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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON TUESDAY, 23RD JANUARY, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Ian Mantle, Michael Muir, Louise Peace, Phil Weeder and Dave Winstanley.*

**In Attendance:** *Sadem Amegashie-Duvon (Trainee Solicitor), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Kerrie Munro (Locum Planning Lawyer) and Sjanel Wickenden (Committee, Member and Scrutiny Officer).*

**Also Present:** *At the commencement of the meeting approximately 5 members of the public, including registered speakers were present.*

#### 162 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 30 seconds*

Apologies for absence were received from Councillors Sean Nolan, Nigel Mason and Ian Moody.

Having given due notice Councillor Ian Mantle substituted for Councillor Nolan, Councillor Dave Winstanley substituted for Councillor Mason and Councillor Michael Muir substituted for Councillor Moody.

Councillor Terry Tyler was absent.

#### 163 MINUTES - 16 NOVEMBER 2023, 30 NOVEMBER 2023 AND 7 DECEMBER 2023

*Audio Recording – 1 minute 58 seconds*

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

**RESOLVED:** That the Minutes of the Meetings of the Committee held on the 16 November 2023, 30 November 2023 and 7 December 2023 be approved as true records of the proceedings and be signed by the Chair.

#### 164 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 55 seconds*

There was no other business notified.

**165 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 59 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

**166 PUBLIC PARTICIPATION**

*Audio recording – 4 minutes 13 seconds*

The Chair confirmed that the registered speakers were in attendance.

**167 22/03094/FP LAND BETWEEN HUNTSRIDGE AND ASHWELL HOUSE 5, HIGH STREET, ASHWELL, HERTFORDSHIRE**

*Audio recording – 4 minute 31 seconds*

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

*N.B Councillor Tom Tyson moved to the public gallery at 19:40*

The Senior Planning Officer provided the following update:

- Due to staffing changes, it was unclear if the site notice had been erected in 2022 as no photograph of the notice had been attached to the file. To ensure proper legal notice had been given, a notice was erected on Friday 5 January 2024.
- This did not affect consideration of the application. However the decision notice could not be granted until the required 21 day notice period had expired.
- An email had been received from the Parish Council, with a proposed Section 106 (S106) provision for a pavilion project and the gifting of public open space should the application be granted planning permission.
- An addendum to the original report had been issued which clarified the sections of the NPPF referred to in the report.

The Senior Planning Officer presented the report in respect of Application 22/03094/FP supported by a visual presentation consisting of photographs and plans.

In response to a question from the Locum Planning Lawyer, the Development and Conservation Manager stated that:

- They believed that the site notice was erected however as there was no photograph of the notice on file, a decision was made to erect a notice on the 5 January 2024.
- The notice had been advertised in the local press and neighbours had been informed of the application shortly after the application was received in 2022.
- Ashwell residents had previously made comments on the planning application and any new comments would be actioned.
- A decision notice could not be issued until the 21 day notice period had expired.

**Tuesday, 23rd January, 2024**

- If the Committee resolved to grant planning permission, the delay in erecting the notice would not affect this application as negotiations on S106 money would still be ongoing.
- If the Committee accepted the recommendation of the Senior Planning Officer, then a decision notice would be issued after the 26 January 2024.

The Locum Planning Lawyer was reassured by the confirmation of the Development and Conservation Manager that the agenda item would return back to the Planning Committee if there were any material planning consideration representation made by the deadline of 26 January 2024 that the decision makers would need to be made aware of to review the decision they had made on the planning application. This would be possible as the planning permission would not have been published. This way forward was decent, to protect the Members decision from legal challenge.

In response to a question from Councillor Daniel Allen, the Development and Conservation Manager stated that the delay in erecting the site notice did not prevent the Committee from considering the application.

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

- The Parish Council were objecting to this application. The rejection reasons were the same as the previously rejected application on this site in 2020.
- There were concerns regarding the access onto the site, particularly from the junction of Kingsland Way and Ashwell Street.
- Should the application be granted the Parish Council would like to be involved with the S106 negotiations.

