

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH
GARDEN CITY ON THURSDAY, 9TH NOVEMBER, 2017 AT 7.30 PM**

MINUTES

Present: *Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Faye Frost (substitute), Jean Green, Cathryn Henry, Tony Hunter, Ian Mantle, Michael Muir, Val Shanley (substitute) and Adrian Smith.*

In Attendance:

Simon Ellis (Development and Conservation Manager), Anne McDonald (Senior Planning Officer), Jo Cousins (Senior Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Ian Gourlay (Committee and Member Services Manager)

Also Present:

At the commencement of the meeting Councillors Julian Cunningham and David Levett and approximately 40 members of the public, including 2 registered speakers and 2 Member Advocates (Councillors Claire Strong and Michael Weeks).

77 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bill Davidson, Mike Rice, Harry Spencer-Smith and Martin Stears-Handscomb.

Councillor Faye Frost was substituting for Councillor Davidson and Councillor Valentine Shanley was substituting for Councillor Rice.

78 MINUTES - 28 SEPTEMBER 2017

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 28 September 2017 be approved as a true record of the proceedings and signed by the Chairman.

79 MINUTES - 12 OCTOBER 2017

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 12 October 2017 be approved as a true record of the proceedings and signed by the Chairman.

80 NOTIFICATION OF OTHER BUSINESS

There was no other business.

81 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked

them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;

- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;
- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

82 PUBLIC PARTICIPATION

The Chairman confirmed that the 2 registered speakers and 2 Member Advocates were present.

83 17/01781/1 - LAND NORTH OF, LUTON ROAD, OFFLEY

Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.

The Development and Conservation Manager presented a report, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager advised that comments had been received from the Local Lead Flood Authority maintaining their objection to the application and recommending the following additional reason for refusal (No. 4):

“The Flood Risk Assessment carried out by MLM Consulting ref. 618538-MLM-ZZ-XX-RP-C-000 Rev 3, dated 27 September 2017, does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development as it does not demonstrate a feasible discharge location.”

The Development and Conservation Manager referred Members to Paragraph 4.4.1 of the report, and explained that the applicant had already lodged an appeal against non-determination of the application within the statutory time period. However, as the Local Planning Authority had not received confirmation from the Planning Inspectorate that the appeal had been registered, the Committee was able to make a decision on the application.

The Development and Conservation Manager reported that there was a potential changing policy context in relation to the application site. Under the saved policies of the current Local Plan, the site was located in the Rural Area Beyond the Green Belt, and therefore the

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application was contrary to saved Policy 6 of that Plan. The submission Local Plan sought to change the designation of the site to Green Belt. This proposal to expand the Green belt could only be given limited weight, as the Local Plan Examination had not been completed, and until this was supported by the Examination Inspector and the Plan was subsequently adopted by the Council, the site would not become Green Belt.

The Development and Conservation Manager explained that the Local Planning Authority may therefore need to revise its position on this application at any future appeal depending on the outcome of the Local Plan Examination. These factors were outside of the Council's control, and so he could only offer Members his views and conclusions based on the existing policy position. Accordingly, his recommendation for refusal reflected that position.

Mrs Patricia Cowley (Offley Residents Action Committee) addressed the Committee in objection to application 17/01781/1.

Mrs Cowley advised that the application was seen by the residents of Offley as a purely speculative application, especially as the applicant carried out no public consultation with either Offley Parish Council or the people of Offley. The applicant and their agents had ample opportunity to bring this site forward for potential allocation as a site for development when the Council was asking landowners to do so as part of the Local Plan process.

Mrs Cowley stated that Offley had recently experienced a large development of 63 houses and flats (Garden Fields), and the granting of the current application would result in the further urbanisation of Offley, thereby eroding the whole concept of it being a village. This appeared to be happening in other areas of North Hertfordshire and in Central Bedfordshire.

Mrs Cowley referred to the negative comments on the application made by a number of consultees. The applicant had been silent on any matters to be covered by any potential planning obligation. A new retail outlet/shop formed part of the application, but the village already had a shop and post office, two pubs, a restaurant, Offley Place Hotel, a hairdresser, a recreation centre and a thriving village hall.

Mrs Cowley acknowledged that the site would provide some affordable housing (28 units), but there was no guarantee that anyone needing a house in Offley would be in line to rent nor purchase any of the new properties, as the cheapest home would be likely to be in the region of £300,000. The recent Garden Fields development saw the construction of expensive 4 and 5 bedroom houses, unlikely to meet the needs of any young Offley residents.

