VIEW, ROYSTON ROAD, BALDOCK, HERTFORDSHIRE

Audio recording: 2 hour 19 minutes 52 seconds

N.B Councillor Nigel Mason returned to the Chamber at 21:51

In response to declarations of interests from Councillors Michael Muir and Steve Jarvis the Locum Planning Lawyer stated that there was no conflict of interest for County Councillors.

The Development Management Team Leader provided an updated that:

- There had been three updates published on the 20 March 2024 regarding this matter.
- There was a typographical error in paragraph 4.2.1 as there were 20 detached dwellings and not 22 as stated.

The Development Management Team Leader presented the report in respect of Application 21/01882/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Ian Mantle
- Councillor Steve Jarvis
- Councillor David Levett
- Councillor Nigel Mason
- Councillor Michael Muir

In response to points of clarification, the Development Management Team Leader advised that:

- There would be 7 dwellings facing onto the Royston Road with a northern strip of landscaping, both of which met the Neighbourhood plan criteria.
- There was a water course on the eastern boundary, and there would be tree planting to provide boundary screening.
- There would be a payment to the Council for maintenance of the greenspaces. There was provision off site for play space and a park.
- There had been two rounds of viability reports produced, with the latest considering the high interest rates and housing market prices. The outcome of this report stated that it was not viable to increase the affordable housing units.
- The applicant was the County Council, and payments would be made to the District Council ahead of the County Council.
- There would be a clawback clause as part of the S106 agreement and this would be issued before the decision notice. The viability would need to be reassessed under paragraph 4.3.42 and should it be deemed that it was feasible to build more affordable housing then any, S106 payments would need to be made to North Herts Council before the NHS or the County Council.

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- The Council reviewed the viability assessment and concluded that the viability could not be met on the site. This was provided as an appendix to the report.
- The applicant had stated that settle did not want the EV charging points on the affordable houses.
- Work was still ongoing on the details of the clawback, and only one new viability assessment would be completed, and this would be prior to the start of construction work.
- There was a function within the National Planning Policy Framework (NPPF) which allowed for viability to be assessed. It was noted that affordable housing was the biggest costs for a developer.
- Policy HS2 of the Local Plan gave the Council discretion in genuine circumstances to vary the percentage of affordable housing.
- The majority of dwellings would have active EV charging points and only 2 would have passive points.
- The independent assessor of the viability statement concluded that they agreed with the affordable housing mix put forward by the developers.

The Chair invited Ms Jennifer Smith to speak in support of the application. Ms Smith thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Work had been ongoing for three years on this application for 42 dwellings.
- The development was within the boundary of Baldock and was originally designated for the development of a school.
- This development was for 42 family homes which would be built over 18 months.
- The properties would be detached or semi-detached two-story homes.
- The properties would have a fabric first insulation approach with air source heat pumps and the majority of properties would have EV charging points.
- The layout of the development takes into account the Greenway route to the south and would have a dedicated cycle way to the north of the site.
- There would be pedestrian and cycle only routes through Rhee Spring with access to the bus stop into town.
- Access to the site would be from Aley Way and Constantine Place not the Royston Road.
- The site was originally designated as a school and the traffic concerns were addressed at that point. There had been no objections from Highway to this development.
- There would be 95 parking spaces on the site and all homes would be provided with either a garage or a shed for bike and bin storage.
- Dwellings would have wider doors for wheelchair access.
- The application had a lower density of dwellings compared to the allocation on the Local Plan and would have careful landscaping.
- There would be 139 trees planted on the development, leading to a 10% biodiversity net gain, above the requirements for the site.
- No statutory consultee objections had been received against this application.
- The benefits of this application outweighed the harms.

In response to a point of clarification from Councillor David Levett, Ms Smith stated that the EV passive points would be provided as a result of discussion from the registered provider, the registered provider could then make these active at their own cost.

The Chair thanked Ms Smith for her presentation and invited the Development Management Team Leader to respond to any points raised.

