

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY,
LETCWORTH GARDEN CITY
ON THURSDAY, 15TH MARCH, 2018 AT 7.30 PM**

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Booth, Jean Green, Cathryn Henry, Tony Hunter, Michael Muir, Mike Rice, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscomb and Terry Tyler (In place of Paul Clark)*

In Attendance: *Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Tom Donovan, Nurainatta Katevu (Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer)*

Also Present: *At the commencement of the meeting approximately 89 members of the public, including 6 registered speakers and 2 Member Advocates (Councillors Steve Hemingway and Claire Strong).*

117 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors John Bishop, Paul Clark and Ian Mantle.

Having given due notice Councillor Terry Tyler advised that he was substituting for Councillor Paul Clark.

118 MINUTES - 17 JANUARY 2018

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 17 January 2018 be approved as a true record of the proceedings and signed by the Chairman.

119 NOTIFICATION OF OTHER BUSINESS

There was no other business.

120 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) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) 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.

121 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers and 2 Member Advocates (Councillors Hemingway and Strong) were present..

122 17/02778/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON

Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 31/10/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 31 October 2017 Road safety audit of the laybys by Mayer Brown dated October 2017 Safety Audit Response Sheet by Waterman dated 19.10.17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 Plan number 0049 rev A01 entitled Bus and large crane vehicle tracking by Waterman dated October 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016).

The Development and Conservation Manager introduced Manjinder Sehmi (Hertfordshire Highways) and Lyndsay McCauley (Opus International), who would be available to answer any questions regarding highways matters.

The Development and Conservation Manager advised Members that there was an update to the report as follows:

Paragraph 1.34

At the time that the report was written there had not been a start date for the combined appeals against two earlier decisions of this committee to refuse construction management plans using the Holwell in and out route for construction traffic to this site.

The Planning Inspectorate had now informed the Council of a start date of 6 March 2018.

The appeals would be considered together but separate decisions would be made on each appeal by the appointed inspector.

The appeal procedure had been confirmed as written representations for both appeals.

All interested parties had been informed and had been advised how they could make their written comments to the Planning Inspector.

The Council had until 10 April 2018 to provide any additional statement of case, but committee reports and decision notices had already been sent to the Inspector.

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The Council also had until 19 March 2018 to respond, in full, to the appellant's application for a full award of costs against the authority.

The Development and Conservation Manager presented the report supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager advised the Committee that this was effectively the same application that was presented to the committee on 28 September 2017 with additional measures.

The recommendation is for approval, subject to completion of the associated S278 agreement between the applicant and the Highway Authority, to secure the delivery of the additional passing places.

Paragraph 4.2.2 detailed the additional mitigation as being:

- Signs installed at each end of the route warning that this is a construction route;
- Long vehicle detector signs placed at each side of the sharpest bend on Waterloo Lane;
- One week notice required for vehicles greater than 10m in length to inform Highway Authority who may require temporary road closures or use of escort vehicles;
- Use of remote holding bays on the A1 rather than the A600 as previously proposed.

The Development and Conservation Manager advised that Members now needed to decide if these proposed additional mitigation measures were sufficient to overcome the refusal of the previous application presented on 28 September 2017.

If Members were minded to support the recommendation he could then inform the planning inspectorate relating to the outstanding appeals that it was these additional mitigation measures that had persuaded the committee to resolve to approve this current construction management plan subject to the safeguards set out in recommendation 6.1.

Mr John Burden and Mr Brian Clamp, Holwell Against CALA Traffic, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02778/1DOC.

Mr Burden informed Members that he represented HACT, Holwell Against CALA Traffic, and was speaking on behalf of the objectors from Pirton and Holwell.

He continued by stating that the Committee was once again in an invidious position

They were not against the housing development in principle, but were very concerned that the officers seemed blind to the real impact on safety, posed by the substantial increase in heavy traffic, averaging one every 6 minutes, for 3 years, plus the scores of additional vehicles serving the site.

The route through Holwell village was severely sub-standard with its narrow lane and blind bends. It was only fit to carry single-file traffic over most of its length so the potential for further 2-way conflict of all vehicles was very high.

Lorries already mounted the footway illegally in Pirton Road, but no mitigation measures were proposed by CALA here.

To cope, the route required significant improvements in width and alignment however this had been ruled out by Highways and CALA because it would mean widening the road beyond current boundaries. Very limited widening was proposed, but not where it was most needed.

Thus, the route would remain much as it was today, totally unsuitable for this unprecedented increase in heavy traffic.

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CALA and Highways have dismissed the use of traffic lights, a common solution in this situation, because it was too narrow within existing highways boundaries. Thus approaching vehicles could not pass waiting vehicles safely at the stop lines.

