

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 15TH JUNE, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, Ian Moody, Sean Nolan, Louise Peace and Phil Weeder*

In Attendance:

Sjanel Wickenden (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer) and Tom Rea (Senior Planning Officer)

Also Present:

At the commencement of the meeting approximately 12 members of the public, including registered speakers were present. Councillors Claire Strong and Gerald Morris were also present.

71 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 59 seconds

Apologies for absence were received from Councillors Nigel Mason, Terry Tyler and David Levett.

Having given due notice, Councillor Cathy Brownjohn substituted for Councillor Mason and Councillor Michael Muir substituted for Councillor Levett.

72 MINUTES - 6 APRIL 2023

Audio Recording – 2 minutes 27 seconds

The Chair reminded Members that those who were new to the Committee, or who were not in attendance at the last meeting, would not normally vote to approve the minutes

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 6 April 2023 be approved as a true record of the proceedings and be signed by the Chair.

73 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 24 seconds

There was no other business notified.

74 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 Minutes 28 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 the speaking process for public participants.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

75 PUBLIC PARTICIPATION

Audio recording – 4 minute 47 seconds

The Chair confirmed the registered speakers were in attendance.

76 22/02225/FP NICHOLLS YARD, CROW LANE, REED, HERTFORDSHIRE, SG8 8BJ

Audio recording - 5 minute 30 seconds

The Senior Planning Officer provided an update from the Historic Environmental Advisor at Hertfordshire County Council, who had advised of the following, that:

- The site lays within a rich and potentially significant archology landscape, focusing on prehistoric burial grounds on either side of Reed.
- The Anglo Saxon and Medieval settlements were quite unusual and several questions remained about the site remain and therefore a Geophysical survey was warranted.

The Senior Planning Officer presented the report in respect of Application 22/02225/FP supported by a visual presentation consisting of photographs and plans.

The Senior Planning Officer summarised that:

- This development offered limited benefits regarding overall housing needs with no affordable housing included and was not providing section 106 money for local services and the Parish Council.
- This development would cause significant harm to the open rural character and setting of the Conservation Area and would have an adverse visual impact to users of the public footpaths and highways.
- The harms of this development outweighed the positives.

There were no points of clarification from Members.

The Chair invited County Councillor Fiona Hill to speak against the application. County Councillor Hill thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Reed Parish Council endorsed the Officers recommendation to refuse the Application.
- A site "RD1" on the Local Plan was allocated to provide the further housing growth in Reed including affordable housing.
- This Application did not offer any affordable housing.
- Since 2011 there had been a 10.5% housing increase in housing in Reed.
- Policy SP2 of the Local Plan should be applied with sensitivity in category A villages such as Reed and concluded that this development would harm the village.

- The Parish Council fully supported the judgement of the Planning Officer and the Conservation Officer, that the proposed development would be harmful to the area and overall character of Reed and would have an adverse effect on the village.
- The Parish Council requested that the Committee follows recommendations of the Planning Officer and refuses this application.

There were no points of Clarification from Members.

The Chair thanked County Councillor Hill for her presentation and invited Councillor Gerald Morris to speak against the application. Councillor Morris thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He supported the comments of Reed Parish Council, the Officers and NDHC Conservation Officers and the recommendation to refuse this application.
- The site was part of a previous planning application where it was stated that the land should remain undeveloped and landscaped.
- The development would have an adverse effect on the character and appearance of the surrounding area.
- The application is not accompanied by a Biodiversity net gain metric.
- No energy assessment had been received.
- The application offered no affordable Housing.
- Any new developments would require the sewage treatment plant at Reed to be upgraded to prevent an environmental problem.

There were no points of Clarification from Members.

The Chair thanked Councillor Morris for his presentation.

Councillor Daniel Allen proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That application 22/02225/FP be **REFUSED** planning permission due to the reasons outlined in the report of the Development and Conservation Manager.

77 22/03245/FPH 5 HIGH STREET, PIRTON, HERTFORDSHIRE, SG5 3PS

Audio recording – 24 minutes 33 seconds

The Planning Officer informed the Committee that there were no updates or changes since the report, but some extra labels had been added to the plan of the roof slope.

The Planning Officer presented the report in respect of Application 22/03245/FPH supported by a visual presentation consisting of photographs and plans.

In response to a question from Councillor Louise Peace, the Planning Officer advised, that the party wall was a civil matter and did not pertain to the application.

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

- The Parish Council would not have objected to a more modest version of the application but felt this extension was too large and dominant in what was a small and cramped space.
- The property was part of three terraced cottages from the late 19th Century which have a 13.5-foot-wide narrow garden.