Mrs Cowley commented that there were few employment opportunities in Offley, which meant that the new residents would be driving in and out of Offley for employment and many other services. This would exacerbate the traffic situation in and around Lilley, Luton and Hitchin.

Mrs Cowley concluded by stating that the application was unwelcome, superfluous to needs and purely speculative. She asked the Committee to refuse the application.

The Chairman thanked Mrs Cowley for her presentation.

Councillor Claire Strong (Member Advocate) addressed the Committee in respect of application 17/01982/1.

Councillor Strong advised that the site was outside of the village, the proposed development was large, and its size would be very detrimental to the village. She asked Members to consider the addition of a further reason for refusal, namely given the size of the proposals, the development would have a detrimental impact on the village and its amenities and would be deemed as overdevelopment.

Councillor Strong reminded Members that the application site was not one of those allocated in the Local Plan. Offley had one site identified, which had been developed very early in the

process, namely the Garden Fields development referred to earlier. This site was located in the middle of the village and was seen as infill. However, it had impacted on the village in some respects. Over the years there had been a number of smaller developments in Offley on small plots of land, and there were still a number of similar plots in the village.

Councillor Strong commented that a well-attended public meeting held in the village to discuss the application had formulated a strongly expressed view to object to the proposals. The Council was awaiting for the Planning Inspector to make his decision on the Local Plan and she very much hoped that the Inspector would determine that the Plan was sound and therefore that there would be no need to look at alternative sites, such as the site of this application. She also hoped that the land would be re-designated as Green Belt. She asked Members to refuse planning permission.

The Chairman thanked Councillor Strong for her presentation.

The Planning and Conservation Manager was supportive to the suggestion made by one of the speakers regarding a further additional (fifth) reason for refusal in respect of overdevelopment of the site.

The Committee was mindful that the site had not been allocated in the emerging Local Plan and, moreover, was likely to be given further protection through the Local Plan Examination process, should the Planning Inspector be supportive of the proposal to re-designate the site as part of the Green Belt. The lack of a valid Section 106 obligation accompanying the application was also of concern to the Committee, particularly with regard to affordable housing, the proposed shop/retail outlet and re-location of the relocated allotments which it was currently proposed would occupy part of the site.

The Committee considered that development of the site was unsustainable. The proposed affordable housing element would not be affordable for most young people/families in the area, as was evidenced by the prices of the affordable houses on the nearby Garden Fields development. The application was unwanted and unnecessary and would adversely affect the ethos of Offley as a village.

The Committee was supportive of the recommendation to refuse planning permission, inclusive of the additional fourth and fifth reasons for refusal. Following a vote, it was therefore

RESOLVED: That application 17/01781/1 be **REFUSED** outline planning permission for the reasons set out in the report of the Development and Conservation Manager, and for the following additional reasons:

4. The Flood Risk Assessment carried out by MLM Consulting ref. 618538-MLM-ZZ-XX-RP-C-000 Rev 3, dated 27 September 2017, does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development as it does not demonstrate a feasible discharge location.
5. In the opinion of the Local Planning Authority the proposed development would harm the character and appearance of the nearby village of Great Offley and rural area beyond by reason of over development of the site and poor layout in relation to the character and layout of the village. The proposal therefore conflicts with Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations and paragraph 64 of the National Planning Policy Framework (NPPF).

84 17/01982/1 - KINGSFIELD, HADRIAN WAY, BALDOCK

Erection of 6 x 2 bed single storey retirement dwellings including creation of vehicular access off of Hadrian Way, Baldock.

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The Senior Planning Officer (AM) presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Senior Planning Officer (AM) updated the Committee on a possible objection from Environmental Health and on responses received from six local residents.

The Senior Planning Officer (AM) reported that Environmental Health had submitted a late response on 1 November 2017, recommending refusal of the application based on unacceptable noise levels in the proposed rear gardens. However, the applicant submitted an updated Noise Assessment Report, also on 1 November 2017. Whilst this was forwarded to Environmental Health, it was not taken into account when they made their response. Environmental Health had been re-consulted, and asked to clarify based on the revised Noise Assessment Report, if they still wished to maintain their objection based on noise, or if they were now in a position to recommend approval subject to conditions. A response is still awaited.