The proposed long vehicle detector signs merely warned of approaching large vehicles ahead. This would not prevent conflict, as the drivers could not see each other and there was no room to pull over in the narrow section of Waterloo Lane.

The signs would not eliminate conflict and would substantially increase the probability of HGVs, buses, and other vehicles reversing dangerously around blind bends.

With no prospect of adequate road widening or of adequate signing the only option remaining to CALA was the 'manual management' of construction traffic. To overcome this problem CALA had submitted a flawed 'tracking' analysis. Their modelling assumed that they could control all traffic flows and that all their vehicles would be in the right place, at the right time and be the right size to avoid conflict with each other and the local bus service (which doesn't run on time).

Their tracking diagrams were 'stage managed' showing vehicles specifically placed in the passing places to allow another vehicle to pass. Other road users including cyclists, horse riders and pedestrians had been completely ignored. How absurd is this? We all know that traffic flow is random in reality. It could not be controlled other than by competent road design and signing. The phrase 'on a wing and a prayer' came to mind.

Independent 'tracking' commissioned by HACT, showed that the route was incapable of safely accommodating the 2-way passage of heavy vehicles, but Highways had misguidedly endorsed CALA's 'doctored' tracking analysis.

Highways proposed that they should be given authority under the 278 Agreement, to agree measures that would satisfy the removal of Condition 6. How can we trust Highways to do this properly? They had already agreed that the most appropriate mitigation measures were ruled out because of the refusal to use third-party land. It was the same reason why the off-road route was not investigated properly, as the Committee requested previously. This was a safer, more efficient and feasible alternative.

It was plainly evident that there was no material change from the application that was refused by this Committee in September. The fear of an appeal should not be a reason for approving this application.

There was only one conclusion to be drawn from the circumstances before us. Condition 6 could not be discharged with the prospect of a serious risk to public liability and the public purse for any injury or loss incurred.

Should Condition 6 be removed in the face of all the evidence to the contrary, penalties must be enforced if demonstrable harm to safety and efficiency occur, but CALA and Highways were convinced that the outcome would satisfy Condition 6. So, failing that, a safeguarding procedure must be in place to stop all construction under a Stop Notice. CALA would then be compelled to overcome the failings until the Stop Notice was lifted. Such an amendment should be agreed and secured before Condition 6 was removed.

Unless such a deterrent could be introduced, the application should be refused outright for the following reason, which far from being weak as the officers imply, was readily justifiable: The proposals did not demonstrate with reliable evidence, that the efficiency and safety of this severely sub-standard construction route, would be maintained within acceptable standards. Reason: Policy T1.

Members asked for clarification regarding the placement of the informal passing places and whether this was on a steep incline.

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Mr Clamp advised that the CALA tracking showed a lorry stationary in the passing place with another lorry passing. In reality there would be no control over the timing of lorries passing that bay as there was no visibility and no guidance as to which lorry should pull over. There was no substitute other than having a stop line with traffic lights at each side of the sharp bend to control the operation of two way traffic. There was simply nowhere for random traffic of the size proposed to pass freely along this section or indeed some of the straight sections.

Members noted that the corner of Burton Road into Holwell Road was very narrow and asked for clarification regarding suitability of the rest of the route for construction traffic.

Mr Clamp advised that even heavy traffic traveling in a straight line would produce problems because of the width of the road. As soon as large vehicles began to turn they would take up much more road width. These vehicles could not turn suddenly into and out of passing bays.

Members asked for clarification regarding the calculation used to determine the safety, or otherwise of the proposed route and mitigation measures.

Mr Clamp advised that the measurements used by CALA had been amended for instance the average vehicle length was originally 12 meters and this had been reduced to 10 meters and the normal width of lorries tested was 2.55 meters, however the width used by CALA was 2.5 meters. CALA did allow a further 0.3 meters to presumably allow for wing mirrors, but additional space was needed to allow clearance between the vehicles and between the vehicles and the verge/footpath as pedestrians would be at risk from the overhang.

When all of these additional widths were taken into consideration the vast majority of the route was unable to take two way traffic, and around the bend the width was very much greater.

The Chairman thanked Mr Burden and Mr Clamp for their presentation.

Councillor Claire Strong, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02778/1DOC.

Councillor Strong informed Members that they had heard a very eloquent presentation from HACT, who has used a very senior engineer to advise them.

She referred to Paragraph 4.3.9 of the report which asked the Committee to consider the construction route in and out of Holwell, with mitigations as detailed in the new plan.

Even if all of the safety issues were not taken into account, this only really focussed on Waterloo Lane and the bend at the bottom.

There was nothing in the revised mitigations that mentions the narrowness of Pirton Road, nor did it address the turning into the village from the A600 which was, as pointed out by CALA's engineer, very unsafe. It should be noted that there had been a lot of accidents in this area as well as some fatalities.

