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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 26TH SEPTEMBER, 2024 AT 7.30 PM**

MINUTES

Present: *Councillors: Nigel Mason (Chair), Amy Allen, Sadie Billing, Ruth Brown, Val Bryant, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson.*

In Attendance: *Loretta Commons (Locum Planning Lawyer), Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Andrew Hunter (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Alina Preda (Trainee Solicitor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *Councillor Ralph Muncer and 1 member of the public were also present.*

57 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 45 seconds

Apologies for absence were received from Councillor Elizabeth Dennis.

Having given due notice Councillor Val Bryant substituted for Councillor Dennis.

58 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 55 seconds

There was no other business notified.

59 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes

- (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.
- (5) The Chair advised Members of the ongoing Community Governance Review survey which was being conducted to look at parish arrangements. The survey was open until the 7 October 2024.

60 PUBLIC PARTICIPATION

Audio recording – 4 minutes 10 seconds

The Chair confirmed that the registered speakers were in attendance.

61 23/02946/OP 66 PARK LANE, KNEBORTH, HERTFORDSHIRE, SG3 6PW

Audio recording – 4 minutes 24seconds

The Planning Officer provided an update from the supplementary document included that:

- The original report did not include any public representations, these had been read and considered during the application phrase. The supplement summarised the representations as, objections to the access point, concerns regarding maintenance of the vegetation and concerns regarding the possible effect upon the delivery of vehicular access for sites KB1 and KB2 in the Local Plan.
- There had been a request for the integration of swift bricks and for an ecological survey, to consider the Biodiversity Net Gain (BNG) concerns. The Applicant had agreed to these, and they were highlighted in paragraph 4.3 of the report.
- Additional Conditions had been added to the application relating to tree retention and protection.
- The Applicant requested that Condition 9 be amended, this was considered and agreed.
- The location site plan had been superseded with an updated access plan.

The Planning Officer presented the report in respect of Application 23/02946/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Tom Tyson

In response to questions, the Planning Officer advised that:

- There would be no changes to the existing house on the site.
- The site was adjacent to site KB1 to the north with the proposed access to KB1 to the east.
- It was acknowledged that there would be Highways works, but the Highways Authority were satisfied with the visibility splays and did not believe that this site would compromise the access of any new developments on KB1 and KB2.
- The application was for outline planning permission for nine dwellings, although this number could change.
- The request from the Knebworth Parish Council for Section 106 (S106) money was considered but, it was felt that it did not meet the obligations requirement test. There had however, been a payment agreed to Highways for footpath improvements.

In response to questions, the Development and Conservation Manager advised that:

- Any land within the site boundary would be maintained by the Applicant, land outside the boundary within the highway was the responsibility of the Highways Team. The majority of the land surrounding the visibility splays was outside of the site boundary.

- The Highways Team considered access for sites KB1 and KB2 and concluded that there was no conflict. Access for KB1 and KB2 would be considered when any applications were received.
- No applications to develop sites KB1 and KB2 had been received, therefore this application had been considered on its own merits. Highways would then take into consideration any traffic impacts and assessments when considering their recommendations for sites KB1 and KB2.
- Sites KB1 and KB2 were in the early stages of Master Planning.
- It was a standard requirement in legislation that planning permission would expire after 3 years.
- The request from the Parish Council for £20K to upgrade the Village Hall lighting was deemed unreasonable due to the small size of the site.
- Should there be any applications for sites KB1 and KB2 then requests from the Parish Council for S106 money would be considered.
- The Applicant had agreed to submit a Unilateral Undertaking for the sustainable transport contributions.
- The housing mix would be conserved at the reserved matters stage when scale would be considered.

The following Members took part in debate:

- Councillor Tom Tyson
- Councillor Val Bryant

Points raised in debate included:

- If the site had been part of the KB1 site, then S106 contributions to the village could have been made and it was disappointing that this was not the case.
- There was no reason to object to the application.

