

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD AS A VIRTUAL MEETING
ON WEDNESDAY, 24TH FEBRUARY, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Sue Ngwala, Mike Rice, Tom Tyson, Carol Stanier (in place of Sean Prendergast) and Michael Muir (in place of Ian Moody)*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Naomi Reynard (Senior Planning Officer), Nigel Smith, (Strategic Planning Manager), Chris Braybrooke (Senior Compliance Officer), Anna Gouveia (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *Councillor Gary Grindal as Member Advocate and, at the commencement of the meeting approximately 5 members of the public, including registered speakers.*

99 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

Audio recording 7 seconds

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live onto YouTube and recorded via Zoom.

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate;
- Voting and;
- Part 2 Items.

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Planning Control Committee, Councillor Ruth Brown started the meeting proper.

100 APOLOGIES FOR ABSENCE

Audio recording – 3 minutes 48 seconds

Apologies for absence were received from Councillors Sean Prendergast and Ian Moody.

Having given due notice, Councillor Carol Stanier advised that she would be substituting for Councillor Prendergast, and Councillor Michael Muir advised that he would be substituting for Councillor Moody.

101 MINUTES - 20TH JANUARY 2021

Audio Recording – 4 minutes 14 seconds

Councillor Ruth Brown proposed, Councillor Daniel Allen seconded and it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 20 January 2021 be approved as a true record of the proceedings and the Committee, Member and Scrutiny Officer be authorised to apply the Chair's digital signature.

102 NOTIFICATION OF OTHER BUSINESS

Audio recording – 5 minutes 0 seconds

There was no other business notified.

103 CHAIR'S ANNOUNCEMENTS

Audio recording – 5 minutes 6 seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded as well as filmed. The audio recording would be available on Mod.gov and the film recording via the NHDC YouTube channel.
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (4) To clarify matters for the registered speakers the Chair advised that members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applied to Member Advocates.

A warning would be given at 4 ½ minutes and speakers would be asked to cease at 5 minutes.

104 PUBLIC PARTICIPATION

Audio recording – 6 minutes 22 seconds

The Chair confirmed that the registered speakers were in attendance.

105 20/01886/FP LAND AT CORNER OF PROTEA WAY AND PIXMORE AVENUE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE

Audio recording 6 minutes 32 seconds

Erection of homeless shelter to provide 40 bedspaces including creation of vehicular access off Pixmore Avenue, parking, landscaping and associated works (as amended by plans received 12th January 2021).

NB: Committee Member Councillor Sue Ngwala advised that she would be acting as a Member Advocate for this item and would not take part in the debate or vote on this item only.

The Senior Planning Officer presented the report in respect of application 20/01886/FP supported by a visual presentation consisting of photographs and plans, and provided the following updates:

- It was clarified that the applicant was Haven First and the application was submitted on their behalf by the agent, Smith Jenkins Ltd;
- There was an error in the published Committee report at paragraph 3.21 which stated that some representations had been removed from the website. However, it was confirmed that no representations had been removed from the website at this time. Representations had been reviewed by the Council's Policy Team and it had been considered that over 60 of the representations were inappropriate, inflammatory, offensive or based on a negative stereotype of homeless people. As such, all the representations from local residents, management companies and businesses would be removed from the Council's website after the Committee meeting, as the Council could not condone inappropriate or offensive representations. However the relevant material planning considerations raised had been considered in the report;
- With reference to paragraph 3.20 of the report, in response to publicity the Local Planning Authority had received 86 representations - 82 were objections, 3 were in support and 1 was neutral;
- The Crime Prevention Design Advisor, Hertfordshire Constabulary, was incorrectly referred to as the Architectural Liaison Officer in paragraph 4.3.90;
- There was an error in paragraph 3.3.113. A condition was not recommended in relation to the use class. The following informative was recommended:

“A homeless shelter does not fall within a Use Class as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and is a 'sui generis' use (a use falling 'in a class of its own'). Therefore, planning permission would be required for any change of use of the approved development.”

