

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**Meeting held in Spirella Ballroom, Letchworth Garden City on  
Thursday, 20 April 2017 at 7.30p.m.**

**MINUTES**

**PRESENT:** *Councillors: David Barnard (Chairman), Fiona Hill (Vice-Chairman), John Bishop, Paul Clark, Jean Green, Ian Mantle, Alan Millard, M.R.M. Muir, Mike Rice, Harry Spencer-Smith, Martin Stears-Handscomb (substitute) and Michael Weeks.*

**IN ATTENDANCE:** *Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Ian Gourlay (Committee and Member Services Manager).*

**ALSO PRESENT:** *At the commencement of the meeting Councillor Tony Hunter and approximately 14 members of the public, including 3 registered speakers and 1 Member Advocate (Councillor Steve Hemingway).*

**94. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Bill Davidson and Lorna Kercher.

Councillor Martin Stears-Handscomb was substituting for Councillor Kercher.

**95. MINUTES – 16 MARCH 2017**

**RESOLVED:** That the Minutes of the meeting of the Planning Control Committee held on 16 March 2017 be approved as a true record of the proceedings and signed by the Chairman.

**96. NOTIFICATION OF OTHER BUSINESS**

There was no other business.

**97. CHAIRMAN'S ANNOUNCEMENTS**

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded.
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;
- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under

Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

## **98. PUBLIC PARTICIPATION**

The Chairman confirmed that the 3 registered speakers and 1 Member Advocate were present.

## **99. 16/02012/1 - ICKLEFORD MANOR, TURNPIKE LANE, ICKLEFORD, HITCHIN**

Development of 19 residential dwellings together with associated vehicular access and parking (APPEARANCE RESERVED) following demolition of existing commercial buildings. As amended by plan nos. 16097/TK04. B, 1079-PL100-PL3, PL-101-PL3, PL110-PL3, PL-120-PL3, PL-600-PL1, PL-620-PL2).

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 16/02012/1.

The Area Planning Officer advised that, following a request from officers, the applicant had submitted revised landscaping plan (No. 426.001 Rev C), copies of which had been tabled for the Committee's information.

With the aid of a powerpoint presentation comprising photographs and plans, the Area Planning Officer went through the main features of the site and the application.

The Area Planning Officer hoped that the Committee would agree that this site was previously developed land and that the level of re-development proposed would not have any greater impact on the openness of the Green Belt than the existing use. The emerging North Hertfordshire Local Plan included in its housing target for the District over the proposed Plan period 4,300 dwellings that would come from existing completions since 2011, existing permissions and windfall sites, such as this site. As the site had come forward now for redevelopment it would support the planned delivery of housing in the District in the early years of the Plan period, as well as helping to reinforce the Council's case that the emerging Plan in terms of housing provision was deliverable and achievable.

In addition, the Area Planning Officer hoped that the Committee agreed that the site was in an accessible location, close to many local facilities and services, and therefore that the development met the social, economic and environmental dimensions necessary to achieve sustainable development, as required by the National Planning Policy Framework. The site would also make a valuable contribution towards local infrastructure, including schools and the St. Katherine's Church community project, as well as a welcome contribution towards affordable housing provision in the District.

In view of all of the above factors, the Area Planning Officer recommended that that the Committee supported his recommendation that outline planning permission be granted.

A number of Members saw no reason to oppose this application as it was a previously developed site, and the proposed residential use would have no greater impact on the Green Belt than its existing commercial use. However, a note of caution was raised in that the Council should not be overenthusiastic in replacing active employment sites with housing in the future, as a balance needed to be struck between the various uses.

The Area Planning Officer noted this cautionary advice, but in respect of the site of the current application, he commented that it was not an allocated employment site in the emerging Local Plan, and that there were other employment sites in Ickleford.

In respect of a question regarding affordable housing, the Area Planning Officer explained that the commuted sum being offered by the applicant towards the provision of affordable housing elsewhere in the District was based on a formula (uplifted annually for inflation) devised by the Housing Corporation and included in the Council's adopted Planning Obligations Supplementary Planning Document.

