

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 2ND SEPTEMBER, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Ruth Brown (Chair), Councillor Sue Ngwala (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Mike Rice and Tom Tyson*

In Attendance: *Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer) Tom Rhea (Principal Planning Officer), Andrew Hunter (Senior Planning Officer), William Edwards (Committee, Member and Scrutiny Manager), Anna Gouveia (Committee, Member and Scrutiny Officer), Darryl Simmonds (CSC – IT Support)*

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

21 APOLOGIES FOR ABSENCE

Audio recording – 20 seconds

Apologies for absence were received from Councillors Ian Moody, John Bishop and Terry Tyler.

Having given due notice Councillor Simon Bloxham advised he would be substituting for Councillor John Bishop.

22 MINUTES - 15 JULY 2021

Audio Recording – 1 minute 9 seconds

Councillor Ruth Brown requested the minutes be updated to show that she gave her apologies, as she was self-isolating.

Councillor Ruth Brown proposed, Councillor Morgan Derbyshire seconded and it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 15 July 2021 be approved as a true record of the proceedings and be signed by the Chair.

23 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 40 seconds

There was no other business notified.

24 CHAIR'S ANNOUNCEMENTS

Audio Recording – 1 minute 46 seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) 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.
- (4) The Chair clarified matters for members of the public addressing the Committee;
- (5) The Chair advised that Item 9 on the agenda (The Bell Inn, 65 High Street) would be taken first, and item 6 on the agenda (Land to the East of Bedford Road) would be taken last.

25 PUBLIC PARTICIPATION

Audio recording – 3 minutes 15 seconds

The Chair confirmed that all registered speakers were in attendance.

26 21/01470/S73A LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE

Audio Recording – 1 hour 47 minutes

The Principal Planning Officer presented the report in respect of application 21/01470/S73A supported by a presentation consisting of photographs and plans, along with the following updates:

- The applicant had provided a statement on emissions mitigation and the Highways authority had removed its objection;
- As such the condition regarding Traffic Management and emissions mitigation would be amended.
- The developer confirmed that the development was over 50% complete.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Tony Hunter

In response to points raised the Principal Planning Officer advised that a third suite of documents had been sent by the applicant to the LLFA and was awaiting a response; if these documents were not deemed acceptable planning permission would not be granted under the recommended resolution.

Councillor Tony Hunter moved to approve, seconded by Councillor Morgan Derbyshire and it was;

RESOLVED: That, subject to the resolution of the objection of the Lead Local Flood Authority to the re-wording of condition 8 and the completion of the submitted Section 106 Agreement, application 21/01470/S73A be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager and the following revised condition:

Condition 15 to read:

“The development shall be carried out in accordance with the approved [Traffic Management Strategy Ref. BDWNT-LS-DOT-01 Rev12] including emissions mitigation procedures and traffic routing plan (Lavender Grange) submitted 24th August 2021.”

27 21/01392/FP LAND REAR OF 17, WALNUT TREE ROAD, PIRTON, HERTFORDSHIRE

Audio Recording – 53 minutes 35 seconds

The Principal Planning Officer presented the report in respect of application 21/01392/FP supported by a visual presentation consisting photographs and plans along with the following updates:

- A Section 106 unilateral undertaking was pending agreement;
- There had been a more formal assessment of energy efficiency measures and a statement devised on carbon emissions strategy;
- In response to the LLFA objection, the applicant’s drainage consultant has been in contact with the Authority and has submitted a revised drainage document which is awaiting response;
- Condition 6 was to be amended in view of discussions with the local parish council to accommodate hedgehog holes;
- The applicant had agreed to reduce the overall ridge height of the plots and the ridge height is now comparable to dwellings approved on southern part of site.

The following Members asked questions:

- Councillor Simon Bloxham
- Councillor Tom Tyson
- Councillor Val Bryant

In response to questions the Principal Planning Officer advised:

- This application was for minor changes to 8 dwellings previously approved and the addition of 2 new dwellings and as such had to be titled as an application for 10 dwellings;
- The dwellings each had a short back garden and side gardens as well as front garden areas totalling 56m² which was an efficient use of space; the development also provided private amenity spaces and access to public open space in the form of the nearby recreation ground.
- A response on the updated water drainage is expected soon and the LLFA would then be able to remove their objection if they felt requirements had been met. No permission would be granted before the LLFA objection is removed.