- The applicant had agreed to pre-commencement conditions 11, 13 and 17, but had suggested changes to the wording of the other pre-commencement conditions. Following consultation with the relevant consultees it had been agreed with the agent to change the wording to some of the conditions as follows, as their requested wording was reasonable and acceptable:

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority **prior to any works above slab level commencing. The development shall be implemented in accordance with the approved details.**

4. Notwithstanding the approved plans, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, **and subsequently implemented as approved, all prior to the first occupation of the development hereby permitted.** The landscape scheme shall include the following :

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure, and any landscaping proposed
- d) details of any earthworks proposed

6. **Prior to the installation of any external lighting and prior to the first occupation of the development hereby permitted,** details of all external lighting required in association with the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details or particulars and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

15. **Prior to the first occupation of the development hereby permitted, a detailed scheme showing the coverage of the site and buildings by appropriate fire hydrants shall be submitted** to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details **and thereafter retained and maintained to the satisfaction of the Local Planning Authority,** unless otherwise agreed in writing by the Local Planning Authority.

16. **Prior to any above ground level construction works, the final design of the drainage scheme shall be completed and sent to the Local Planning Authority** for approval. The surface water drainage system will be based on the submitted Surface Water Drainage Strategy carried out by Solution Consulting Civil & Structural Engineers, Job No. 1039, dated July 2020, the additional Pre-Planning Assessment Report conducted by Anglian Water, dated 03 December 2020. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed infiltration testing to BRE Digest 365 standards carried out at the location and depth of the proposed soakaway feature.
2. Should infiltration prove to not be a viable discharge method then a drainage scheme relating to connection into the public surface water sewer should be submitted with a limited discharge rate of 2 l/s and any surface water attenuation required.
3. Final detailed drainage layout for the proposed development site which indicate the size, volume, depth of the SuDS features including any connecting pipe runs.
4. Detailed engineered drawings of all the proposed features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change events.
5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

18. A Biodiversity Gain Plan shall be prepared, detailing how measurable net gain will be achieved. **Prior to the first occupation of the development hereby permitted the plan shall be submitted to the Local Planning Authority for written approval and the approved details shall be fully implemented,** unless otherwise agreed in writing with the Local Planning Authority.

The Senior Planning Officer then summarised the application as follows:

- The applicant, Haven First, was a charity currently operating the existing homeless shelter facility in Hitchin and a purpose-built shelter in Stevenage. The proposal was for a new homeless shelter, which would provide 40 bed spaces for single homeless people. This would replace the existing homeless shelter in Hitchin – the Sanctuary, which provided a vital service, but was not fit for purpose with very limited capacity and shared rooms (meaning they are only available for male residents). The proposed homeless shelter would be a purpose-built facility like the one operated by Haven First in Stevenage. This would have individual rooms and the space to provide more support to residents, including during the day;
- This site was in a designated Employment Area in both the Saved Local Plan and the Emerging Local Plan. However, the proposed homeless shelter complied with two of the exception criteria in Emerging Local Plan Policy ETC1: Appropriate uses in Employment Areas, as the proposal would bring comparable benefits to a B-class use in the same location and would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time. Emerging Local Plan Policy ETC1 could be given some weight given the stage of the Local Plan process and lack of objection to this policy;
- The proposal had also been assessed against the applicable points set out in supporting paragraph 5.7 of the policy. It was considered that the proposal would result in employment generation on site; would not have an adverse impact on Letchworth town centre; would provide benefits to the wider community by providing accommodation and support for homeless people; the site was accessible by non-car modes of transport; sufficient evidence had been provided clearly demonstrating that the land or premises was no longer required to meet future employment needs of the District; the land was unfeasible for employment use, based on market conditions and no other suitable sites outside designated employment areas were viable and available;
- The other key material consideration that weighed strongly in favour of the proposed development in the planning balance was the clear and demonstrated need for a homeless shelter in North Hertfordshire.
- In the Senior Planning Officer's view the proposal met the social, environmental and economic objectives of the NPPF;
- One of the main issues raised by local residents and businesses was the concern that the proposed homeless shelter could result in an increase in anti-social behaviour and crime in the area. This was covered in the Senior Planning Officer's report. In the absence of an objection from any consultees, including the Police, in her view there would not be sustainable grounds to refuse planning permission on the basis of possible increase in crime and anti-social behaviour;
- Whilst the concerns raised by local residents were noted, it was considered that there were no sustainable reasons to withhold planning permission.

