

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 4TH NOVEMBER, 2021 AT 7.30 PM**

MINUTES

Present: *Councillors: Councillor Ruth Brown (Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Tom Tyson and Ian Mantle*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), William Edwards (Committee, Member and Scrutiny Manager), James Lovegrove (Committee, Member and Scrutiny Officer), Andrew Hunter (Senior Planning Officer) and Anne McDonald (Senior Planning Officer)*

Also Present: *At the commencement of the meeting Councillor Adam Compton, Herts County Councillor Fiona Hill and approximately 7 members of the public, including registered speakers.*

10 APOLOGIES FOR ABSENCE

Audio recording – 36 seconds

Apologies for absence were received from Councillors John Bishop, Mike Rice and Terry Tyler.

Having given due notice Councillor George Davies substituted for Councillor Mike Rice and Councillor Michael Muir substituted for Councillor John Bishop.

11 ELECTION OF A VICE-CHAIR FOR REMAINDER OF CIVIC YEAR 2021/22

Audio recording – 1 minute

The Chair called for nominations for Vice-Chair of the Planning Control Committee for the remainder of the civic year 2021/22.

Councillor Val Bryant proposed Councillor Ian Mantle as Vice-Chair and was seconded by Councillor Mike Hughson.

Councillor Morgan Derbyshire raised a Point of Order to confirm with the Chair whether Councillor Ian Mantle was a full Member of the Committee. The Chair confirmed that Councillor Mantle had replaced Sue Ngwala who had stood down as a Councillor.

Councillor Morgan Derbyshire proposed Councillor David Levett as Vice-Chair and was seconded by Councillor Michael Muir.

Following votes on each of the proposed candidates, it was:

RESOLVED: That Councillor David Levett be elected as Vice-Chair of the Planning Control Committee for the remainder of the civic year 2021/22.

12 MINUTES - 16 SEPTEMBER 2021

Audio Recording – 5 minutes 46 seconds

Councilor Ruth Brown, as Chair, proposed and Councilor Val Bryant seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 16 September 2021 be approved as a true record of the proceedings and be signed by the Chair.

13 NOTIFICATION OF OTHER BUSINESS

Audio recording – 6 minutes 33 seconds

There was no other business notified.

14 CHAIR'S ANNOUNCEMENTS

Audio recording – 6 minutes 38 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair gave advice to the registered speakers on the speaking procedure and time limits.
- (4) The Chair announced a comfort break would be taken around 9pm, at a suitable time in the proceedings.
- (5) The Chair advised that there was a change to the order of business and Item 10 would be taken ahead of Item 7 and that Item 9 would be taken ahead of Item 8.

15 PUBLIC PARTICIPATION

Audio recording – 8 minutes 33 seconds

The Chair confirmed that the four registered speakers were in attendance.

16 20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD

Audio recording – 14 minutes 34 seconds

Councillor Ian Moody advised that he had a vested interest in this application and, following advice from the Legal Regulatory Team Manager, he left the room for the duration of the item.

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

The Senior Planning Officer advised of updates to the report including:

- Further objections had been received from the residents of 61 and 63 High Street, including; maintenance concerns, does not deal with flooding in basement and greater impacts on High Street. The Senior Planning Officer advised that he did not consider these as new issues which needed to be addressed.
- The Lead Local Flood Authority (LLFA) had responded to new drainage plans submitted and recommended that planning permission be granted, with the addition of the conditions in their letter.

The Chair invited David Hainsworth and Catherine Gillings to speak against the application.

David Hainsworth and Catherine Gillings thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- The application does not comply with Government planning policy and the applicants had not addressed the reasons for previous deferment by Committee.
- There were several listed buildings in the vicinity of the site.
- The basement of The Bell Inn was consistently flooded and there were other flooding concerns in the areas surrounding the site.
- The proposed scheme is an overdevelopment and impacts on the privacy of existing residents.

The Chair invited Mark Westcott, agent of the applicant, to speak in support of the application.

Mark Westcott thanks the Chair for the chance to address the Committee and gave a verbal presentation including:

- Officer recommendation had been given.
- Oldham Residential had gone to great effort and cost to produce further documentation following the deferral at the previous meeting.
- The Conservation Officer can find no reasonable grounds for refusal of this application.
- The LLFA have removed their objection to the proposals.
- Proposals would make a positive contribution to North Herts housing targets, which are not currently met.
- Worked collaboratively with Officers and experts.
- There had been no objection from the local Highways Authority.
- Local sourcing, low water consumption, landscaping and e-charging points have all been included in plans to meet environmental requirements.
- Anti-social behaviour has been ongoing on the site and this development would help to address these issues.