When they built the North Herts Crematorium, Highways engineers made the development make significant improvement to the A600, none of that had been proposed for the construction traffic route through Holwell.

This road had a speed limit of 60MPH and that safety issue had not been addressed.

Today she had witnessed a bus waiting for another vehicle to pass, this was not a large construction vehicle but a highways vehicle, and the only way it could pass the bus was to mount the pavement.

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The Committee had refused this construction management plan twice before and she asked that they did so again as this would add weight to the appeals that were due to be heard regarding the previous applications. This would mean that the Inspector would make the decision as to whether this was a safe route, rather than Members or Officers.

The Committee had previously discussed an off-road option, that option still existed but did not seem to be being progressed and she queried why CALA Homes were not considering the safest option.

She understood that when the outline planning permission was granted no-one was thinking about how the construction traffic would reach the site, but this was perhaps something to think about with future applications.

There had been issues with other construction sites around the District such as the construction in Gap Lane where all of the verges had been destroyed despite the roads being a reasonable width.

These were narrow lanes that were not built for construction traffic, they were not even built for farm vehicles and to let all of these large vehicles through would have a decimating effect on the community.

Councillor Strong concluded by asking Members to have the conviction that they had before and refuse the application again. Let it go to appeal and let the Inspector decide whether or not this is a safe route for construction traffic. The strength of the appeal hearing, with representation from the Council, together with this third refusal will show that it had not been mitigated.

The Chairman thanked Councillor Strong for her presentation.

Mr Philip Wright, CALA Homes and Mr Andrew Trowbridge, Waterman Group, thanked the Chairman for the opportunity to address the Committee in support of application 17/02778/1DOC.

Mr Wright advised Members that they were here to help determine CALA's Construction Management Plan, pursuant to Condition 6 of the outline planning permission, which was approved by the Committee on 27 May 2016.

The area of concern related to the route for construction traffic, but before reviewing this detail it was important to be familiar with the wording Condition 6 and what CALA was reasonably and legally obligated to deliver.

On a literal interpretation, it could only apply to that which was in CALA's control, in addition the condition required details of vehicle routing to and from the site.

The later part of this condition, which was subject to localised concern, clearly fell outside of CALA's control and therefore information submitted to discharge this part of the condition was for information purposes only.

The outline planning permission did not require any specific mitigation measures relating to the routing of construction traffic.

Had such mitigation been required, the tests under Paragraph 206 of the Planning Policy Framework should have been exercised at that time.

It was therefore not fair or reasonable to impose additional mitigation measures on CALA that were not clearly defined in the Condition.

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This was the opinion from leading Queens Counsel and Paragraph 5.3 of the report advised that an independent planning barrister agreed with Counsel's opinion.

Notwithstanding this, CALA had continued to work with NHDC and Highway Officers to move forward with the Construction Management Plan that went above and beyond the literal interpretation of Condition 6.

The mitigation measures on Highways controlled land, which fell outside of CALA's control, were outside the remit of the planning application, showed the intent of CALA to provide a Construction Management Plan that was acceptable to Members of this Committee.

At the meeting on 28 September 2017 the refusal was made, against officer recommendation, on the Chairman's casting vote. Between then and now CALA had been engaged with HCC, Opus International and Ringway to develop further additional mitigation measures to address Members' previous concerns.

Our road safety appraisal and expert witnesses at public enquiries concluded that the use of the road by construction traffic for the period of works was not likely to result in any material increase in risk to road users.

Furthermore in relation to the proposed plan with passing bays, auditors consider that no further increase in risk to road users would arise as a result of the proposals as submitted. Indeed the audit completed regarding these proposals considered that they provided the benefit of road safety to existing road users.

Mr Wright concluded by stating that HCC stated that the information submitted within this application was similar to previous submissions which were recommended for approval and on this basis HCC would raise no objection to a discharge of Condition 6.

He advised that the application went above the strict requirements of Condition 6 in order to secure consent. Fundamentally the recommendation in the report did not discharge the condition as it was conditional on a Section 278 being entered into and agreed with HCC Highways.

The recommendation was a further attempt to frustrate the discharge of Condition 6 in a clean manner and to deliver housing, affordable homes and planning contributions in excess of £1 million.

Members asked for clarification as to the name of the consultants that had advised that the proposed route was safe.

Mr Wright advised that the consultants were Meyer Brown, who conducted safety assessments and provided a report that concluded that the route was acceptable for construction traffic through Holwell and was refreshed with the additional mitigation measures.

Members referred to the report provided by Mr Clamp that stated that it would be impossible to use the route without expanding road and asked for comments regarding this.

Mr Trowbridge stated that they considered that the area was sufficient to allow vehicles to pass.