Ms Sarah Choudhury thanked the Chair for the opportunity to address the Committee in objection to application 20/01886/FP and included the following points in her presentation:

- Ms Choudhury was representing residents who lived close to the proposed development and had strong objections to the location although they were not opposed to a homeless shelter 'per se';
- The residents had concerns about the planning application process and considered that the development warranted further review before going ahead;
- There had been 189 objections to the development. These had been made on the planning website, in response to a survey by the managing agent of the Phoenix Park Housing Estate, and included 61 objections deemed inappropriate which had been removed from the website;

- Residents felt there had been failures in the consultation process which called into question the legitimacy and legality of the proposal;
- The group strongly objected to the proposed development due to its proximity to established residential areas populated by families with young children, the elderly and vulnerable people;
- The site search was five years old and should be recommissioned to identify a more suitable site in North Hertfordshire;
- Planning permission was granted in 2013 to expand the Hitchin shelter but was not implemented – this could be considered further by the developer;
- The proposed site was contaminated and needed extensive drainage and highway works which made the site costly to develop therefore surely it would be more sustainable and cost-effective to use an existing vacant building elsewhere;
- There was high biodiversity in the site but a lack of detail regarding its protection;
- Some residents had serious concerns about an increase in anti-social behaviour, noise disturbance and feeling safe in the community which they felt were being ignored;
- There was particular concern for the safety of children and a potential increase in anti-social behaviour in the alleyway which linked Pixmore Avenue with Dunhams Lane;
- Concerns had been discounted in the planner's report due to a lack of before and after data of crime figures relating to a similar provision;
- The CPDA originally asked for the scheme to meet the Secure by Design status but the developer had said that this was not needed due to additional cost which was another example of the residents' concerns being ignored;
- The proposal did not meet the National Planning Policy Framework Section 8 - Promoting Healthy and Safer Communities;
- A Business Sustainability Impact Study should be carried out as there were concerns that business could be lost if people avoided the area;
- The proposal did not comply with the emerging Local Plan as the site was for employment use and the developer was changing the site classification by exploiting a loophole in planning policy;
- The group of residents felt that the developer had failed to demonstrate how the proposal fitted in with the local area without causing a profound impact on existing and incoming residents, their welfare, ecology and local businesses;
- The Committee was therefore requested to review the entire process and refuse the application to allow a review of an alternative location.

The following Members asked questions of clarification:

- Councillor Daniel Allen;
- Councillor David Levett.

Ms Choudhury responded to questions raised as follows:

- It was possible that the figure of 189 complaints made might include some double-counting of people who had complained on more than one occasion to more than one party;
- The residents had submitted and were awaiting the response to a Freedom of Information Request concerning crime/anti-social behaviour figures around homeless shelters as they considered that it was clear that crime increased around such facilities.

During the discussion, it was noted that the online consultations which had happened in July and August 2020 which some residents were not aware of were part of the developer's consultation process. The Planning Authority's consultation process took place subsequently and gave residents the opportunity for comment.

Councillor Sue Ngwala, Member Advocate, thanked the Chair for the opportunity to address the Committee in objection to application 20/01886/FP.

Councillor Sue Ngwala gave a verbal presentation including:

- As a Councillor she was representing the concerns of the residents of Letchworth East;
- 82 objections had been received including a petition from the Management Company for the Phoenix Park Estate – this was a considerable number of dissatisfied residents and their concerns ought to be heard;
- Initially residents were only given one week to reply to the consultation which was subsequently extended. Some 27 residents did not receive consultation letters;
- The proposed site was, under the emerging Local Plan, a designated employment area. Post Brexit and the COVID-19 pandemic, the Council should not be releasing land within an employment area. With businesses closing and loss of jobs, it was more important than ever to retain employment sites for future development;
- The proposed site was not solely within an industrial area but some 200 yards distance from permanent homes on Pixmore Avenue, the Phoenix Park Estate and opposite on Ridge Road. These residents had quite rightly raised their objections to the change in the primary use of this land in order to build a homeless shelter;
- Residents had strongly objected to this application because they feared that a shelter of this nature may generate crime and social disorder within the area, a consideration acknowledged in paragraph 3.9 of the Senior Planning Officer's report, and paragraph 3.14 referred to the Crime Prevention Design Advisor for Hertfordshire Constabulary asking for a Secure By Design (SBD), to be attached to this development;
- The alleyway that ran alongside the residential area of Ascot Drive and Phoenix Drive giving access to amenities such as McDonalds, Costa and Aldi, was some 200 yards from the proposed site and was likely to be used by residents of the homeless hostel;
- Haven First described their residents as typically having complex needs. Coupled with the proposal for some 40 beds and it was not hard to imagine how crime and disorder may be generated where by alley ways and parks became areas in which antisocial behaviour developed;
- The National Planning Policy Framework Policy 8 "Promoting healthy and safe communities", paragraph 91 stated "Planning policies and decisions should aim to achieve healthy, inclusive and safe places to live so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion";
- The Crime Prevention Design Officer's view was that there was a public perception that such a hostel could become a crime generator and the level of fear and anxiety that had been expressed about this possibility was significant;
- Residents were extremely concerned that this hostel would generate crime, disorder and antisocial behaviour within the area as a result of a homeless hostel being situated only yards from their homes and as such would undermine the quality of their lives;
- It was noted that Haven First require residents to sign a Licence Agreement when entering the shelter but there remained a concern that these residents would have no commitment to the local area being there temporarily, whereas permanent residents had a greater vested interest in creating a harmonious and safe community in which to live;
- Although there was a desperate need for homeless accommodation in North Herts, this was not the right location for such a development.