A Member queried the level of parking to be provided on the site, with only 6 visitor spaces, and expressed concern that parking might be displaced onto the busy Turnpike Lane. The Area Planning Officer replied that, whilst the parking provision was slightly below the Council's adopted standards, he felt that the site was in a sustainable location, within walking distance of a number of local facilities, which therefore gave rise to an expectation that car usage would be less.

A Member expressed further concerns with foul water drainage, as he was aware of past flooding problems in this regard in Ickleford, and he hoped that the foul water would be directed in the Bedford Road/Hitchin direction rather than towards the Ickleford sewer. The Area Planning Officer replied that Anglian Water (who had met with Ickleford Parish Council on the matter) had been consulted and had advised that the Hitchin Water Recycling Centre had sufficient capacity to accept flows from the proposed development. However, notwithstanding that advice, he referred to proposed Condition 21, which required the submission to the Local Planning Authority of a full Foul Water Strategy prior to the commencement of any works on the site.

In supporting that the application be granted outline planning permission, the Committee agreed that this should be inclusive of an additional condition, stipulating that there should be no gates restricting access to the development unless agreed in writing by the Local Planning Authority.

**RESOLVED:**

(1) That, subject to the conditions set out in the report of the Development and Conservation Manager and to the applicant entering into the necessary Section 106 Obligation with the Council to secure the delivery of additional services, infrastructure and contributions set out in the Heads of Terms table in the report (including final resolution of total secondary school contribution) and to the applicant agreeing any necessary extensions to the Statutory period to allow the completion of the Section 106 Obligation, application 16/02012/1 be **GRANTED** outline planning permission, inclusive of the following additional condition:

25. There shall be no gates restricting access to the development hereby approved unless agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining the permeability of the development and social inclusivity; and

(2) That, in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, powers be delegated to the Development and conservation Manager to refuse planning permission on the basis of an absence of a completed section 106 Obligation.

**100. 17/00411/1 - SAINSBURYS SUPERMARKET, WHINBUSH ROAD, HITCHIN**

Extension of delivery hours to 0700-2300 Monday to Saturday and 0700 to 2100 Sundays and Bank Holidays (as variation of condition 13 attached to planning reference 97/00823/1 granted permission 09/06/1998).

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/00411/1.

The Area Planning Officer advised that the applicants had submitted a supplementary comment from their noise consultants in response to the Environmental Health Officers' initial concerns with regard to the originally proposed opening hours. These comments did not raise anything new, but just confirmed that the noise assessments had taken account of the arrival and departure of goods vehicles along the service yard access road and approaches to the site. In addition, the report confirmed that the noise levels generated by delivery vehicles were within guidelines required by the National Planning Policy Framework and the National Planning Practice Guidance.

With the aid of a powerpoint presentation comprising photographs and plans, the Area Planning Officer went through the main features of the site and the application.

In view that this application was for a permanent permission for the extension of delivery hours following a two year temporary permission, during which there were no ongoing noise and disturbance complaints, the Area Planning Officer recommended that the application be granted planning permission.

Mr Peter Dowling (Applicant's Agent) addressed the Committee in support of application 17/00411/1. He advised that this was an application to make permanent the existing temporary permission for the delivery times of goods to the Sainsbury's store.

Mr Dowling stated that the permanent extension of the hours would mean that there would not be an increased number of deliveries, it would just allow more flexibility in the timing of those deliveries. The continuation of the existing delivery hours was important to Sainsbury's in allowing for a more efficient distribution of goods, as well as increasing the availability of a larger range of goods for customers at all times of the day.

In terms of amenity, Mr Dowling commented that the proposed delivery hours had been in temporary operation for almost 2 years. During that time there had been no reported on-going issues in respect of noise disturbance to nearby residents. He felt that this demonstrated that the delivery hours were striking the right balance between meeting Sainsbury's operational needs and respecting the amenity of neighbouring residents. On this basis, he hoped that the Committee would support the officer's recommendation that planning permission be granted.

In response to a question, Mr Dowling explained that if any of the visiting HGVs needed to park in adjoining highways for any reason (such as waiting for the store to open) then their refrigeration units would be switched off in order to prevent noise nuisance.

The Committee was supportive of the Area Planning Officer's recommendation that permanent planning permission be granted.