Mr Wright advised that, subject to the Section 278 agreement, that sort of detail and the passing places would be agreed with Highways.

Members also asked for clarification regarding the flashing warning signs and Mr Clamp's assertion that there would be nowhere safe for vehicles to stop if faced with the warning sign that a vehicle was approaching and that vehicles would have to mount the pavement to pass safely.

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Mr Trowbridge advised that they were advanced signs meaning that vehicles approaching would activate them and any vehicle approaching at that time would be warned so that they could take avoiding action. The activation would take place at the point where there was a passing place and there was a slight widening where a vehicle could pull over to one side to allow another vehicle to pass.

The Chairman thanked Mr Wright and Mr Trowbridge for their presentation.

The Development and Conservation Manager clarified that that the Planning Inspectorate for the current appeals had confirmed they would be by written representations and that the deadline for the Council to submit written comments to the appeal was 10 April 2018.

The Chairman suspended the meeting briefly in order for a member of the public, causing a disturbance, to be asked to leave.

A Member commented that the report referred to Waterloo Lane and Waterloo Road, which gave a misleading impression of the road. He also stated that he had previously queried whether any trees would be removed in order to provide the passing places and was assured that no trees would be removed and expressed concern that the report stated that the applicant would work with HCC to remove trees and hedges.

He also expressed concern that the road safety audits had been carried out via desktop studies rather than on site. In respect of the length of lorries to be used, he acknowledged that 10 meter lorries had been deemed safe to pass, but the report mentioned vehicles that may require Traffic Regulation Orders or an escort and asked whether this meant that the road would be closed on occasion.

Mr Sehmi, Hertfordshire Highways, advised that, with reference to the passing places, the plans submitted by CALA Homes were a concept that would be subject to a Section 278 agreement under which CALA Homes would provide further detail.

In respect of the safety audits, stage two and stage three safety audits would be undertaken as part of the Section 278 agreement.

In respect of the route as a whole, a road safety appraisal had been undertaken on 27 October 2017 which concluded that it was safe for the use of vehicles up to 10 meters in length, vehicles over 10 meters in length would be escorted throughout the route.

Members acknowledged that obstructions that were on highway land would be removed, but queried what would happen to any obstructions that were on private land and whether the junction with the A600 was considered safe for construction vehicles.

Mr Sehmi advised that the Highway Authority could only undertake work on highway land and that they could only rely on the safety audits undertaken on the route itself.

A Member expressed concern that the safety audits were undertaken regarding current traffic conditions rather than that which was proposed and that there were pinch points throughout the route where two lorries were unable to pass without mounting the pavement and queried how road safety experts could have considered this as safe. He also expressed concern that the proposed electronic signs, although an improvement, would not stop the need for vehicles to reverse.

Mr Sehmi advised that the road safety audits were undertaken independently of the applicant or the Highway Authority and took into account any previous accidents as well as the traffic on the route.

In respect of the passing places, an assessment had been undertaken considering use by a long rigid truck to and from the site and this would be subject to further assessment under the Section 278 agreement.

Members queried whether the suggested alternate route had been considered and, if it had, why it had been rejected.

The Chairman advised that the Committee could only consider and make a decision regarding applications as they were presented.

Mr Sehmi advised that there had been an enquiry from the Parish Council regarding an existing track from Hitchin Road. The Highway Authority considered that it was not a viable option as it involved third party land and would affect an existing bridleway and rights of way and the building of the track to take large construction vehicles would be at considerable expense.

In respect of Recommendation 6.1.1, Members asked how strong a Section 278 agreement was in respect of ensuring that the proposed mitigations were put in place,

The Development and Conservation Manager advised that Recommendation 6.1.1 was the same as that proposed on 28 September 2017. The details provided of the passing places were conceptual and it was not until the exact dimensions and position had been agreed by the Highway Implementation Team through a Section 278 agreement, that the design was final and could be implemented.

The purpose of this recommendation was to give the Committee reassurance that the Condition would not be discharged until all of the details had been secured through the Section 278 agreement.

Mr Sehmi advised that a Section 278 agreement was a legal document that was based on National guidelines and would include details of the design and stage two and three safety audits.

Members queried what would happen if the final design of the mitigation measures were not possible.

The Development and Conservation Manager advised that, if the Committee agreed the Recommendation and subsequently the Section 278 agreement could not be completed, then the Condition would not be discharged.

The Committee was not being asked to discharge the Condition, but to resolve to discharge the condition subject to those processes being undertaken.

Some Members continued to express concern regarding the safety of the proposed route, even with the proposed mitigations.

A Member commented that discharge of conditions did not usually come to the Committee for a decision and acknowledged that it was not possible for a highway authority to instruct a developer to build a road across private land. The Highways Authority could only work with whatever was presented to them and they had come to a conclusion regarding this proposal. The Committee was being asked to leave the decision to the experts.