The following Members asked questions:

- Councillor Daniel Allen

Councillor Sue Ngwala, Member Advocate responded accordingly to questions raised.

Ms Barbara Howard, CEO of Haven First, thanked the Chair for the opportunity to address the Committee in support of application 20/01886/FP and included the following points in her presentation:

- The concerns had been heard and she would like to take away some of the misconceptions of the clients accommodated as well as provide reassurance on the management of the project;
- Many of the residents were referred to them due to relationship breakdown and mental health issues. Not all the clients were ex-offenders or had addictions, but the people supported were from all walks of life who were genuinely homeless and in need of help;
- Nearly 300 referrals received had been last year;
- Those with addictions and offending history were supported in every possible way to move forward with their lives - day services such as employability skills, counselling, mediation, volunteer placements, health and wellbeing activities and pre-tenancy training were provided;
- Unacceptable behaviour was not tolerated – clients were aware of being good neighbours and knew that they would be evicted if they breached their licence agreement following warnings;
- The building would be managed by staff on a 24/7 basis providing full support to clients as well as reassuring the local community that there was always someone available to speak to at any time;
- Over the years Haven First has built on its successes and learnt from its failings which have not waived the necessity to keep driving forward with this development which is in line with the Council's 5 year plan and Housing strategy;
- The Stevenage hostel has shown that this work really helps and does make a difference and Haven First wants to mirror this much needed service to those people in need in North Herts.

Ms Helen Lowe, Chartered Town Planner acting on behalf of Haven First, thanked the Chair for the opportunity to address the Committee in support of application 20/01886/FP and included the following points in her presentation:

- There was a pressing need for such a facility within North Herts, with the only existing hostel in Hitchin being severely constrained in terms of its size and not being fit for purpose – this need had increased as a result of the pandemic;
- The application site has been vacant since at least 2007 and despite a previous proposals for office accommodation, no development has been forthcoming. Given the current economic situation and the lack of demand for new commercial premises, the proposal would not lead to a loss of active employment land. In addition, the proposed shelter would employ a similar number of people than a similarly sized commercial unit in this location;
- Alternative sites were considered, but these were not suitable or deliverable for the provision of the shelter. These included the Vantage Point building referenced by some objectors, however, this building was not available for delivery in the short to medium term;
- The proposed shelter allows for a greater number of bedspaces and facilities in a purpose-built structure that would not be possible within a converted or re-purposed existing building;
- The development was in line with the aims of the Council Plan and the Council's current Housing Strategy which included a priority to improve accommodation provision for single homeless people;
- As set out within the planning officer's report, there were no technical objections to this application and detailed information in relation to need, the search for a suitable site and the measures that Haven First as a 'good neighbour' would employ to manage the shelter have been provided and accepted by officers.

The following Members asked questions:

- Councillor Mike Rice;
- Councillor David Levett;
- Councillor Daniel Allen;
- Councillor Tony Hunter;
- Councillor Michael Muir.

Ms Barbara Howard and Ms Helen Lowe responded to questions as follows:

- The Stevenage shelter was located close to other housing;
- There had been no complaints apart from one relating to loud music which was resolved;
- Several alternative sites had been considered for this development – 4 sites in Hitchin 1 in Royston and another 2 in Letchworth – but these were not suitable for a number of reasons;
- Freemans House had been looked at, but there were alternative plans for it and it was expensive;
- The proposed development could safely accommodate both male and female clients;
- Priority would be given to residents from North Hertfordshire;
- Haven First had worked with the Crime Prevention Design Officer in Stevenage and would also do so with this hostel. Cost was a consideration as this was a charity;
- The cost of installing CCTV at the end of the footpath was very high and it was outside the vicinity of the hostel. The Police had not requested the installation of CCTV as part of the development.