In response to questions the Planning Lawyer advised that the resolution of the Lead Local Flood Authority's objection was incorporated into the recommended resolution and therefore did not feature as a condition on approval.

The Chair invited Ms Diane Burleigh, Pirton Parish Council, to address the Committee.

Ms Burleigh thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- The proposed buildings were out of scale with houses in Pirton, even at the updated reduction to 9.1 metres, and was not in keeping with the character of the area and should be refused on that basis;
- Pirton did not need more 4 and 5 bedroom houses; there was an evidenced need for properties with 3 bedrooms or fewer;
- The Pirton Neighbourhood Plan requires adequate housing mix on each site and the overall impact of lack of smaller properties on the area had to be considered;
- Walnut Tree Road currently had a density of 7 properties per hectare and this development would be too dense and out of keeping with the area;
- The area had significant problems with flooding and surface water runoff and the application should be deferred or refused on the grounds that no surface water plan had been agreed;

The following Members asked questions of clarification:

- Councillor Val Bryant

In response to questions Ms Burleigh advised:

- The corner of Walnut Tree Road flooded 2 or 3 times a year in winter
- Blacksmiths Pond in the village flooded every year, flooding into the High Street, and was problematic with regard to the scheduled monument nearby.

The Principal Planning Officer responded to points raised including:

- Eight of the dwellings already have planning permission and there will not be a reduction in their height following this proposal; this relates to the additional 2 properties.
- 9 and 9a Walnut Tree Road have a high ridge line of 9.15 metres, verified with the development architects. 19 Walnut Tree Road also has a very high ridge line. Not true to say the proposals are out of character with surrounding existing dwellings.
- The 16 dwellings per hectare in this proposal is low by modern housing standards. There is a need to strike a balance between area character and the need to make the most efficient use of the land.
- The issues surrounding flooding issues with the proposals would be guided by the LLFA and they will determine whether the proposals meet the requirements.
- It was not the responsibility of the developer to address wider flooding in the Pirton area.

The following Councillors took part in the debate:

- Councillor Sue Ngwala
- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Val Bryant

- Councillor Tom Tyson
- Councillor Tony Hunter
- Councillor Mike Hughson

Issues raised included:

- Housing mix and the need for smaller properties
- The density of the site
- Permission for the initial eight has already been granted
- There was no requirement to produce a Flood Risk Assessment or mitigations with the 8 house development, this is a requirement with the 10 houses now proposed
- Grounds for appeal

Councillor Tony Hunter proposed, Councillor Mike Hughson seconded and it was;

RESOLVED: That application 21/01392/FP be **GRANTED** planning permission subject to the submission of a satisfactory Unilateral Undertaking to secure Primary, Secondary and Library contributions as requested by Hertfordshire County Council and the sum of £5,000 to be paid to the Pirton Parish Council towards the replacement of the Pirton Recreation Ground Pavilion, and the conditions outlined in the report of the Development and Conservation Manager including the following amended condition:

Condition 6 to read:

“The following ecological mitigation measures are to be observed during the construction phase:

--Vegetation and building clearance works should only occur between the months of September and February inclusive to avoid impacts on breeding birds. Where this timing is not feasible works should be preceded by a nesting bird check.

--If one or more bats are found once works have commenced, work must cease immediately and a licenced bat ecologist consulted.

--Ivy should be removed from any tree which is proposed to be felled during the development process as soon as possible, to restrict potential opportunities for roosting bats.

--During construction, any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.

- The provision of hedgehog holes within the boundary fences to all plots to enable foraging hedgehogs to be able to pass freely through the site.”

28 20/02292/OP LAND ADJACENT TO 9, NORTH END, KELSHALL, HERTFORDSHIRE

Audio recording – 1 hour 32 minutes

The Principal Planning Officer presented the report in respect of application 20/02292/OP supported by a visual presentation consisting of photographs and plans along with the following update:

- This was an outline application supported by a detailed design and access statement which demonstrated that the proposal is for a low carbon or carbon neutral property;
- The features of the design and access statement would be secured by a condition on planning permission.