In respect of the width of the lorries, Members asked how much of a difference the 0.05 meter used in safety audits would make and whether the two-strike system would result in lorries who did not operate under the Construction Management Plan to be banned.

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Mr Sehmi advised that in respect of the two-strike system, if a lorry did not arrive or depart via a designated construction route, an offender would initially receive a warning and if they repeated the action they would be removed. A traffic route would be issued to all contractors and visitors to the site and the process would be managed by a gateman who would be guiding vehicles in and out of the site and ensuring that they used the correct route and schedule of departing. Records of these movements would be kept.

In respect of the tracking system, this used a vehicle width of 2.55 meters.

It was proposed and seconded that Condition 6 be discharged, subject to the conditions as set out in the report of the Development and Conservation Manager.

Upon the vote, the proposal was lost on the Chairman's casting vote.

The Chairman announced that there would be a 5 minute break.

When the meeting reconvened, it was proposed and seconded that Condition 6 be refused permission for the reason that notwithstanding the additional mitigation measures proposed in this application the Local Planning Authority does not consider that there could be a satisfactory or safe construction traffic route through Holwell. The proposed Construction Management Plan therefore conflicts with the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).

Upon the vote and on the Chairman's casting vote it was:

RESOLVED: That, in respect of application **17/02778/1DOC**, the details submitted pursuant to condition no. 6 of planning permission **15/01618/1** be **REFUSED** for the reason set out below, and that the requirements of condition 6 are not discharged.

REASON FOR REFUSAL: Notwithstanding the additional mitigation measures proposed in this application the Local Planning Authority does not consider that there could be a satisfactory or safe construction traffic route through Holwell. The proposed Construction Management Plan therefore conflicts with the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).

123 17/02175/1 - LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD

Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).

The Area Planning Officer advised that there were a number of updates to the report as follows:

Hertfordshire County Council Property Services

Updated financial contributions based on the slight reduction in the number of dwellings had been provided

The authority required slightly higher contributions for the lower and middle schools and a slightly lower sum for the Upper school contribution.

In addition, a slightly lower contribution was required for libraries provision.

Henlow Parish Council

Additional comments had been received that asked the Committee to note that the application site was adjacent to Henlow Camp rather than Lower Stondon and that the report should be amended to clarify that Henlow Camp settlement was entirely outside of the administrative boundary of North Hertfordshire and should not be referred to as a Category A settlement.

Conservation Officer comments

The Council's Conservation officer had formally confirmed an objection to the proposed development based on the development failing to satisfy sections 7 and 12 of the National Planning Policy framework as the proposals constituted poor design contrary to Paragraph 64 of the Framework.

NHDC Environmental Health Officer

The submitted noise assessment had been reviewed by the Council's Environmental Protection officer and he advised that the mitigation measures were appropriate and acceptable.

As such the officer recommends an appropriately worded condition should the Committee be minded to grant planning permission.

Applicant

A statement had been received from Barrett David Wilson North Thames and the Committee was asked to consider the following points:

- The site was identified for housing in the emerging local plan and would deliver 180 homes in sustainable location;
- If approved, the applicant could deliver 65 dwellings a year assisting the Council's housing target and five year land supply and providing 40% affordable housing;
- Statutory consultees had not objected to the development;
- Significant additional planting had been provided to screen the development and enhance the public footpaths;
- Footpath extensions were proposed as well as a considerable extension to public realm;
- The company had given a formal undertaking to meet the costs of a legal agreement which would be reflective of the heads of terms set out in the officer report. The drafting of the Section 106 agreement could therefore be undertaken without delay;
- The company believed that the scheme would deliver a significant range of benefits meeting the social, economic and environmental objectives of the National Planning Policy Framework;
- If not approved the Council would need to find further greenfield sites to meet its housing target, the timescale of which may be detrimental to the delivery of homes through the emerging plan.

Objection

A letter had been received from Mr Crowe of Turnpike Lane Ickleford raising concerns with regard to overdevelopment, adverse impact on heritage assets, loss of agricultural land and adverse impact on local services.

Draft Revisions to NPPF (Consultation Proposals)

Since writing this report the Government had published, on 5 March 2018, draft changes to the National Planning Policy Framework in order to implement planning policy changes since the Framework was first published in 2012.

The revised Framework was out for consultation until May 2018 and, although of limited weight due to its draft form, was a material consideration when determining planning applications.

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Officers had considered the consultation document, which maintained the presumption in favour of sustainable development, however there was nothing in the draft consultation that would affect the officer recommendation in this case.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Parish Councillor Miles Maxwell, Ickleford Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02175/1.