Councillor Gary Grindal, Member Advocate, thanked the Chair for the opportunity to address the Committee in support of application 20/01886/FP, including:

- The Council had a statutory obligation to address homelessness, underlined by the Homelessness Reduction Act introduced by the government in 2017;
- North Hertfordshire was woefully short of accommodation for the homeless;
- The Sanctuary in Hitchin was past its useful life and unsuitable for current needs;
- He welcomed the Officer's detailed report and the Officer's recommendation to grant the application as there were no reasonable planning grounds for it to be rejected;
- The proposed site was ideal in many aspects particularly its proximity to the Town Centre and that it was in Letchworth which had a Job Centre;
- The site had been abandoned for 17 years and used as a fly-tipping site so this was a well worth opportunity to make good use of that site for the community;
- It was very disappointing to hear about the negative comments that had been received;
- With the current pandemic, people were losing their homes – these were business people, homeowners, people who had lost their homes due to relationship breakdown, for example;
- It was a grave misconception to think that the clients at the shelter would bring crime to the area;
- People with concerns were strongly urged to contact Barbara and visit the facility in Stevenage;
- The temporary accommodation would provide a stepping-stone to getting people rehoused in permanent properties;
- A local social landlord will fund the scheme and lease it to Haven First. As Executive Member for Housing he was pleased to note that in future we may have more social housing as the design could be converted into flats.

The Senior Planning Officer responded to issues and points raised as follows:

- Regarding the consultation, there had been an issue with the delivery of the letters which had been sent out in early September and not received till late September. This was investigated and residents were re-notified and given until the 31st October to respond;
- No representations had been removed from the website, but all would be taken down after the meeting;
- Following consultation with the Police, the Senior Planning Officer had stated in her report that the impact of the development on crime and anti-social behaviour was a material consideration, however very clear evidence that the proposed development would result in an increase in crime and anti-social behaviour would be required to recommend a refusal of planning permission – this evidence would be needed to support a decision to refuse, should this application be appealed. This evidence had not been provided by any consultees including the Police;
- The alleyway had been considered in the application. The existing problem with anti-social behaviour in the alleyway would not be a sustainable reason to refuse planning permission. The alleyway was outside the application site so if CCTV was required it would require a Section 106 agreement – the Senior Planning Officer did not think this would be reasonable and it was not related to the development as it was outside of the site.
- The planning permission for the existing Sanctuary site which had now lapsed would have only created 16 single bedrooms with some ancillary and communal areas. The site had constraints whereas the proposed site in Letchworth would provide a purpose-built scheme with a much better facility for significantly more people;
- The Planning Authority was satisfied that sufficient evidence had been provided that demonstrated that the land or premises was no longer required to meet the future employment need of the district and it was unfeasible for employment use given the current market conditions and that no other suitable sites outside the designated employment areas were viable and available. The possible community benefits of the scheme weighed the planning balance in that consideration.
- There would be two electric vehicle charging points at the site as recommended;
- The Construction Traffic Management Plan – Hours of Operation was covered by Condition 11 which was a standard condition recommended by Highways, under point G which would ensure construction activities including delivery times and removal of waste would avoid school drop off and pick up times.

NB: Councillor Sue Ngwala was placed in the waiting room at the commencement of the debate.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Daniel Allen;
- Councillor Michael Muir;
- Councillor Mike Hughson;
- Councillor Val Bryant;
- Councillor Tony Hunter

The following points were raised in the debate:

- Some of the representations made against this application had been inappropriate and should have been removed from the website. Anyone could become homeless at any time; Members of the Council had found themselves in this position - the pandemic had compounded the issue which was likely to get worse;

- The footpath had been there since the time of the original Garden City concept. It had a longstanding problem with anti-social behaviour. CCTV in this area could not be enforced as part of this development;
- A homeless shelter had been considered at Freeman House owned by County Council a couple of years ago but they had earmarked the property for private housing;
- The development would result in a loss of employment land, but that piece of land had been vacant for a long time and had been used for fly-tipping. Ascot Drive had once been Ascot Car Factory so there was a precedent in the area for employment land being lost to housing;
- A huge amount of research on homelessness had been done by Councillors including speaking to the Residents Association in the Phoenix Park area;
- This would be a much-needed facility for homeless women in North Herts as there currently was no provision;
- The objectors seemed to be working from the basis that homeless people were likely to commit crime, whereas homeless people could come from a wide spread of society, made worse during economic downturn brought about by the pandemic, and anyone could be at risk of losing their home;
- The development would take 40 homeless people off the streets or out of difficult living conditions.