Councillor Ian Mantle proposed to grant permission with the amendment to Condition 9 and the additional Conditions 12 to 14 and this was seconded by Councillor Michael Muir and, following a vote, it was:

RESOLVED: That application 23/02946/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following amended Condition 9 and the addition of Conditions 12 to 14 as detailed in the Supplementary document.

“Condition 9:

A subsequent Reserved Matters application should include a site-wide sustainability strategy for consideration and approval in writing by the Local Planning Authority that addresses renewable energy, reducing carbon emissions and water conservation. The agreed measures shall be implemented and maintained thereafter.

Reason: To reduce carbon emissions and promote the principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 12:

Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 13:

None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 14:

Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031."

62 21/00541/OP LAND BETWEEN 134 AND 148 HIGH STREET, KIMPTON, HERTFORDSHIRE, SG4 8QP

Audio recording – 26 minutes 23 seconds

The Senior Planning Officer provided an update and advised that the Parish Council comments dated the 25 March 2021 were missing from paragraph 3.4 of the report however, these comments were available on the Planning Portal and were included in Appendix A.

The Senior Planning Officer presented the report in respect of Application 21/00541/OP supported by a visual presentation consisting of photographs and plans.

The Chair invited Councillor Ralph Muncer to speak against the application. Councillor Muncer thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The application was for Local Plan site KM3 which had been allocated for 13 dwellings, this application was for 15 dwellings.
- The village of Kimpton needed starter homes with 1 to 3 bedrooms. This would enable young people to remain in the village and older residents to downsize.

- The site was ideal for a care home.
- Should there be any future developments beyond this site a roundabout would be more logical.
- Each dwelling would require two or more parking spaces.
- Footpath 33 ran adjacent to the right hand side of the development, this should be protected as a condition as this was in constant use by villagers.
- There should be mitigation for adequate drainage on the site.
- The S106 money was welcomed however, the majority of villagers used Harpenden as their nearest town rather than Hitchin, and it would be more appropriate to allocate the money to that area.
- The site should only be considered for 13 dwellings or for a care home.

In response to points of clarification from Councillor Val Bryant, Councillor Muncer advised that:

- The application was submitted in 2021 and concerns would have been raised, had he been a Councillor at that time.
- Concerns regarding Footpath 33 had been raised by residents at local events, who outlined it was used for dog walking and they would like it to be a protected green space.
- Some elderly residents had expressed a desire to stay in the village, but options to downsize were not currently available.

The Chair thanked Councillor Ralph Muncer for his presentation and invited Mr Andy Moffat to speak as agent to the applicant, in support of the application. Mr Moffat thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The site was allocated for 13 dwellings however, this was a guide rather than a ceiling.
- There was an indicative housing mix on the site, with adequate parking and drainage.
- Five of the dwellings would be allocated as affordable housing.
- The application was for outline planning and access.
- The matter could be reserved for up to 3 years. A review of the housing mix would be considered at the reserved matters stage,
- There was an agreement for S106 money for Hertfordshire County Council and North Herts District Council.
- The benefits of the application outweighed the harms.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Michael Muir

In response to points of clarification, Mr Moffat advised that:

- Ideally a care home required 60 to 70 rooms to be viable and was therefore not appropriate for the size of the site.
- The land beyond the site had the same ownership and was considered green belt land.

In response to points raised, the Senior Planning Officer advised that:

- The housing mix was deemed acceptable in relation to the Local Plan, and the smaller units would be required for affordable housing.
- The access was considered acceptable by Highways.
- The public footpath 33 ran to the north of the site.
- The east side of the site was used informally by walkers, but there was no public right of way. This area would not be restricted by the proposed development.

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Councillor Tom Tyson stated that the principle of the development and access were fine, however some issues would need to be carefully considered when the application reached the reserved matters stage.

Councillor Ruth Brown proposed to grant permission and this was seconded by Councillor Amy Allen and, following a vote, it was:

RESOLVED: That application 21/00541/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

The meeting closed at 8.20 pm

Chair