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- The property was listed as a property of interest in the Pirton Neighbourhood Plan.
- Under section 8 and 3 of the Neighbourhood Plan the extension would not meet the guidelines and would not enhance the Conservation Area.
- The extension was taller than the current outbuilding, and at over 12 feet wide the extension would provide very little room between the boundaries.
- The current house had a footprint of 40 square meters or 46 if the outbuilding was included. The extension would increase the footprint to 69.
- The extension was not sympathetic to the neighbouring properties, from No 7 there would be 20 inches of path and then a 10-foot wall which would block out light.
- The front roof lights are not in keeping with the Conservation Area.
- The applicant had offered blinds to prevent light pollution but there is no guarantee that would continue with future occupants.

The following Members asked point of clarification:

- Councillor Sean Nolan
- Councillor Daniel Allen

In response to the points of clarification Parish Councillor advised:

- The property was listed in Pirton Neighbourhood Plan as a building of local interest, it is a non-listed important building of local interest.
- The floor plan was 40 square meters, but with the outbuilding it is 46 square meters, the new plan was a 75% increase on existing area.

The Chair thanked Parish Councillor Burleigh for her presentation and invited Councillor Claire Strong to speak against the application. Councillor Strong thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- She supported the objections of the Parish Councils to this application.
- The extension covered a larger footprint than the existing outbuilding, most of the extension is on the other side of the outbuilding and covered a large area of the garden, bordering No 7.
- The application was in a Conservation Area, but there was no published report from the Conservation Officer.
- The report suggested the extension complied to point 3.1 of the Pirton Neighbourhood Plan, but the scale of the extension was not subservient to the property.
- The height of the roof and the roof lights were not in keeping with the host building and the terrace row of houses.
- The 10-foot extension wall offered no safeguarding for No 7 against access, noise, privacy, outlook and daylight, and questioned if any measurements had been taken.
- Under the Local Plan, regarding the layout and function of the extension, the application should be refused.
- A condition for blinds to be installed on the roof lights was needed to prevent light pollution.
- If approved, work needed be in line with working hours, so it would not affect any neighbours.
- New paving installed should be required to be permeable.

There were no points of clarification from Members.

The Chair thanked Councillor Strong for her presentation and invited Charlotte Fausset to speak in support of the application. Ms Fausset thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The family have been in the village for 42 years and included a teacher at the local school.

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- The property was a 2 bedroom cottage with an outbuilding that did not meet building regulations and, the property had a 25 meter long garden.
- There was a lack of feasible, affordable accommodation in Pirton.
- The extension was planned considering the rear access, drainage, the orientation of the sun, long garden and mindful of the listed building.
- After a neighbourhood plan survey in 2015 it was concluded that the most important need for housing in Pirton was for the elderly and local people, which was how the Local Plan evolved.
- Ms Fausset felt the Parish Council was acting unfairly and going against their principles in the Local Plan, which had help for the elderly and young families at its core.
- The new housing stock in Pirton had very few affordable 2 and 3 bedroomed properties and the interest rates rises the Applicants had chosen to extend rather than buy elsewhere.
- The owner of No 7 had been consulted and the owner stated that they understood and supported the reasons for the extension.
- The two ground floor windows at No 7 which, overlooked the extension were for the bath and utilities rooms.
- All works would take place on the site of No 5 and the fence to No7 would not be disturbed.

The following Members asked points of clarification

- Councillor Simon Bloxham
- Councillor Tom Tyson
- Councillor Daniel Allen
- Councillor Michael Muir

In response to the points of clarification Mrs Fausset advised that:

- The windows at No 7 facing the boundary fence were a utility room and a ground floor bathroom.
- The current outbuilding extension was 1.9 meters tall and with the rafters it was 2.5 meters tall.

The Chair thanked Ms Fausset for her presentation.

In response to the points of clarification raised during the public presentation the Planning Officer advised that:

- Following consultation with the Conservation Officer, the number of roof lights were reduced from 5 to 3 but this was not a formal recommendation.
- A proposed condition requiring the installation of blinds would not be enforceable.
- Light impact was considered, and they have advised that a light coloured render should be applied.
- The 50% increase referred to, regarding the new total area, related to the original floor plan, without the outside storage space included, as the extension was to replace the existing outside storage it was therefore relevant to consider.
- There would be 1.1 meters between the building of No 7 and the new side elevation extension.
- Comments identified as 'Neutral' had been received from the resident at No 7.

Councillor Daniel Allen proposed the application to be approved with the following additional conditions, that the use permeable paving be required and that a Construction Management Plan be submitted and approved. This was seconded by Councillor Michael Muir and, following a vote, it was:

RESOLVED: That application 22/03245/FPH be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following additional conditions:

“Condition 4:

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall detail:

- (1) Construction vehicle numbers.*
- (2) Access arrangements to the site for the delivery of materials and equipment.*
- (3) Details of the storage of materials on-site.*
- (4) Timing of construction activities (including delivery times and removal of waste) and the hours of construction.*

Reason: In the interest of highway safety and residential amenity”.