Parish Councillor Maxwell informed Members that Ickleford Parish Council, along with neighbouring Parish Councils in Stondon and Henlow, opposed this application. They agreed with the NHDC Planning Advisors that permission should be refused because the development was of poor design and did not improve the character and quality of the area and the way it functioned.

It was an overdevelopment, it provided insufficient parking spaces, and would adversely affect the historical environment of the Grade II star listed Old Ramerick Manor and its associated non-designated heritage assets.

These were sufficient reasons for the Committee to refuse planning permission, but other relevant factors which further undermined the application should be mentioned

He drew attention to the recent case of *Steer vs the Secretary of State for Communities and Local Government and Ors (2017)* on the setting of heritage assets.

This case referred to the setting of the historical asset as being just as important as the bricks and mortar of the building itself.

Old Ramerick Manor was the hub of the farming community for centuries, and to remove the farmland adjacent to it and thus reduce the historical site to a manor house set behind a modern housing estate undermined its historical importance.

The site was not within a settlement boundary.

They had serious concerns about road safety at the entrance/exit point from the site on to the A600 as the road access was in a dip, with limited visibility in both directions.

Although the submitted plans proposed a reduced speed limit, with the absence of effective enforcement, vehicles would be travelling quickly over the brow of the hills either side of the site.

Compare this situation with the recent road safety improvements needed for the North Herts Crematorium a little further south on the A600.

It was negligent for the applicants not to have proactively proposed something similar here.

The impact on key local services had not been adequately factored in by the developers. For example, a Section 106 obligation of £146,000 was proposed to support GP services via expansion of the Lower Stondon Surgery.

However, the lead GP at that practice had objected to this site in his submission to the NHDC Local Plan. Even if physical expansion of the surgery were feasible and acceptable to the practice, the proposed funds would be insufficient to achieve it.

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Paragraph 111 of the National Planning Policy Framework required preference to be given to development on brownfield land, and Paragraph 112 required planning authorities to consider the benefits of the best and most versatile agricultural land.

This site was high-quality Grade 2 land, and therefore development of this site underplayed the impact on loss of farm land.

It was unacceptable for developers to suggest that simple proximity to a bus route conformed to NPPF requirements on sustainable transport.

The 2011 census showed that only 1.9 percent of North Herts residents used the bus to get to work, a figure likely to be lower still in rural parts of the District.

The bus services in this area were irregular, infrequent, did not cover early mornings or late evenings, and did not directly serve either Hitchin or Arlesey train stations.

Most residents of this putative development would rely on private vehicles, adding to the already congested roads, and contravening NPPF Paragraph 34.

NPPF Paragraph 32 required cumulative traffic impacts of developments to be considered. This was particularly important in this location due to the number of new developments in adjacent Lower Stondon and Henlow.

A total of 1,724 new homes could be built in those two villages over the coming years. Due to the paucity of sustainable transport options, a conservative estimate of 2,750 additional vehicles could be expected on the nearby roads.

Moreover, the increased traffic was associated with impacts on pollution and air quality. The NPPF, Paragraphs 120 and 124, also required the cumulative effects of developments on these two factors to be considered.

Parish Councillor Maxwell concluded by stating that this proposal was an over-development of very poor standard. It attempted to urbanise a rural location, and did so with scant regard to a range of impacts.

The plans contravened a raft of NPPF criteria and would adversely impact residents present and future. He hoped that the Committee will agree with him and the NHDC Planning Advisors, and refuse planning permission.

The Chairman thanked Parish Councillor Maxwell for his presentation.

Members commended the Planning Officer for his report and agreed with the content. They also expressed concern regarding road safety in respect of the entrance to the site.

Members queried whether an additional reason for refusal of prematurity could be added.

The Development and Conservation Manager stated that guidance advised that prematurity was rarely used as a reason for refusal and, if it was, it was use for sites that were such that they would undermine the basis of the Plan.

In his opinion, a refusal for this reason would not be in accordance with that guidance and would be difficult to defend if there were a public inquiry.

RESOLVED: That application **17/02175/1** be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

124 17/02180/1- SITE OF FORMER LANNOCK PRIMARY SCHOOL, WHITEWAY, LETCHWORTH GARDEN CITY, SG6 2PP

Outline application (all matters reserved except access) for residential development up to 44 dwellings.

Prior to the item being presented Councillors Barnard, Hill and Muir sought legal advice as to whether they could take part in the debate and vote regarding this application as it was a County Council application and they were County Councillors.

The Planning Lawyer advised that any Member that, as this application could be considered by the County Council Planning Committee, any Member that also served on the County Council Planning Committee would only be able to vote at one of the meetings and therefore, if they voted at this meeting would be unable to vote at the County meeting. It was up to the individual Member to make a decision as to which they wished to vote at.

Councillors Barnard and Muir stated that they would remain in the room and take part in the debate and vote.