The Senior Planning Officer (AM) advised that she had received the views of six neighbouring residents. Four had raised strong objection to the application on the basis that the land was Green Belt, and any development in this location would merge the towns of Letchworth and Baldock. Further objections were also raised on the basis of Hadrian Way not being able to cope with any more traffic, and that the noise from the motorway would put off anyone from wanting to move into the bungalows. Two views were in support, stating that they considered providing new bungalows for people wishing to downsize would be good.

The Senior Planning Officer (AM) stated that the application was seeking full planning permission for six, two-bedroom bungalows, on land formed from the side garden area of Kingsfield. This site was within the Green Belt. Green Belt policy was set out in the National Planning Policy Framework (NPPF), and this sets out the five purposes of Green Belt, as well as what type of new development was considered to be acceptable within Green Belt, or what development should be considered to be inappropriate development and therefore not permitted within Green Belt.

In respect of application 17/01982/1, the Senior Planning Officer (AM) concluded that, the proposal was considered to be inappropriate development within the Green Belt. This section of Green Belt formed an important green wedge between the towns of Letchworth and Baldock to stop them from merging together. The proposal would erode a large section of open land within this important wedge of Green Belt, and could be considered to be contrary to one of the main purposes of designating Green Belts, which was to stop towns from merging together.

The Senior Planning Officer (AM) noted that the applicant was arguing that this proposal was infill development on previously developed land, and therefore not inappropriate development. However, as set out in Paragraph 4.3.7 of her report, the NPPF stated that for infill development to be acceptable within Green Belts it must be within a village, which this site was not. The NPPF also sets out a definition of what land could be considered to be 'previously developed land'. This stated that the land must have been occupied by a permanent structure. In this instance, the permanent structure, Kingsfield itself, was outside of the application site, and the land had to be considered to be a greenfield site.

The Senior Planning Officer (AM) stated that the application was therefore recommended for refusal on the basis of it being inappropriate development in the Green Belt, that it would be harmful to Green Belt openness, and would erode this important section of Green Belt separating the towns of Letchworth and Baldock. However, any decision by the Committee would be subject to the further response from Environmental Health referred to above. If Members supported the recommendation and resolved to refuse the application, and if the objection from Environmental Health was maintained, an additional reason for refusal based on noise would be added. However, if Members resolved to grant planning permission, and if

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the response back from Environmental Health was no objection, subject to conditions, then these conditions would also be added before the decision was dispatched. Or in the event that the Committee resolved to grant, but Environmental Health still objected, then the application would be brought back to the Committee.

Councillor Michael Weeks (Member Advocate) addressed the Committee in respect of application 17/01982/1.

Councillor Weeks advised that he lived in Hadrian Way, in fairly close proximity to the application site. Whilst the proposed development would directly affect very few residents, save for an additional 30 or so car movements on a very narrow access road, it was the wider impact of the proposal that was of concern to him.

Councillor Weeks stated that the site was tucked away, out of site, and little known to the wider public. However, the major issue was the precedent that would be set should development be allowed on this Green Belt site, which in turn would encourage the coalescence of the settlements of Baldock and Letchworth Garden City.

Councillor Weeks explained that he was aware of a developer who owned Green Belt land to the south of the site who, if access to this land was provided through the demolition of a building, would very likely promote an application for development of that site should a precedent be set in approving application 17/01982/1.

Councillor Weeks hoped that his fellow Baldock Town Ward Councillor who had called-in application 17/01982/1 would not wish to be associated with any move to join together the towns of Baldock and Letchworth Garden City. He referred to Section 9 of the National Planning Policy Framework (NPPF) which listed the purposes of the Green Belt, one of which sought the prevention of the merging of neighbouring towns.

Councillor Weeks commented that there were acknowledged exceptions to Green Belt Policy, as set out in Paragraph 4.3.5 of the Planning Officer's report, but that it was pertinent to note that the lack of bungalows in particular areas was not one of those exceptions. However, the potential downsizing issue for elderly residents to purchase the bungalows would not necessarily be the case, when it should be considered that the likely cost of the bungalows would be in the region of £500,000 each.

Councillor Weeks considered that if such bungalows were required in Baldock, then pressure should be brought to bear on the developers of the 3,800 new homes in the Local Plan proposed for the north-east of the town to provide these as part of that scheme.

In summary, Councillor Weeks felt that the proposed development was not appropriate in the Green Belt, was not an acceptable exception to Green Belt Policy, and would be detrimental to the current separation between Baldock and Letchworth Garden City. He urged the Committee to refuse planning permission.