Councillor David Levett proposed, Councillor Daniel Allen seconded and upon being put to the vote, it was:

RESOLVED: That application 20/01886/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Senior Planning Officer and the following amended conditions and informatives:

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority **prior to any works above slab level commencing. The development shall be implemented in accordance with the approved details.**

4. Notwithstanding the approved plans, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, **and subsequently implemented as approved, all prior to the first occupation of the development hereby permitted.** The landscape scheme shall include the following :

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure, and any hardscaping proposed
- d) details of any earthworks proposed

6. **Prior to the installation of any external lighting and prior to the first occupation of the development hereby permitted,** details of all external lighting required in association with the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details or particulars and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

15. **Prior to the first occupation of the development hereby permitted, a detailed scheme showing the coverage of the site and buildings by appropriate fire hydrants shall be submitted** to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details **and thereafter retained and maintained to the satisfaction of the Local Planning Authority,** unless otherwise agreed in writing by the Local Planning Authority.

16. **Prior to any above ground level construction works, the final design of the drainage scheme shall be completed and sent to the Local Planning Authority** for approval. The surface water drainage system will be based on the submitted Surface Water Drainage Strategy carried out by Solution Consulting Civil & Structural Engineers, Job No. 1039, dated July 2020, the additional Pre-Planning Assessment Report conducted by Anglian Water, dated 03 December

2020. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed infiltration testing to BRE Digest 365 standards carried out at the location and depth of the proposed soakaway feature.

2. Should infiltration prove to not be a viable discharge method then a drainage scheme relating to connection into the public surface water sewer should be submitted with a limited discharge rate of 2 l/s and any surface water attenuation required.

3. Final detailed drainage layout for the proposed development site which indicate the size, volume, depth of the SuDS features including any connecting pipe runs.

4. Detailed engineered drawings of all the proposed features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change events.

5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

18. A Biodiversity Gain Plan shall be prepared, detailing how measurable net gain will be achieved. **Prior to the first occupation of the development hereby permitted the plan shall be submitted to the Local Planning Authority for written approval and the approved details shall be fully implemented**, unless otherwise agreed in writing with the Local Planning Authority.

Informative:

“A homeless shelter does not fall within a Use Class as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and is a 'sui generis' use (a use falling 'in a class of its own'). Therefore, planning permission would be required for any change of use of the approved development.”

NB: The Committee took a comfort break at 20.50

The meeting resumed at 20.55 at which time the Committee, Member and Scrutiny Manager undertook a roll call.

106 18/00794/FP LAND TO THE WEST OF ST ALBANS ROAD, CODICOTE, HERTFORDSHIRE

Audio recording 1 hour 27 minutes 11 seconds

Change of Use of land to use as a residential caravan site for 8 gypsy families including retention of hardstanding and existing lights.

NB: Councillor Sue Ngwala re-joined the meeting at 8.50pm

Councillor David Levett notified the Committee that as he was named in some of the objections he would not take part in the debate or vote.

The Development and Conservation Manager presented the report with plans and provided the following updates:

- Nigel Smith, Strategic Planning Manager was present to answer questions on Appendix 2 – the Matter 25 statement that related to the Local Plan;
- Chris Braybrooke, Senior Compliance Officer was present to answer questions which might be appropriate on any enforcement matters;
- An apology was given for the lack of photographs – the case officer was not working at the time and due to time and Covid travel restrictions the Development and Conservation Manager had not been able to travel to the site to take photographs;
- Appendix 1 showed the Temporary Planning Permission which was granted for Gypsy and Traveller Accommodation on this site which had been allowed on appeal against an Enforcement Notice served by the Council. Five year planning permission had been granted by the Inspector to enable the resolution of the issue through the new Local Plan;
- The Appeal Permission had expired on 8th March 2017 so from that date this had been an unauthorised development. By 9th March 2021, the use of land would become lawful, by virtue of the 4 year rule which is well-established in planning law for residential uses;
- The determination of this planning application had been delayed on the basis that this site would be needed and that the Local Plan would be resolved by March 2021. Recent Local Plan hearings had revealed that the occupiers of this site may not be travellers;
- The Council was seeking the Inspector's agreement to modify the plan policy designation as greenbelt. This will allow the Council to regain control of the site and enable the occupants to find alternative accommodation by October 2022;
- Should Members agree the recommendation, this strategy would negate the need for the Council to rush through an enforcement notice;
- The alternative of an Enforcement Notice was viewed as unnecessarily adversarial.

