

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON TUESDAY, 11TH JULY, 2023 AT 7.30 PM**

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Mick Debenham, David Levett, Nigel Mason, Michael Muir, Sean Nolan, Louise Peace and Phil Weeder*

In Attendance:

Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Area Planning Officer), Tom Rea (Senior Planning Officer), Sjanel Wickenden (Committee, Member and Scrutiny Officer) and Melissa Tyler (Senior Planning Officer)

Also Present:

At the commencement of the meeting there were 2 members of the public, including registered speakers.

87 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 45 seconds

Apologies for absence were received from Councillors Terry Tyler, Ian Moody and Simon Bloxham.

Having given due notice Councillor Michael Muir substituted for Councillor Simon Bloxham.

88 MINUTES - 15 JUNE 2023

Audio recording 2 minutes 1 second

Councillor Val Bryant, as Chair, proposed and Councillor Mick Debenham seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 15 June 2023 be approved as a true record of the proceedings and be signed by the Chair.

89 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 49 seconds

There was no other business notified.

90 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 52 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.

91 PUBLIC PARTICIPATION

Audio recording – 4 minute 3 seconds

The Chair confirmed the registered speakers were in attendance.

92 23/00590/FP 93 NINESPRINGS WAY, HITCHIN, HERTFORDSHIRE, SG4 9NU

Audio recording - 4 minute 31 seconds

Councillor Sam Collins entered the Council Chambers at 19:40. There was a break in proceedings and the meeting resumed 19:48

The Senior Planning Officer informed the Committee that there were no updates or changes since the report.

The Senior Planning Officer presented the report in respect of Application 23/00590/FP supported by a visual presentation consisting of photographs and plans.

The Senior Planning Officer summarised that:

- There would be parking for 3 to 4 vehicles, with the door at the side of the property facing number 91.
- A fence would be erected between the property and number 91.
- The first-floor window facing number 91 would be obscured.
- No technical objections to this application had been received.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Mick Debenham

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

- There were no material changes to the exterior, this application was for the change of use.
- There was no information on the circumstances of those using the property and this was not relevant to the application.

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

- He resided at number 91, next door to the property in this application.
- The first-floor window facing number 91 had yet to be obscured, which was impacting privacy and noise in his property.
- There was ambiguity in the application about what children would be living in the property.
- A vulnerable young person resided with Mr Tate, and the application would restrict their freedom and mental wellbeing and would be contrary to policy D3 in the Local Plan.

Tuesday, 11th July, 2023

- The applicant had not made any attempts to engage with the neighbours, two meetings have occurred instigated by Mr Tate regarding the change of use application.
- Contact had been made with the Planning Enforcement team regarding the dormer extension currently being built at the applicant's property. Only an automated response had been received from Planning Enforcement.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Nigel Mason

In response to the points of clarification Mr Tate advised that:

- No objections were made for the previously approved dormer extension, as it was assumed this was to extend a family home not to run a 24/7 business.
- There had been conflicting documents submitted by the applicant, however the application was from a commercial organisation, to operate a business.

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

- The application was vague, misleading, and contradictory.
- The applicant stated that this was not a commercial business, however they own three other profit-making businesses.
- The application did not clearly state the category of children, was it C2 or C2A.
- It was stated in the application that no visitors would be attending the home, but then mentioned that Ofsted and Hertfordshire County Council would inspect the home.
- 122 residents raised concerns regarding the application.
- No one was opposed to a facility for Looked After Children, but the information supplied was unclear.
- The proposed area was residential, and the area had covenants regarding the change of use to a commercial facility.
- 4.3.10 of the report did not contain enough information from the applicant, to enable a full assessment regarding crime, and the fear of crime, which were material planning considerations.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Val Bryant

In response to the points of clarification Councillor Collins advised that:

- It was mandatory for any facility for Looked After Children to be inspected by Hertfordshire County Council and Ofsted.
- The applicant was denying that this children home was a business, stating it was merely a commercial entity.

The Chair thanked Councillor Sam Collins for his presentation.

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

- Ofsted would not be involved until after planning permission had been granted.

- The classification for use in this application was C2, a residential institute.
- This application was for the change of use of the property, and not related to the extension which had previously been granted planning permission.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor David Levett
- Councillor Nigel Mason

Councillor Nigel Mason proposed the application to be approved with an additional requirement to install an electric vehicle charging point, and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That application 23/00590/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following amendment to condition 6:

“Condition 6:

Location and details of the fence to be erected between the host property and the neighbouring property of No.91 shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.”

And the addition of Condition 7 to read:

“Condition 7:

Prior to the change of use, the proposed Children’s home shall incorporate an Electric Vehicle (EV) domestic ready charging point.

EV Charging Point Specification: A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- *A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.*
- *The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).*
- *If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended)*

tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.
- UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality."

93 23/00750/FP LAND BETWEEN DURHAM WAY AND YORK WAY, ROYSTON SG8 5GX

Audio recording - 44 minutes 44 seconds

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

- The site was within an area that may have archaeological potential, particularly related to a significant prehistoric landscape.
- The site was close to Ermine Street, a Roman road, the Icknield Way, a prehistoric routeway and Therfield Heath, where prehistoric archaeology of national significance had been found.
- Roman and medieval remains had previously been found in Royston and the site was judged as having potential for Roman remains.
- Proposed conditions for this application included archaeological monitoring of all areas of groundwork, archaeological investigation should any remains be encountered, an analysis of the archaeological work and the production of a report on any remains, and such other provisions required to protect any archaeological find.