The Chairman thanked Councillor Weeks for his presentation.

Mr Frazer Hickling (Applicant's Agent) addressed the Committee in support of application 17/01982/1.

Mr Hickling advised that he was from Phillips Planning Services Ltd and was attending to speak in support of the application for the erection of 6 single storey retirement dwellings at Kingsfield, Hadrian Way, Baldock. The proposal was situated on a vacant parcel of land associated with Kingsfield, a former religious and commercial office building that had recently been converted to 12 residential apartments, with ancillary out buildings being replaced by a further 3 chalet bungalows.

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Leaving aside the acoustic matter raised by Environmental Health, which he believed could be resolved, Mr Hickling commented that the scheme was recommended for refusal for a single reason, namely the site's location within the Green Belt. However, an assessment against Green Belt policy was about making fine judgements on whether something could or could not be argued in a particular way.

Mr Hickling considered that the Committee could look at the proposed scheme in two ways, either as infilling and therefore appropriate within the Green Belt, or that there were a number of countervailing factors that cumulatively could be assessed as being very special circumstances.

In relation to infilling, Mr Hickling explained that the Courts had determined that assessing infilling was a matter of judgement against the facts of an individual case i.e. infilling a gap within a built-up area was not inappropriate. In this regard, the proposed development site was surrounded on three sides by existing development and built form, with development visible to the north. He felt that it could be argued as infill in this context.

Mr Hickling commented that further strength could be added to this case if it was accepted that the land was previously developed. The land was part of the Kingsfield site which had been developed. If it was acceptable as previously developed land then it specifically met the criteria and could be considered as not inappropriate development. He felt that this was a strong argument on its own and sufficient to enable approval.

Alternatively, Mr Hickling advised that there were a number of factors which cumulatively added up to "very special circumstances", outweighed any identified harm, and also complied with the principle of Green Belt policy. The applicant's assessment against harm was as follows:

- the site was contained by existing built form and made no contribution to containing a built-up area. There was no sprawl;
- the existing development surrounding the site already merged the settlements in the context of this location. It did not result in the merging of towns;
- the site is surrounded by development and is not open countryside;
- the site is not located within or adjacent to the conservation area of either Letchworth Garden City or Baldock, therefore protecting the special character of those towns;
- it was arguably the use of vacant developed land and is well related to both Baldock and Letchworth Garden City both physically and functionally.

Mr Hickling considered that the harmful impact of the development on the principle and function of the Green Belt would be limited, and he believed that there were other material considerations which amounted to "very special circumstances". These considerations were as follows:

- the site was in a highly sustainable location;
- the proposal is for the specific provision of retirement properties. Specific provision of these dwelling types were not being met elsewhere, and yet the Council's Strategic Housing Market Assessment had identified a growing need for this dwelling type. A condition could be employed to manage suitable occupation of these dwellings;
- the Council had a marginal 5-year housing land supply and the provision of 6 dwellings would make a valuable contribution to the delivery of housing;
- the proposal included a number of detailed improvements to the Access arrangements, including enhancement to the legibility for pedestrians and cyclists, thereby improving highway safety;
- Landscape and Bio-diversity enhancements would be delivered through the new layout and supplementary planting schemes.

Mr Hickling further considered that cumulatively these considerations would outweigh the harm (if any) which would result from the development of the site. He believed that the

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provision of single storey retirement dwellings met an important need that was not being addressed elsewhere and this alone weighed substantially in favour of the proposal. For confirmation, the applicant raised no objection to the imposition of a restrictive occupancy condition.

Mr Hickling concluded that it had been demonstrated that the 'principle' of developing the site would not be contrary to Green Belt policy, and he therefore kindly requested that planning permission be granted.

The Chairman thanked Mr Hickling for his presentation.

Councillor Michael Muir declared that he had been advised that, having given the reasons for calling-in the application, it could be seen that he had pre-determined the matter in favour of approving the proposed development. He therefore advised that he would provide a statement regarding the application, prior to withdrawing from the meeting before the Committee debated and voted on the item.

Councillor Muir stated that he totally agreed with the findings of a letter sent by the applicant's agent and sent to all Members of the Committee regarding the argument in favour of infilling this gap within a built up area. He acknowledged the land to the north of Kingsfield and the application site was Green Belt in Letchworth Garden City.