Councillor Hill advised that she would remain in the room, but take no part in the debate nor would she vote.

The Development Officer advised that the Section 106 agreement had not yet been signed, it was however expected to be completed before the end of April 2018. However, if it was not completed in time:

Recommendation 6.1 contained in the report read:

“That Members resolve to GRANT permission subject to the completion of a satisfactory section 106 agreement and the conditions set out below”

New Recommendation 6.2 to read:

“That, should a satisfactory Section 106 agreement not be completed by 1 May 2018 (or any later date agreed between the parties), application 17/02180/1 be REFUSED planning permission with the reason for refusal being that there is no satisfactory agreement such that would be necessary to mitigate the effects of development.”

The Development Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Members asked for clarification that the current access from the White Way would be used to access the development and whether this would be sufficient for use by the proposed development.

The Development Officer confirmed that the existing access position would be used for vehicle access and that the Highway Authority was satisfied with this proposal, with a number of conditions.

It was proposed, seconded and

RESOLVED:

- (1) That, subject to the completion of a satisfactory Section 106 agreement, application **17/02180/1** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager;

- (2) That, should a satisfactory Section 106 agreement not be completed by 1 May 2018 (or any later date agreed between the parties), application **17/02180/1** be **REFUSED** planning permission with the reason for refusal being that there is no satisfactory agreement such that would be necessary to mitigate the effects of development.

125 17/02652/1 - 135A LONDON ROAD, KNEBWORTH, SG3 6EX

Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access of London Road (as amended by drawings B003C and B004A received 09/01/2018).

The Development Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation noted that a relaxation of car parking standard would be required to enable this proposal to be granted.

The car parking standards did allow flexibility where the development was in an appropriate location and in this case there was a public car park and it was within walking distance of the train station, there it was considered suitable for a reduction in the car parking standards

Parish Councillor Roger Wilcocks, Knebworth Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02652/1.

Parish Councillor Willcocks informed Members that although this was a small site, it had to be considered along with the development on the former Chas Lowe site opposite this development.

The main issue was, as ever, regarding parking.

The Chas Lowe site had an open area which offered parking for evenings and weekends, although this would be completely used for buildings.

The intention on this site was to build two 2 bed roomed flats with some parking on site and the provision of access to the site would result in the parking on the road itself being reduced.

Parking was a continuing issue in Knebworth and it was getting worse, a controlled Parking Zone was introduced recently and other parking in the village had to be paid for.

Due to the busy train station that catered for 600,000 passengers each year including people who drive into Knebworth and park all day, there was an acute shortage of parking.

He asked that parking standard be maintained on the site, or failing that Section 106 contributions to be payable for the Scout Hut, Parish Office or other community benefit.

Members asked for clarification as to whether the development would be restricted to those aged over 55.

Mr Willcocks advised that this was not an age restricted development and that the provision of three car parking spaces did not meet the Council's own policy standards. He also stated that the parking opposite was insufficient for the development and the shops.

The Chairman thanked Parish Councillor Willcocks for his presentation.

Councillor Steve Hemingway, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02652/1.

Thursday, 15th March, 2018

Councillor Hemingway informed Members that he supported the Parish Council and that parking was key when considering this development.

This was a commuter village with half a million passenger movements every year and, was the closest station to London with free on street parking therefore, on weekdays, every safe free parking space was taken by 7am by commuters.

Employees in village were very unhappy as they could not find an on street parking space and paid parking spaces had a maximum stay of 4 hours. The pay and display car park was heavily used by people going to the busy school and there was a proposal for a second school in the village resulting in more parents bringing their children to school by car.

The B197 was chronically busy in Knebworth and was difficult to navigate

.The nature of development needed to be considered with 2 shops, 2 flats and only 3 car parking spaces.

There was no justification for relaxing the parking standards in respect of these flats. This might be different if Knebworth had the full range of facilities without the need for access to a car.

There was a range of useful facilities in the village, which consisted of 2 funeral directors, 4 churches, and 0 pubs. 1 restaurant but it had to be acknowledged that Knebworth was a village and therefore people living there needed a car.

This development was logically connected to the development of 48 flats across the road which was for assisted living which would require many carers, catering and medical staff visiting and only had 20 parking spaces.

The Chairman thanked Councillor Hemingway for his presentation.

The Development Officer advised that. Although this application was from the same applicant as that across the road, he was concerned that the applications were being linked. A decision should only be made regarding the application being considered.

He further advised that applications should only be refused due to parking where the impact of development would be severe. This was recognised in an appeal regarding an application in Letchworth which, although there was not a comparison with services available, Inspectors approved a scheme for 18 dwelling with zero parking.

In this case the ideal provision would be 4 parking spaces however three spaces were being provided and it would be unnecessary to insist on the full parking standard when there were other facilities in the street.