“Condition 5:

All paving hereby approved and constructed on site shall be permeable unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of ensuring that suitable drainage is provided”.

Following the conclusion of this item there was a short break in proceedings until 20:41

78 22/00516/FP LAND TO THE WEST OF LUCAS LANE AND EAST OF HEADLANDS, GRAYS LANE, HITCHIN, HERTFORDSHIRE, SG5 2HR

Audio recording 1 hour and 11 minutes

The Development and Conservation Manager, informed the Committee that there were updates provided in the Supplementary Pack which included:

- Clarification of drawing numbers and a tree survey.
- A revised appraisal of the biodiversity submitted by Herts & Middlesex Wildlife Trust showed a net loss of 1.17 hectare, which could be offset by a contribution of £15K to build an offsite enhancement in North Herts.
- The County Council had withdrawn their request for a financial contribution as this application fell below their 10-house threshold.
- A new condition had been added, requiring the provision of a soft and hard landscaping scheme.

The Development and Conservation Manager presented the report in respect of Application 22/00516/FP supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager summarised that:

- The site extended to 0.8 hectares and included woodland on the western edge of Hitchin.
- When the Local Plan was adopted the site was removed from the Green Belt.
- The site was acceptable for a residential development as set out in the Local Plan.

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- The Local Plan estimated 16 dwellings on the site, this application is for 9, and considered the location, accessibility, density and constraints of hedge land, site access and trees.
- The application was for six, five bedroom houses, one, four bedroom houses and two three bedroom houses.
- The site was on the edge of town in a low-density area and the proposed houses were in keeping with the scale and character of nearby large detached dwellings.
- The layout and was acceptable under Policy D1 of the Local Plan.
- The woods would be repurposed and are subject to a landscaping condition.
- After the access point for this development, Lucas Lane became a bridleway, and the Local Planning Authority considered this application acceptable subject to conditions listed in the report.

The following Members asked points of clarification:

- Councillor Sean Nolan
- Councillor Ian Moody
- Councillor Michael Muir
- Councillor Louise Peace
- Councillor Daniel Allen
- Councillor Tom Tyson
- Councillor Val Bryant

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

- Access via Grays Lane to the site was an adopted road but there were no plans to adopt Lucas Lane.
- Road access would be the same for this application and for the HT6 application.
- Using DEFRA calculation which considers different species with different biodiversity values, it was concluded that there was a net loss on the site of 1.17 habitat units.
- There was a well-used path across the site but it was not a public footpath as defined by the County Council.
- The illustrations showed some planting of trees and landscaping to reflect the master plan landscaping.
- A revised plan was submitted to Highways which had been agreed.
- A further condition had been added regarding waste and recycling.
- The response from the County Councils changed after further clarification and drawings of the bridleway.
- The Right of Ways officer had yet to respond, but the bridleway had a free and safe passage in the design and was shown outside of the red development area.
- S106 money was based on the biodiversity loss and not for the number of dwellings.
- The County Council had reviewed the application against their policy and agreed no S106 money was required as the application was below the dwellings threshold.
- The application was below the threshold for affordable housing.

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

- He was presenting the objection on behalf of Save Hitchin Green Belt on the grounds of: loss of biodiversity, wildlife habitat, site access, increased pollution, and housing numbers.
- The removal of this land would cause a huge loss, this area acts as a carbon sink and absorbs 1 ton of carbon per hectare.
- Three sizable horse chestnut trees were to be removed with no regards to woodlands or wildlife, these trees are 6 foot in circumference.

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- There was a Tree Protection Order (TPO) on the woodland, which was proposed to be a playground.
- The Ecological survey was incomplete, inaccurate, and misleading. It did not mention, the TPO, and the Woodlands on the site were referred to as dense scrubs. The survey did not mention any animals, or the non-cultivated grassland which is a great biodiversity asset.
- A night survey of animal had not occurred, and this was when most wildlife in this area appeared.
- This site included one of only two non cultivated grassland areas in Hitchin.
- The development would cause the destruction of feeding land.
- The development did not have any affordable houses.
- This site should be removed from the Local Plan and returned to Green Belt.

There were no points of clarification from Members.

The Chair thanked Mr Davis for his presentation and invited Councillor Keith Hoskins to speak against the application. Councillor Hoskins thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Concerns regarding this application included, the traffic volume, traffic noise, Highways, safety and air quality.
- Highways rejected the Pirton junctions due to concerns regarding congestion and overcapacity in peak hours.
- Highways initially rejected the Lucas Lane access, given the intersection and safety.
- Hertfordshire County Councils right of ways officer should be contacted to supply a statutory response regarding the bridle way and road access.
- There were real concerns about what consideration had been made for the road users' hierarchy at this junction.
- There had been little consideration made, for off street parking and emergency vehicle access.
- The NHDC Air Quality Action Report 2018 highlighted the concerns of Payne's Park roundabout in Hitchin and recommended that the area lower its nitrate dioxide.
- NHDC was committed to reducing the exposure of people to poor air quality.
- The access route at Gray's Lane was a known hotspot for nitrate dioxide according to the 2018 report from 5 years ago, and traffic had increased since then.