**RESOLVED:** That application 17/00411/1 be **GRANTED** planning permission, subject to the conditions set out in the report of the Development and Conservation Manager.

**101. 17/00320/1 - LAND BETWEEN GRAGIL AND 29 DANESBURY PARK ROAD, WELWYN**

Four 4 x bedroom detached dwellings, associated car parking, access road and 'Wildlife Garden' with public footpath adjacent to Danesbury Park Road.

The Area Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/00320/1.

The Area Planning Officer drew Members' attention to an error in the report which involved the removal of a sentence. This was the last sentence in Paragraph 4.4.1. The sentence referred to an objection by the Highway Authority which was not the case, and therefore the last sentence in paragraph 4.4.1 should be disregarded. In addition, Members' attention was drawn to a couple of typographical errors. The first was at Paragraph 4.3.6 in the second but last line. This should read 'no mechanism is put forward...'. The second error was at Paragraph 4.3.13, in the second sentence, which should read 'The development would be in depth...'.  
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With the aid of a powerpoint presentation comprising photographs and plans, the Area Planning Officer went through the main features of the site and the application.

The Area Planning Officer concluded that there were no very special circumstances for allowing a relaxation of the normal Green Belt policy applicable to this site. Accordingly, having regard to this fact, and that there had been no material changes in planning circumstances since the previous refusal for both dwellings and mobile homes on this site, he considered that the proposal was unacceptable as a matter of principle. In addition, the highway objection raised by Hertfordshire Highways was a valid reason for refusal which, although amended plans might be able to overcome, would then cause environmental harm to the Green Belt and the appearance and character of the locality.

Mr Tim Counter (Applicant's Agent) and Mr Angus Hone (local supporter) addressed the Committee in support of application 17/00320/1.

Mr Counter considered that to have concerns about this application on the grounds of Green Belt location would be to misapply the basis of that policy. Permitting this infill scheme would not create urban sprawl, lead to one town merging with another, or result in encroachment into the countryside.

Mr Counter was of the view that the very special circumstances that supported this application came from a number of benefits in different areas. The report referred to considerable built development and urbanising impact. However, the proposed buildings above ground covered only 3% of the site area and were arranged to allow open views through the centre of the site. The greater part of the accommodation would be unseen, arranged around subterranean courtyard gardens.

Mr Counter stated that the report referred to a very domestic appearance, lack of innovation, inappropriateness and harm. However, letters of support from local residents referred to the development being in keeping with the area, attractive, innovative, sympathetic, interesting and enhancing.

Mr Counter commented that he felt the report perhaps belittled the functionality of the proposed public landscape area. This innovative area would provide an immediately reachable green space for over 200 local residents. The proposals would not result in a loss of openness, but would open up a publicly invisible space for many to enjoy.

Mr Counter advised that potential further development on the site would be completely controllable, as would the post-planning legal agreements. The permission would be unlikely to set an undesirable precedent because no other site would be likely to offer exactly the same characteristics.

Mr Counter commented that the Committee would be aware of the effects of unauthorised site access and usage. Controlled development in marginal Green Belt locations provided a beneficial deterrent and added to the special circumstances sought.

In terms of sustainability, Mr Counter explained that the site was within a 14 minutes walk of a school, Post Office and shopping facilities. He felt that the application was sophisticated, with exceptional design qualities, and met all aspects of sustainability outlined in the National Planning Policy Framework (NPPF). This may not be detected without a sympathetic reading of the application. The proposal met the criteria set out in Paragraph 55 of the NPPF, but it did so subtly, using modest materials.

Mr Counter concluded by stating that, in his opinion, the various benefits of the proposal outweighed any disadvantages and thereby justified special circumstances.

Mr Angus Hone advised that that he was a neighbor speaking in favour of the application. He was born and brought up on the farm next to this proposed development, and hence was very familiar with the immediate surroundings. He felt that the site should be seen in context, rather than be subject to a blunt application of Green Belt Policy.

Mr Hone strongly believed that the development would significantly enhance the immediate area for three reasons. The proposed landscaping would provide the public with both a positive environment to explore and provide a welcome relief to the narrow and dangerous road alongside the site. The proposed style of development was sympathetic to the immediate area and visually enhanced it. He was also concerned that the land could fall foul of unauthorised access and occupation. There were features on the site which increased such a risk.