Ms Joan Shiach thanked the Chair for the opportunity to address the Committee in objection to application 18/00794/FP.

Ms Shiach's presentation included:

- The following points contained in a letter from Codicote Parish Council:
- The Parish Council continued to object to this application especially when the original appeal application allowed a temporary permission for six pitches whereas this application was indicating eight pitches;
- The standard of living conditions on site could not be established as no site visits had been undertaken for some considerable time and none were planned in the foreseeable future;
- The Parish Council would not want to see an increase from six to eight pitches nor for the extension period to be 18 months but would advise 12 months by which time the work of the Planning Inspector should be completed;
- It came to light during the Local Plan hearing sessions that there are in fact currently nine pitches on the site occupied by non-travellers and this therefore calls into question whether additional pitches are in fact required up to 2031;
- Members were referred to page 25 of the hard copy of the 2018 ORS report, figure 6 – sites and yards visited in North Hertfordshire. Also, on page 78, 4.3.6 the Officer stated that their conclusions were based on a robust evidence base i.e. the ORS report of 2018 – this evidence had now been called into question at the LP hearings.
- Ms Shiach and her son Alistair also wished to make the following points which are on record from 2018 and stand:
- There had been breaches of the conditions set out in the Appeal Decision which had not been dealt with, i.e. there were 11 caravans on the site and these were occupied by non-travellers;

- The Appeal Decision stipulated that following the end of the temporary planning period closure of the site should be enforced. The family who was the subject of this report, and who evidently needed a secure home, had long since moved away so why had four years passed since the temporary permission elapsed with no enforcement taking place to return the site to its original state and why had the planning application not been brought to the Committee before now?
- In summary, the number of pitches should not be increased from 6 to 8, an extension period of 12 would be more appropriate, and the conditions (notwithstanding type of occupiers) laid down by the original Appeal Decision should apply to the application and be enforced.

The following Member asked a question of clarification:

- Councillor Daniel Allen

Ms Shiach responded to the question of clarification as follows:

- It was not known whether the caravans were being used for financial gain or being rented out – this query would be best directed to the applicant.

The Development and Conservation Manager responded to points raised as follows:

- Although the strategy to await the outcome of the Local Plan may have been mistaken, no-one could have anticipated that the process would have taken as long as it had;
- The deadline was imminent and there was no time to negotiate conditions such as the numbers of homes on site as the four year rule would come in during this process and make the site permanent;
- The 18 month timeframe had been suggested as a reasonable amount of time to enable officers to assess the situation, to find out who was occupying the units and, if needed, to decide upon an enforcement strategy;
- If there were more than 8 homes on the site this would be a breach of the conditions, and granting the planning permission would enable the Council to regain control of the site which at the moment it had no control over and had not been able to access.

The following Member asked questions:

- Councillor Ruth Brown.

The Development and Conservation Manager responded to the questions as follows:

- If the Committee wished to restrict the site to travellers this had to be referred to the Secretary of State which would risk not being able to get the planning permission out by the four year deadline of 8 March 2021;
- Six months would not in his view give a reasonable amount of time to resolve the matter;
- If Members were minded to grant permission, the site would not be in breach of the land use category. No enforcement action on the use of the land would be applicable until the permission expired;
- If a compliance notice was needed in future it would only need to be a matter of a few months' duration as this planning permission was notification that the occupiers would need to look for alternative accommodation;
- The four year rule would re-start once the new planning permission, if granted, expired as the Council would regain control of the land;
- If planning permission was not granted, it would be difficult to prepare a legitimate enforcement notice within a few days and there was a risk that it would not be effective and the four year rule would apply.

The following Members took part in the debate:

- Councillor Mike Rice;
- Councillor Tony Hunter;
- Councillor Michael Muir.

The following points were covered in the debate:

- It was considered that the officer's recommendation was the right way forward to enable effective enforcement action in the future and to avoid the four year rule coming into effect.

It was proposed by Councillor Mike Rice, seconded by Councillor Tony Hunter, and upon being put to the vote, it was:

RESOLVED: That application 18/00794/FP be **GRANTED** temporary planning permission subject to the conditions and reasons contained in the report of the Principal Planning Officer.