In response to a point of Clarification from Councillor Sean Nolan, Councillor Hoskins stated that the highways team were too narrowly focused on the Lucas Lane site access, and not to looking at the wider impact.

The Chair thanked Councillor Hoskins for his presentation and invited Will Berry to speak in support of the application. Mr Berry thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The development company, the Hill Group was a 5-star house builder, and this application was designed following public consultation and discussions with Planning Officers.
- The development was considerate to the constraints, surrounding character and contents and the vegetation of the proposed area.
- The TPO area would be enhanced and made available to the public there would be some selective thinning of the scrub land, but the replanting would allow more light into the area.
- Further ecological benefits of the development were the provision of bird and bat boxes, hedgehog holes, and log pile bug hotels.
- The development consisted of nine houses with gardens and parking, in keeping with the existing homes, having bay windows, bricks banding details and pitched roof.
- All the homes would be energy efficient, with fabric first approach, air pumps and EC charging points to all homes.

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- A consultation had been conducted with County Highways regarding the access road and a pedestrian priority crossing.
- The site had some constraints, regarding access, sewerage, TPOs and hedgerows.
- The design was sensitive to the location and of a high quality but low carbon footprint.

The following Members asked points of clarification:

- Councillor Val Bryant
- Councillor Tom Tyson

In response to the points of Clarification the Mr Berry stated:

- The garages all have pitched roof and would be built to the North Herts District Council standards. Three of the garages would also have studios above them.
- All roofs would be pitched in keeping with existing houses in that area.
- The housing mix was based on access to schools and population density of the area.
- Too many small houses had already been built.

The Chair thanked Mr Berry for his presentation.

In response to the points raised during the public presentations, the Development and Conservation Manager advised:

- Section 8.19 of the local plan HS3 confirmed that there had been a greater delivery of smaller dwelling to larger ones.
- Section 8.19 was flexible and dependant on the location, and character of the area.
- The dwellings to the east of this application were large, detached homes.
- Section 8.21 of the Local Plan stated that developments should have 60% of larger houses on the edge of town and 40% smaller.
- This application had one, three bed property.
- It was not clear from Council records what involvement of the rights of way officer had.
- The resolution could be subject to confirmation that there are no objections from the County Council's Rights of Way Officer.

The following Members took part in debate:

- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor Sean Nolan
- Councillor Michael Muir
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Val Bryant

Points raised in the debate included that:

- There was no valid reason to reject the application as it was in accordance with the Local Plan.
- An application of nine houses was disappointingly predictable.
- HT6 was a separate planning application.
- Concerns regarding the loss of biodiversity.

The Development and Conservation Manager clarified the conditions of the application, subject to, the addition landscaping scheme, waste collection and recycling strategy and clarification from the rights of ways officer.

Councillor Simon Bloxham proposed, with the amendments included, and this was seconded by Councillor Michael Muir and, following a vote, it was:

RESOLVED: That application 22/00516/FP be **GRANTED** planning permission subject to the conditions as set out in the report of the Development and Conservation Manager as amended by the Supplementary Agenda, as well as:

- (1) The completion of a satisfactory legal agreement or unilateral undertaking relating to achieving Biodiversity Net Gain from the proposed development, and the applicant agreeing to extend the statutory period in order to complete the agreement or provide a satisfactory unilateral undertaking.
- (2) Confirmation that Hertfordshire County Council's Rights of Way Officer has no objections to the proposal.

And the following additional condition:

"Condition 15:

No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (to include details of any enclosures or screening) to serve each dwelling have been submitted to and approved in writing by the local planning authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.

Reason: To facilitate refuse and recycling collection. To protect the amenities of nearby residents and occupiers in the interests of visual amenity and to comply with Policies D1 and D3 of the North Hertfordshire Local Plan 2011-2031."

79 PLANNING APPEALS

Audio recording – 2 hour 12 minutes

N.B. Councillor Ian Moody left the Chamber at 21:42 and did not return to the meeting.

The Development and Conservation Manager presented an update on "Planning Appeals" which included:

- The report identified the six appeals lodged and were awaiting a decision.
- The report identified the Planning Appeal decisions made since the last Planning Meeting. Of the six Appeals listed, four were dismissed and two were allowed for minor issues.

In response to a question from Councillor Simon Bloxham, the Development and Conservation Manager stated, that of the appeals allowed, 1 had been a split decision and the other was a Highways objection that the Inspector allowed.

RESOLVED: That the Committee noted the report.

The meeting closed a 21:46

Chair