The Development Management Team Leader stated that Condition 11 could be changed if required.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor Steve Jarvis
- Councillor Nigel Mason
- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Val Bryant
- Councillor Tom Tyson

Points raised in debate included:

- This application did not supply sufficient affordable housing.
- The access to the site and layout were acceptable.
- The affordable housing in this application went against policy HS2 of the Local Plan.
- Policy HS2 could be applied but this should be used for larger developments.
- The density could be increase and then more affordable housing could be offered.
- The Local Plan was being ignored and that was not the intention of the NPPF.
- The viability report highlighted a valid reason for the number of affordable houses.
- There were concerns raised about the different EV points proposed to be provided in the affordable units.
- If the application was not approved, the homes would not get built, and an opportunity to use this land would be lost.
- Concern that other applicants would use viability reports to build fewer affordable homes.
- The application met all the other policy requirements.
- The Committee had the discretion to accept the application.
- The applicant should submit a different scheme with more affordable housing.

In response to points raised in debate, the Locum Planning Lawyer stated that the registered housing providers made a determination about passive charging points not the applicant.

In response to points raised in debate, the Development and Conservation Manager stated that the Local plan had a starting point of 40% affordable new homes, the viability report from the applicant stated that, this was not viable. An independent consultant assessed the report, and they confirmed that the 40% affordable housing was not viable. Under the NPPF Policy this was deemed an acceptable reason.

Councillor Steve Jarvis proposed that the application be refused, and Councillor Dave Winstanley seconded, and following a vote, it was:

RESOLVED: That application 21/01882/FP be **REFUSED** planning permission as the proposed development would make insufficient contribution towards meeting the District's affordable housing needs identified in the North Hertfordshire Local Plan 2011 to 2031 and therefore would conflict with the aims of Local Plan Policy HS2.

197 23/01259/FP FRIENDS GREEN FARM, FRIENDS GREEN, DAMASK GREEN ROAD, WESTON, HITCHIN, HERTFORDSHIRE, SG4 7BU

Audio Recording: 3 hour 9 minutes 34 seconds

The Chair advised that Councillor Steve Jarvis was to speak as a Member Advocate against this item and would therefore move to the public gallery and not take part in the debate or vote.

N.B. Councillor Steve Jarvis moved to the public gallery at 22:40

The Senior Planning Officer clarified that the text at paragraph 3.7 suggested that the Conservation Officer was objecting to the application however, at paragraph 4.3.28 of the report it states that concerns had been raised by the Conservation Officer but, there were no heritage reasons to object to this application.

The Senior Planning Officer presented the report in respect of Application 23/01259/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Parish Councillor Alistair Schofield to speak against the application. Parish Councillor Schofield thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The Parish Council had objected to the original livery application for this site on the grounds that it was inappropriate.
- The British Horse Society confirmed that the site did not have sufficient land to support a livery with 12 stables.
- The building built as a garage or feed store under that planning permission was built to a standard far in excess of a livery premises.
- A motor business opened soon after completion of this buildings and the owners requested retrospective planning permission to change the use of the building, which was refused.
- A U shaped building was then erected shortly after the planning refusal, the premises were again in excess of those of a livery.
- A new access to the site was then built on the southern side of the site, and this included the removal of footpath sign.
- The two buildings meant for a livery are currently being used for motor cars.
- The intention of the 2015 planning application was flawed and did not comply with the planning policies with respect to intentional unauthorised developments.
- There were concerns regarding the unauthorised development in green belt land as stated in paragraph 4.3.39 of the report which were pertinent in the case.
- The Parish Council believed that there was insufficient land for a livery on this site and by the applicants own admissions the buildings were built to a higher standard than those for a livery.
- It was believed that it was never the intention to use this site for a livery and the original application was a ruse to obtain permission to build two buildings.

The Chair thanked Parish Councillor Schofield for his presentation and invited Councillor Steve Jarvis to speak against this application. Councillor Jarvis thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Permission was granted in 2015 for stables and a feed store on the site.
- The site and building were never used as stables or built to the conformities of the approved plans.
- The use of this site for motor cars was inappropriate development in the greenbelt and not the permission obtained.
- The applicant claimed that there were very special circumstances for this application as the site contains special German motor cars and an established business however, this business was established in direct contention to the planning permission obtained.
- The report states that there are fewer vehicles parked around the site as a motor business than would be expected from a livery, yet there were a significant number of vehicles parked around the buildings in the presentation.
- The test in the NPPF for very special circumstance states that it will not exist unless the potential harm was clearly outweighed by other considerations.
- The consideration that the business had been trading for 4 years on greenbelt land without planning permission dis not outweigh the inappropriateness of this matter.