107 TPO 199 (2020) LAND TO THE WEST OF LUCAS LANE AND EAST OF HEADLANDS, GRAYS LANE, HITCHIN, HERTS, SG5 2HR

Audio recording 1 hour 52 minutes 38 seconds

The Development and Conservation Manager presented a report with plans and provided the following updates:

- Members would have received a number of representations from local residents seeking the Committee's agreement to confirm the area Tree Preservation Order (TPO) to cover all the trees within the orchard;
- Apologies were given that there were no photographs due to the case officer being off and annual leave being taken the previous week;
- The recommendation was to include only three trees in the TPO: a walnut and two sycamores as noted in the Appendix;
- The TPO needed to be confirmed by 10 March 2021, six months after the provisional TPO was confirmed;
- Area TPOs are discouraged and only seen as an emergency measure;
- The government's area category guidance and appeals procedure was explained in detail;
- If Members were minded to confirm the TPO as originally envisaged that decision could not be challenged at appeal.

The following Members asked questions:

- Councillor Ruth Brown;
- Councillor David Levett;
- Councillor Tom Tyson;
- Councillor Michael Muir;
- Councillor Val Bryant.

The Development and Conservation Manager responded to questions as follows:

- Just three trees and no others in the orchard would be able to be preserved if the Committee was minded to vote for the recommendation in the officer's report;
- If the Committee was minded to reconfirm the area TPO this would make it a criminal offence to fell any tree within the site without further consent;

Wednesday, 24th February, 2021

- If the area TPO was maintained and this site was then allocated in the Local Plan and a planning application for housing was submitted, in any pre-application discussion officers would advise the applicant that it would be in the best interests of the area to have a scheme that protected the trees and build around existing landscape features in line with best urban design practice rather than felling. The TPO would not stop the felling of the trees, but it would require consent to fell the trees and any refusal of consent could be appealed against;
- Any conditions to replace felled trees with newly planted ones would be beyond the scope of this order which was simply to identify which trees ought to be protected;
- The expert had noted that the area had been neglected however this was beyond the remit of the planning authority so further comment was not possible on this.

Mr Phil Davis thanked the Chair for the opportunity to address the Committee in respect of TPO 199 (2020). Mr Davis included the following in his presentation:

- He was speaking on behalf of local residents and also the Save Hitchin Greenbelt petition which started in December and now had 3000 signatures – all these were opposed to the removal of the TPO;
- This woodland would not be there if not for the local residents who protested against the felling of the trees in September 2020 when the developer was ready to fell with the equipment;
- The only reason not to grant the area TPO would be to allow the developer to build additional houses;
- In the Local Plan this land was supposed to be retained and enhanced;
- There was extremely strong support for this woodland which was a wildlife corridor;
- The survey had been done in winter when there was no wildlife around but in spring and summer the area accommodated wildlife such as badgers, bats and deer;
- It was a small but vital area for wildlife and the wood supported an incredible ecosystem.

The following Members asked a question:

- Councillor Daniel Allen

Mr Davis replied to the question as follows:

- Bats were nesting in the area and their food supply was being generated by the insects which lived in the woodland created by the trees.

The Development and Conservation Manager responded to points as follows:

- To manage expectations, should the Committee confirm the area TPO, if planning received an application to fell one of the trees, they could not look at the biodiversity of the area but only the amenity value of the tree. Protected species would need a licence from DEFRA. It would not mean that the trees were protected for ever but that consent would be required to fell them;
- The TPO would be permanent. It would only cover the trees that were already there.

Councillor Ruth Brown sought clarification on the procedure from the Development and Conservation Manager.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Val Bryant;
- Councillor Tom Tyson;
- Councillor Michael Muir.

The following points were made in the debate:

- It was important to protect and enhance existing wildlife corridors and green lungs around urban areas in North Herts. There was no need to re-wild areas if existing ones were preserved;
- It was an important area which needed to be looked after and hopefully there would be better management of the area in future;
- If an application was made to fell any trees in the area TPO, reference could be made to HT5 in the Local Plan;
- Members would rather see trees planted than felled.

Councillor David Levett proposed an amendment to the recommendation that the existing area TPO 199 (2020) be confirmed.

Councillor David Levett proposed, Councillor Val Bryant seconded, and upon being put to the vote it was:

RESOLVED: That the existing area TPO 199 (2020) be confirmed.

108 PLANNING APPEALS

Audio recording 1 hour 24 minutes 24 seconds

The Development and Conservation Manager advised that he had no updates to provide on the Planning Appeals which had been circulated.

RESOLVED: That the report entitled Planning Appeals be noted.

REASON FOR DECISION: To keep the Planning Committee apprised of planning appeals lodged and planning appeal decisions.

The meeting closed at 9.55 pm

Chair