Members acknowledge that this application was one car parking space short of the car parking standards for dwelling, but queried the parking requirements for the shops that would be provided below these flats.

The Development Officer advised that parking requirements for the shops below varied according to the type of provision and this detail had not been specified in the application and spaces may not need to be provided on site.

In considering the car parking provision he had primarily considered the residential aspect of the development and it should be noted that other commercial properties along the road did not appear to provide any private parking spaces.

Members noted that not only did the development only provide 3 car parking spaces, but that on-street parking spaces would be lost due to the provision of an access to the development.

The Development Officer advised that there was a Section 278 legal agreement that required the parking space that would be lost due to these being replaced further down the road.

Members queried where on London Road this parking space could be moved to.

The Development Officer advised that he had posed this question and was assured that this space would be able to be replaced and it was entirely possible that those living in a 2 bedroomed flat only owned one car. The area was also served by sustainable transport links.

Members acknowledged the car parking problems in Knebworth, but felt unable to refuse this application based on parking issues as any appeal may be lost.

It was proposed, seconded and

RESOLVED: That application **17/02652/1** be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

126 12/01903/1 - SITE D, LAND TO NORTH OF HOUSMAN AVENUE AND LINDSAY CLOSE, ROYSTON

Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13).

Prior to the item being discussed Councillor Fiona Hill (Vice-Chairman) declared a Disclosable Pecuniary Interest as she live on the road adjacent to the site. She stated that she would leave the room for the duration of the debate and vote.

The Development and Conservation Manager advised that there were several amendments and updates to the report as follows:

Recommendation 6.1

Since the report was written the necessary Section 106 Obligation, which now included the requisite 40 percent affordable housing in line with emerging Local Plan policy, had been completed and if Members were minded to support the recommendation planning permission could be granted for this application which dated back to 2012.

Therefore the Recommendation should read:

“That application 12/01903/1 be GRANTED planning permission, subject to conditions and reasons set out in the report”

Condition 4

The current approved access to the site was the subject of a separate planning permission, the purpose of Condition 4 was to link the two developments.

Therefore an additional sentence at the end of Condition 4 was required to read:

“Either the approved access or another later approved access would be satisfactory to serve this development”

Additional Conditions

There were also additional conditions 30, 31 and 32 recommended to deal with approved landscaping, site waste management plans and assessment of the Royston Water centre.

NPPF

The recommendation remains the same despite the draft National Planning Policy Framework.

The Development and Conservation Manager presented the report supported by a visual presentation consisting of plans, drawings and photographs of the site.

Councillor Hunter advised that he had been previously spoken against other developments in the area as he felt it was over development and therefore would be abstaining from the vote.

It was proposed, seconded and

RESOLVED: That application **12/01903/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager and subject to the following amended and additional conditions:

Condition 4 to read:

“No development shall commence until the highways access works shown on plans (S715PM-E02B; E03) hereby submitted, approved and described by LPA Reference Number 17/00666/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to the north of Housman Avenue and Lindsay Close, ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings or any alternative access that as may be agreed by the Local Planning Authority.

No part of the Development shall be occupied until the Works to implement the approved access have been completed to the written satisfaction of the Local Planning Authority.

Either the approved access or another later approved access would be satisfactory to serve this development.

Reason: To ensure the proposed development has appropriate and adequate highways access and is acceptable in terms of highways safety.

Condition 30 to read:

“The approved details of landscaping (in relation to the internal residential area including the southern boundary of the site) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.”

Condition 31 to read:

“Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The approved Site Waste Management Plan shall be implemented on site.

Reason: In order to reduce the amount of waste produced on site.”

Condition 32 to read:

“Prior to the commencement of development a detailed assessment of the impact of the Royston Water Recycling Centre in relation to odours, lighting, noise and traffic impacts shall be submitted to and approved by the Local Planning Authority in consultation with Anglian Water. Any mitigation measures shall be implemented prior to the occupation of any part of the development hereby approved.

Reason: To protect the amenities of future occupiers.”

Councillor Fiona Hill returned to the room.

127 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals and drew attention to the following:

Land North of Luton Road, Offley

This appeal would be heard by public inquiry that would commence on 12 June 2018.

The Council had employed an independent planning consultant to be their expert witness and had also employed the QC who was dealing with the Local Plan to be the advocate at the inquiry.

A report would be presented to the Committee in April recommending that the reasons for refusal be slightly amended in order to put more emphasis on the setting of the listed buildings on the site and separate that issue from the landscaping.

A Member commented that, if this application were approved it would change the character of the village forever and queried whether there was a reason for refusal that could cover this issue.

The Development and Conservation Manager advised that the report regarding this had not yet been considered and that Members could discuss this at the meeting, at which the planning consultant would be present.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 9.54 pm

Chairman