The Chair invited Michael Collins, agent acting on behalf of the applicant, to address the committee.

Mr Collins thanked the committee for the opportunity to speak in support of the application and included:

- The need to minimise the impact of the semi-rural setting, maintain existing hedgerows and street view elevation.
- The need to avoid interference with other properties and avoid blocking light access
- The applicant wanted to develop an exemplar home to show that eco-friendly building was possible, integrating passivhaus design principles.
- The style of the house aims to stick with the rural house type that relates to the agrarian history and character of the area.

The following Members took part in the debate:

- Councillor Tony Hunter
- Councillor Ruth Brown
- Councillor David Levett

In response to questions the Principle Planning Officer advised:

- Third parties could buy the site and redesign the proposals, but the features rather than visual design were most important.
- The scale of building and its access scheme were for consideration at this stage;

Councillor David Levett proposed, Councillor Val Bryant seconded and it was;

RESOLVED: That application 20/02292/OP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following additional condition:

“Condition 15

The new dwelling hereby approved shall incorporate a renewable heating strategy as outlined by the DAS (for example ground or air source heat pumps) and should be supplemented by solar power generation. In addition, the building shall incorporate passive measures to promote energy conservation, and the conservation and recycling of water, and a SUDS system. Full details of the renewable energy strategies shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details .

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.”

29 **20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD**

Audio Recording - 3 minutes 34 seconds

The Senior Planning Officer presented the report in respect of application 20/01764/FP supported by a visual presentation consisting of photographs and plans along with the following updates:

- A late representation received stated that the development places 63 and 61 High Street under serious threat and risk of making these uninhabitable in future, with the basement of the site frequently flooding, that the LLFA response was based on data which is either incomplete or inaccurate; the plans submitted by application were not sufficiently researched, planned and lacked sufficient detail; and harm would be posed to the listed buildings and the conservation area.
- Following discussions with the lead local flood authority (LLFA) the decision to support the application was restated.
- The Senior Planning Officer was happy that the concerns had been considered, as validated by the LLFA, the Council's Conservation Officer and Historic England;
- There were no objections from Environmental Health Officer.
- Fences could be erected without removing the existing boundary wall.
- The car park will be set away from 63 High Street;
- The letter does not raise any new issues which are not addressed in the Senior Planning Officer's report.
- The site would consist of 9 dwellings; a two-bedroom bungalow, five three-bedroom two story houses and three four-bedroom two story houses. There would be one detached garage and two bin stores. New hard and soft landscaping, including retaining wall and fencing, would be carried out and a new 11 space car park would be created.

The following Members asked questions:

- Councillor Mike Rice

In response to questions the Senior Planning Officer advised that EV charging points would be required by condition 12 in the report.

The Chair invited Mr David Hainsworth and Ms Catherine Gillings to speak.

Mr David Hainsworth thanked the Chair for the opportunity to speak against the application and gave a presentation including:

- His house had large floor to ceiling windows across much of the back of the property
- His house has not been extended and is exactly as it was built and approved in the 1990s and professionals consulted have said that his property is most adversely affected by development
- He had concerns surrounding proximity, privacy, massing and boundary treatment.
- NHDC Local Plan suggests there should be 30 metres minimum on sloping ground between two rear facing properties – on this site there is less than 20 metres.
- Plots directly facing the rear garden will have large, bifold doors with large windows across the back of the property.
- Due to the nature of the sloping on the site, the 1.8 metre fence was only waist height when standing and therefore there would be no privacy either way, across both stories.
- Regarding massing, there are four plots at the rear of his property, approximately 29m wide, starting 20m from the rear of existing property.
- The plots at 90° to the existing property are largely 9 metres high.