The Senior Planning Officer advised that:

- The archaeology implication closely followed National Planning Policy framework 199-205.
- Three conditions had been added to the application in anticipation of this report, Condition 17 which was correct and Condition 18 and 19 which would be deleted and replaced by a new Condition 18.
- The remaining Conditions 20 to 22 would be renumbered Conditions 19 to 21.

The Senior Planning Officer presented the report in respect of Application 23/00750/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor David Levett

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

- Under the Local Transport Plan 5% of parking space were required for EV Parking, the Highways provision was stated under condition 16.

- The typographical error on Informative 1 would be changed.
- Condition 16 stated the requirement for 4 passive parking spaces.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Sean Nolan
- Councillor Louise Peace

Councillor Michael Muir proposed that the application be approved, subject to additional conditions regarding the installation on EV chargers and PV panels on site.

In response to this proposal, the Area Planning Officer advised that an Environmental Management Statement could be requested from the applicant to cover the requested additions. The wording of further conditions could then be agreed with the Chair of the Planning Control Committee, once agreed with the applicant. Failure to agree a condition on this would mean the application return to the Committee for determination.

Councillor Michael Muir proposed the application be approved, subject to the provision of an Environmental Management Statement, and Councillor Sean Nolan seconded and, following a vote, it was:

RESOLVED: That application 22/00750/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with an additional requirement for the agent to provide an Environmental Management Statement, to cover the installation of EV chargers and PV panels on site, and a relevant condition added subject to confirmation from the Chair of the Planning Control Committee. Should this not be agreed then the application would be brought back to the Committee for determination. As well as the deletion of Condition 19, the re numbering of Condition 20 to 22 to Conditions 19 to 21 and the following amendments to Informative 1 and conditions 19 and:

“Informative 1:

Charging points shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- *A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.*
- *The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).*
- *If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth*

stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- *A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.*
- *UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.*

Condition 18:

- *Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (17).*
- *The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (17) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.*

Reason: To safeguard the archaeological record."

94 22/00754/FP THE FOUNDRY, STEVENAGE ROAD, ST IPPOLYTS, HITCHIN, HERTFORDSHIRE, SG4 7NX

Audio recording - 1 hour 1 minute 44 seconds

The Senior Planning Officer provided an update and advised that:

- The Historic Environmental Advisor at Hertfordshire County Council had requested an additional three conditions, and the applicant had agreed to these conditions.
- The applicant had requested a slight change to Condition 8 to read each dwelling, rather than any dwelling.
- The applicant had submitted a unilateral undertaking to make a financial contribution to the replacement of the recreation ground changing rooms in St Ippolyts.

The Senior Planning Officer presented the report in respect of Application 23/00754/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Sean Nolan
- Councillor David Levett
- Councillor Michael Muir
- Councillor Nigel Mason

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

- Condition 19 of the report related to the EV charging points, more information of which could be found in Informative 1 and could be added to the Condition.
- Condition 14 of the report showed the landscaping plan and included the planting of 20 trees.
- The applicant undertook an extensive Flood Risk assessment, resulting in a series of mitigation measures which included, all of the properties having a minimal floor level, a

flood compensation scheme which included the storage of excess water and a flood response plan for evacuation procedures.

- In addition to these measures, there will be a void system under plots 2 and 3.
- No permission would be granted until the final response from the Environmental Agency.
- Flood liability would be a civil matter and the planning conditions would be there in perpetuity.
- The financial contribution would be a unilateral undertaking that the Council would collect and distribute for improvements to St Ippolyts recreation ground changing rooms.

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

RESOLVED: That application 22/00754/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following amendments to conditions 8 and 19:

“Condition 8:

Before the occupation of each dwelling hereby permitted, its dedicated car parking facilities shown on the approved plan shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

Condition 19:

Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

Environmental Health Informative

EV Charging Point Specification: A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- *A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.*
- *The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).*
- *If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.*

- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.
- UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Building Regulations Part S and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018)."

And the addition of Conditions 21 to 23, to read:

Condition 21:

No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- *The programme and methodology of site investigation and recording.*
- *The programme for post investigation assessment.*
- *Provision to be made for analysis of the site investigation and recording.*
- *Provision to be made for publication and dissemination of the analysis and records of the site investigation.*
- *Provision to be made for archive deposition of the analysis and records of the site investigation.*
- *Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011-2031.

Condition 22:

The development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011.

Condition 23:

The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved

Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011-2031."

95 PLANNING APPEALS

Audio recording – 1 hour 24 minutes 45 seconds

The Area Planning Officer presented the report entitled 'Planning Appeals' and provided the following updates:

- The document order of the report was incorrect, the Appendix at page 77 Should have been the first agenda document.
- A Public Enquiry was expected to start on the 12 September 2023 and to last 8 days.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Val Bryant

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

- The Public Enquiry would take place in Letchworth.
- The Public Enquiry was in the public domain.

RESOLVED: That the Committee noted the report.

The meeting closed at 8.56 pm

Chair