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

- Planning for this site had been refused in 2020 and this application did not resolve the policy conflicts highlighted in the previous application.
- The new application had reserved some land for public use and would gift this to Ashwell Parish.
- The policies were in place to protect the heritage assets, namely the Ashwell Conservation Area and the last remaining open space on the southern side of Ashwell Street, often referred to as the Ruddery.
- The proposed access road was not currently used for motorised vehicles and would need upgrading.
- The application would not preserve the heritage assets, which could be traced back to the medieval period.
- From the slope of the site the sight lines to the Ruddery would be significantly impacted as detailed in the report of the Planning Officer.
- The application was not compliant with the NPPF, the Local Plan or the Ashwell Neighbourhood Plan, and the harms would outweigh the benefits of the application.
- There was a lack of S106 money.
- The application should be refused as recommended by the Senior Planning Officer.

The Chair thanked Councillor Tyson for his presentation and invited Mr Sav Patel to speak against the application. Mr Patel thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The site would comprise 14 dwellings, 5 of which would be affordable, and the site would have substantial open public space.

- Since the 2020 application the number of dwellings had been reduced and this new application incorporated the key heritage views.
- There was a housing need in Ashwell which this application sought to address.
- The site was located in the extended settlement boundary of Ashwell, a sustainable location for development with the Local Plan and Neighbourhood Plan supporting development.
- Any new housing in Ashwell was to be provided within the extended settlement boundary.
- This development was close to the village centre and allowed future growth of the established boundary.
- The report of the Planning Officer stated that this application was acceptable in principle and would meet the housing needs for the resident of Ashwell.
- To mitigate the heritage objections this scheme had reduced the dwellings to 14 and included 2 bungalows.
- The dwellings would be sited on the eastern side of the site with the western side of the site being saved as open public space with views. This area would be saved from development in perpetuity.
- The site was only mentioned in the updated Ashwell character appraisal for having views and not for any specific heritage value.
- This development would publicly open up accessible views to the west towards the church of St Mary which would be an additional heritage benefit.
- The dwellings would be 1.5 stories high and in keeping with local architectural features, they would not be intrusive to the character of the conservation area.
- The Conservation Officer stated that the application had less than substantial harm to the character and appearance of the Conservation area. Section 208 of the NPPF stated that harms should be weighed against public benefits.
- Ashwell would benefit from sustainable, mainly small, dwellings in accordance with the housing mix policy ASH2 of the Neighbourhood Plan.
- The development would be delivered by a local builder and be built above policy requirement.
- The site would have 35% of affordable housing and produce a 25% biodiversity net gain.
- All of the dwellings would have EV charging points.
- There would be a public access link from Ashwell Street to Lucas Lane.
- The development was sustainable and sympathetic to the housing needs of Ashwell.

The following Members took part in debate:

- Councillor Ian Mantle
- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Val Bryant
- Councillor Daniel Allen
- Councillor Michael Muir

The following points were raised during the debate:

- This location was included in the Local Plan as a possible development site.
- From the aerial view there seemed to be other open spaces and this site looked ideal for development.
- There was a lack of S106 agreement, but this could be a condition added after granting planning permission.
- There were good and sensible reasons to refuse the application as set out in the report of the Planning Officer.
- The principle of keeping the housing and public open spaces on different areas of the sites was positive.
- Other conditions would need to be imposed should the application be granted.

- A site visit could be appropriate.
- The proposed landscaping was in keeping with the surroundings.
- Members should research applications in advance.

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

- The site was within the settlement boundary of Ashwell conservation area, and development would be acceptable there in principle.
- However, any application would be considered on its merits. In this case Historic England and the Conservation Officer have stated that there were less than substantial harm to the conservation area and this was a reason for refusal.
- An application on the site that would cause less harm to the conversation area would not automatically be granted planning permission but would be considered.
- A decision was made on this application after weighing the merits and harms, as outlined in the report.

Councillor Daniel Allen proposed and Councillor Dave Winstanley seconded and, following a vote, it was

**RESOLVED:** That application 22/03094/FP be **REFUSED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager

## 168 APPEALS

*Audio recording – 43 minutes 57 seconds*

*N.B Councillor Tyson returned from the public gallery at 20:14*

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that:

- There had been two household appeals submitted.
- The recent appeal decisions were shown at page 77 of the report.
- All of the appeals had been dismissed, although one appeal had been part allowed and part dismissed which also reflected the decision made by the Council.

**RESOLVED:** That the Committee noted the report.

The meeting closed at 8.15 pm

Chair

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