Ms Catherine Gillings thanked the Chair and gave a presentation which included:

- The Drainage Strategy referred to by the Senior Planning Officer had not been approved by the LLFA;
- There was insufficient space on the plan for water storage – only 311m² shown on plans whereas this would need to be 500m².
- The Codicote area already had a lot of surface water and she had images of the current issues facing No. 63 High Street to share with Members at request.
- The proposal does not meet 100+40 years climate change event rates, due to figures used within the micro calculations;

The Chair thanked the Ms Gillings and Mr Hainsworth for their contributions.

The Chair invited Mr Mark Westcott, agent representing the applicant, to address the committee.

Mr Mark Westcott thanked the Chair for the opportunity to present in support of the application, including:

- The applicant had worked closely with the Council, from the pre-application in 2020 through to design works with Conservation Officer. This has taken into account neighbour concerns including overlooking and heritage.
- The proposal was for 9 units; one two-bedroom, five three-bedroom and 3 four-bed units and the proposals include landscaping, a refuse storage area and an 11 space car park.
- The application is policy compliant and would make a positive contribution to NH housing targets – including family houses.
- There had been no objections from Conservation Officer, Landscaping and Design Officer or Historic England.
- There would be no undue impact on highways and no objections had been raised by Highway Authority.
- There would be no undue impact in terms of drainage and flooding. There had been infiltration tests carried out to the mains sewer with the LLFA. The LLFA and Thames Water had no objections.
- Sustainability had remained a key objective of the application – using locally sourced materials, supporting local suppliers, EV charging points, landscaping taking into account biodiversity.
- The site had recently become a source of anti-social behaviour and the development would open up and improve the existing footpath.
- The application accords with the NH local plan and NPPF.

In response to comments raised by the speakers, the Senior Planning Officer advised:

- The 30m distance between properties referred to was a guideline rather than a hard rule. The distances between the proposals and the current existing nearby properties was considered to be reasonable and sufficient to avoid a harmful loss of privacy to the properties.
- Water would flow from the permeable surfaces and from the asphalt surface in the car park into the nearby sewer had been deemed acceptable by the LLFA and was no reason to disagree with their assessments.

The following Councillors took part in the debate:

- Councillor David Levett

- Councillor Simon Bloxham
- Councillor Sue Ngwala
- Councillor Tony Hunter

Points raised included:

- LLFA had not objected, but nor have they agreed to the plans, there are number of conditions placed on the proposals.
- The area nearby The Bell was always wet and the building itself regularly had a pump in place. Documents submitted assumed that the drains are already empty. This was an area with a high risk of damage due to drainage issues, as has been evidenced in previous years.
- Condition 20 required a significant consideration and would need a great deal of work.
- In the documents provided, there was no elevation plan showing the impact the development would have on the view from the High Street – the reality of this would be a significant impact on the conservation area.
- Regarding the proximity to No. 63, the guideline of 30 metres would suggest that it should be close to that figure. However, the 11 metres presented by the resident is not close to this guideline.

Councillor David Levett moves a proposal for refusal on the grounds of conservation impact and flood risk. This is seconded by Councillor Mike Rice.

The Planning Lawyer advised:

- Condition 20 was a pre-development condition and the Conservation Officer had removed his objection. Should Members wish to use conservation grounds as reason for refusal, they would need to justify their reasons for opposing the Conservation Officer.
- No development shall commence until Condition 20 has been satisfied with approval from the LPA.
- The LPA would only agree to Condition 20 having been met in conjunction with the LLFA.
- Where there has been refusal on technical grounds, but this has not come from objections by the main consultees, then it becomes more difficult for the Council to use in any appeal hearings.

The Principal Planning Officer advised:

- Less than substantial harm does not mean there is not any harm at all and it is possible to refuse planning permission based on NPPF guidance.

The Chair advised that there was the option to defer the decision until a time at which further details could be provided.

Councillor Levett withdrew the motion to refuse. Councillor Mike Rice agreed to the withdrawal.

Councillor David Levett moved, Councillor Mike Rice seconded and it was:

RESOLVED: That application 20/01764/FP be **DEFERRED** to require a more detailed assessment of the impact of the proposed development on the Codicote Conservation Area

Thursday, 2nd September, 2021

and further assessment of the surface water management aspects of the development taking into account local flood issues.

The meeting closed at 9.30 pm

Chair