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- The recommendation relied on the fact that there was the same traffic generated amount for the car business and a livery business.
- The application did not meet the criteria for very special circumstances.

The Chair thanked Councillor Jarvis for his presentation and invited Mr Luke Papworth to speak in support of the application. Mr Papworth thanked the Chair for the opportunity and provided a verbal presentation, including that:

- Since 2002 the Friends Green Farm site had been made up of different units and businesses.
- After the 2015 application the farm was sold and split up. He brought part of the site with his brother.
- The planning permission was granted when the site consisted of 12 acres of land.
- At the time of the sale the construction of the livery had begun, but he completed the building as his own business was expanding.
- The business had been established for 9 years.
- Under advice from a friend, an application was submitted and refused for the site to be used for cars.
- After seeking professional advice and working with Officers, this planning application was submitted, and appropriate Conditions had been agreed.
- A traffic survey was submitted to Highways along with entrance splays and Highways had no objections to this application.
- The only consultee objection was from the Parish Council.
- The business employed 3 people and supported other local businesses in the area.
- There would be less traffic to the site compared to a livery and shorter operating hours.
- Motor specialists around the country used similar styled buildings, including a nearby Lotus specialist.

In response to a point of clarification from Councillor David Levett, Mr Papworth stated that his father was a riding instructor, the old buildings were demolished with the intention to rebuild the site. The building had commenced when the farm was put up for auction at which point her and his brother were able to afford to buy the farmhouse and 2 acres of land.

The Chair thanked Mr Papworth for his presentation and invited the Senior Planning Officer to respond to any points raised.

The Senior Planning Officer stated that there was no concrete evidence that this was an intentional unauthorised development as mentioned in the report, there were only some suspicions.

The following Members took part in debate:

- Councillor David Levett
- Councillor Nigel Mason
- Councillor Ian Mantle

Points raised in debate included:

- The proposed development did not comply with the NPPF.
- No comparison could be made regarding traffic to the site as the site was never trading as a livery.
- The application was for temporary permission and would be monitored.
- Using the assumption that the information from the applicant was correct, then on balance there was less harm that leaving the situation unmonitored.
- This application was inappropriate and went against section 155 of the NPPF.
- Enforcement could be used to resolve matters.

In response to points raised in debate, the Development and Conservation Manager stated that:

- The NPPF refers to very special circumstances but there were exceptions to the policy.
- Had the site ever been used for a livery, then very special circumstance would not have been required, and the change of use would have complied with a specified exception.
- The application was recommended for approval as the material considerations outweighed the harms to the greenbelt and therefore there were very special circumstances.
- The buildings were currently being used for motor vehicles, there were some suspicions that this was the initial intention, however the applicant has stated that his parents did intend to use the site for a livery and that their circumstances changed.

In response to points raised in debate, the Senior Planning Officer stated that:

- In paragraph 4.3.15 of the report it was stated that the development did not comply to any of the excepted exemption listed in sections 154 and 155 of the NPPF.
- It was acknowledged that the development was inappropriate development in the greenbelt and conflicted with purpose e, to assist in urban regeneration.
- The NPPF stated that if very special circumstances could be demonstrated, that clearly outweighed the harms to the greenbelt by reason of inappropriateness, a development could be accepted.

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

RESOLVED: That application 23/01259/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

198 APPEALS

Audio recording: 3 hours 42 minutes 58 seconds

The Development and Conservation Manager advised the Committee that there had been two planning appeal decisions, both had been dismissed. The inspector noted on the Land west of Therfield decision that the site was more suitable for 3 dwellings, and a new scheme may be submitted.

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

- The Wymondley Solar Farm application had been refused by the inspector. However, the Secretary of State had overruled this decision and granted planning permission, as it was felt that the benefits outweighed the heritage harms.
- The costs to the Council for external, expert support was £91,600 and this excluded the cost for Officers time.

RESOLVED: That the Committee noted the report.

The meeting closed at 11.18 pm

Chair