Mr Hone was aware that over the past five years the landowner had needed to dispose of numerous items left on the site as fly tipping, as well as managing evictions following numerous attempts at unauthorised occupation.

Mr Hone urged that, before the Committee reached a decision, its Members should undertake a site visit to help put matters into context.

Councillor Steve Hemingway (Member Advocate) addressed the Committee in respect of application 17/00320/1.

Councillor Hemingway advised that the annual meeting of Codicote Parish Council was taking place on this same evening, which was why there was no representative from the Parish Council available to speak in objection to this application. He was therefore speaking on behalf of the Parish Council.

Councillor Hemingway stated that this was yet another proposed Green Belt development in Knebworth Ward (recent ones had included Noke Park, Windmill Cottage, the travellers' site in Pottersheath Road/Danesbury Park Road, the Odyssey Health Club site, the Fairhaven Barns site, two solar farm applications, and the Arnolds Farm site). He considered that the Green Belt was under attack – some of the above applications had been granted, others had been refused.

In respect of application 17/00320/1, Councillor Hemingway felt that Green Belt Policy should apply and therefore that the proposed development should not be allowed. Previous applications for development of the site in 1989, 1992 and 2004 had all been refused. It was far from clear to him that anything had changed to the extent that the current application was in any way compliant with policy.

Councillor Hemingway was sympathetic with the idea of development on the site and understood concerns about the potential for unlawful occupation of the site, but he felt that the correct forum for dealing with such matters was through the Local Plan process. He assumed that this site had been put forward for development through that process, but in any event the emerging Local Plan had retained this site as remaining within the Green Belt.

Councillor Hemingway stated that the site designation could be challenged at the Local Plan Examination in Public to be held later in the year, and that the Planning Inspector may decide that it was a suitable site for development. However, whilst the Council had an existing Local Plan and Green Belt policies, then he felt that the Committee should heed the Planning Officer's recommendation that this application should be refused planning permission.

The Committee did not believe that there were any special circumstances which allowed Members to set aside Green Belt policy. The site was open land, and there were properties to either side of it, but this was a Green Belt "lung" into Danesbury Park and should therefore remain as such. The Committee supported the Officer's recommendation that planning permission should be refused.

**RESOLVED:** That application 17/00320/1 be **REFUSED** planning permission, for the reasons set out in the report of the Development and Conservation Manager.

## 102. PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals. He advised that, since the last meeting of the Committee, two planning appeals had been lodged and one planning appeal decision had been received, all as detailed in the report.

The Development and Conservation Manager referred to a planning appeal that had been lodged since the report had been prepared, namely in respect of the Committee's decision to refuse planning permission to application 16/02460/1 for change of use of land to use as a residential caravan site for two gypsy families on land at the junction of Pottersheath Road and Danesbury Park Road, Welwyn. The appellant had requested the Planning Inspectorate for a Public Inquiry, although the Council had advised that an informal hearing would be more appropriate. He stated that Member involvement in the appeal would be required, as the Committee had refused permission against officer recommendation.

In respect of the appeal decision set out in the report, concerning conversion of the former Black Squirrel Public House in Letchworth Garden City to residential apartments, the Development and Conservation Manager commented that this appeal had been allowed. He reminded Members that this was also a refusal decision made by the Committee against officer recommendation. He commented that the scheme had zero car parking provision due to its

town centre location. The point made by officers at the Committee meeting at which the application was determined was that Gernon Road had double yellow lines and most nearby roads had resident permit parking only. Although the scheme had failed to comply with NHDC's parking standards, the Committee had not demonstrated the harm that would be caused by the scheme having no parking provision. It was simply the case that any purchasers of the apartments would be unable to park legally in the immediate vicinity of the site.

On a different issue, the Development and Conservation Manager advised that he was intending to hold a further Member Training Session on Planning on the evening of Thursday, 11 May 2017, probably at Brotherhood Hall, Gernon Road, Letchworth Garden City. The training would focus on the emerging Local Plan and its policies and weight to be given to them in determining future planning applications.

**RESOLVED:** That the report on Planning Appeals be noted.

The meeting closed at 8.36p.m.

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Chairman