In relation to the bungalows issue, Councillor Muir advised that there were 45 bungalows in North Hertfordshire owned by North Hertfordshire Homes and 3 owned by the Howard Cottage Society, a total of 48. There were a further 30 bungalows in Baldock in private ownership. He felt that this amounted to a shortage of bungalows in the town.

Councillor Muir referred to the aerial photograph of the site and adjoining area which he had circulated at the meeting. Looking west to east from the industrial area there was no Green Belt between Baldock and Letchworth Garden City. There were 27 properties located between the industrial area and the A1(M), including those in Hadrian Way.

Councillor Muir commented that Green Belt land started at the rear of Hadrian Way on the site of the recently converted convent (Kingsfield). The land to the north of the treeline which separated Baldock from Letchworth Garden City was Green Belt, adjacent to Works Road.

Councillor Muir considered that the proposal for infill of this open area to the east of Kingsfield was perfectly acceptable as it was "trapped" land between the A1(M) to the east and existing development to the south and west. If the Committee was minded to approve the application, then he hoped that a condition would be imposed restricting the occupation of the six bungalows to those aged 55 and over, preferably Baldock residents. He also wished to see a further condition retaining the trees on the north side of the site, which was the boundary between Baldock and Letchworth Garden City.

[At this point in the proceedings, Councillor Muir withdrew from the meeting for the remainder of this item.]

In response to the presentations, the Senior Planning Officer (AM) referred to the definition of previously developed land in the NPPF, namely that within built up areas, garden areas must be excluded from this definition. She added that the test of "very special circumstances" in the Green Belt should not result in decisions which could be readily be repeated elsewhere in the Green Belt. She circulated a larger scale plan of the Green Belt between Baldock and Letchworth Garden City, which clarified the precise boundary of the Green Belt in this area.

At the Chairman's request, the Planning and Conservation Manager further explained the provisions in the NPPF regarding the Green Belt, very special circumstances and previously developed land.

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The Committee was supportive of the Senior Planning Officer's recommendation for refusal. Members were concerned about the precedent that would be set should the application be approved, particularly in relation to the potential development of the land to the south of Kingsfield. Members were not convinced by the infilling argument and were mindful that there had been no previous development on this garden area of Green Belt land. Members were against the increased coalescence of Baldock and Letchworth Garden City which would result should the application be approved, and acknowledged that it was intended in the emerging Local Plan that the site retained its Green Belt status.

Following a vote, it was therefore

RESOLVED: That, application 17/01982/1 be **REFUSED** planning permission for the reason set out in the report of the Development and Conservation Manager, and should an objection be maintained from Environmental Health, inclusive of an additional reason for refusal on the basis of unacceptable noise levels in the proposed rear gardens.

85 17/02337/1 - BALDOCK SERVICES, GREAT NORTH ROAD, RADWELL, BALDOCK

Increase parking provisions and alterations to existing parking layout.

The Senior Planning Officer (JC) presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

In response to a Member's question regarding the lighting of the increased car park, the Senior Planning Officer (JC) advised that a lighting plan had been submitted by the applicant which showed that the lighting would be situated and directed in a manner which would not be detrimental to local residents in terms of light spillage.

RESOLVED: That application 17/02337/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

86 17/01998/1 - KINGSHOTT SCHOOL, STEVENAGE ROAD, HITCHIN

Change of Use of agricultural land to additional soft play areas for school use (Class D1 Use).

The Senior Planning Officer (JC) presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Senior Planning Officer (JC) advised that Paragraph 3.1 of the report stated that St.Ippolyts Parish Council had not made any comments on the application. The Parish Council had informed her that that had not been consulted on the application. On checking, this was correct due to an administrative error, and the Parish Council had now been formally consulted with a response date by 29 November 2017. She therefore advised that the recommendation to grant should be subject to no material planning considerations being raised by the Parish Council by the above deadline date.

In response to a Member's query, the Senior Planning Officer (JC) confirmed that the application site would not contain any structures, and that the application solely related to a change of use from agricultural land to additional soft play areas for use of the school.

RESOLVED: That, subject to no new material planning considerations being raised by St. Ippolyts Parish Council by 29 November 2017, application 17/01998/1 be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

87 17/02190/1 - STARWOOD HOUSE, AVENUE ONE, LETCHWORTH GARDEN CITY

Proposed and replacement security perimeter fencing and minor landscape works.

The Development and Conservation Manager presented a report, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager commented that the reason for the application was to provide improved security for the site.

RESOLVED: That application 17/02190/1 be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

The meeting closed at 9.09 pm

Chairman