The following Members asked questions:

- Councillor Tony Hunter

In response to questions, Mark Westcott, advised that he believed that basement flooding on the site had been taken into account.

In response to questions, the Senior Planning Officer advised:

- Drainage would flow away from 61 and 62 High Street and the LLFA had no objections to these plans.
- The housing mix was suitable for the area.
- The 30 metre spacing for privacy was guidance.

The following Members took part in the debate and asked questions:

- Councillor David Levett
- Councillor Tony Hunter

The Senior Planning Officer advised that he was unsure as to whether the LLFA were aware of local objections to the report.

The Development and Conservation Manager advised that it was not for the authority to provide all objections to the LLFA, but all were published online should the LLFA wish to review these.

The Legal Regulatory Team Manager highlighted that Condition 5 required the applicant to provide a plan for vegetation screening on site, which would be approved by Officers.

The Development and Conservation Manager advised that the gap behind the car park, which was not included for development, could be used as an additional space for landscaping.

Councillor Michael Muir drew attention to the Climate Emergency declared by the Council and the requirement for EV charging points to be included in plans. He requested that Officers go further and discuss with applicants the installation of heat pumps in new developments.

Councillor Ian Mantle advised that when there is no expert objection to the plans that should the Committee refuse plans, it would not hold up on appeal. He also suggested that vegetation should not be used simply to mask, but to complement the buildings.

Councillor Ian Mantle proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 20/01764/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following amendments to conditions:

- Condition 20 be removed.
- Condition 21 to become Condition 20, Condition 22 to become Condition 21 and Condition 23 to become Condition 22.
- Condition 5 to be amended to the following:

“Prior to commencement of the approved development (excluding demolition), the following landscape details shall be submitted:

- 1. which, if any, of the existing vegetation is to be removed and which is to be retained.*
- 2. what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. This shall include planting west of the Plot 1 dwelling.*
- 3. the location and type of any new walls, fences or other means of enclosure and any landscaping proposed.*
- 4. details of any earthworks proposed.*

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.”

- Condition 19 to be amended to the following:

“The development permitted by this planning permission shall be carried out in accordance with the Document 65204340-SWE-ZZ-XX-CO-C-0001-P01, prepared by Sweco UK Limited, Dated 29.09.2021 and the following mitigation measures;

1. *Limiting the surface water run-off rates to a maximum of 3.5l/s for all rainfall events up to and including the 1 in 100 +40% climate change event with discharge into the Thames Water Foul Water Sewer.*
2. *Provide attenuation (700mm of storage within the type 3 subbase, or such volume agreed by the LPA) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.*
3. *Implement the drainage strategy utilising lined permeable paving, type 3 subbase and a Hydrobrake flow control device.*

Reason: To reduce the risk of flooding to the proposed development and future occupants.”

17 20/02507/FP LAND AT AND NORTH OF 68, LONDON ROAD, BALDOCK, HERTFORDSHIRE, SG7 6JL

Audio recording – 68 minutes 56 seconds

The Senior Planning Officer presented the report in respect of application 20/02507/FP supported by a visual presentation consisting of photographs and plans and offered the following updates:

- Two late representations had been made by neighbours.
- The first had questioned whether further amended plans had been received other than those dated 27 September. The Senior Planning Officer responded and confirmed that neighbours were not consulted on the amended plans as it was not deemed to be material to the scheme.
- The neighbour also questioned NHDCs role in the decision as the landowner.
- The second neighbour response received requested more time to review plans, but this was not required as it was a response to the notification of the Committee meeting date.
- Herts County Council Growth and Infrastructure Unit had requested that secondary education payment was changed from use solely at Knights Templar School towards the extension of Knights Templar School or an additional school north of the town, which had been agreed with the agent.
- An amended plan had been received which displayed the agreed height reductions on plots 22, 23 and 24.

The following Members asked questions:

- Councillor Ruth Brown

In response to questions the Senior Planning Officer advised that the footpaths on the site would be for both pedestrian and cyclist use.

The Chair invited Ryan Albone to give a presentation in support of the application.

Ryan Albone thanked the Chair for the chance to address the Committee and gave a verbal presentation, which included:

- Foxbury owned the land which had the existing property on, as well as the access road. NHDC owned the southern portion of the site, which was formerly allotments last used in 2016.

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- Design of properties has been conducted in line with the character of the surrounding properties.
- The site has good access to schools, shops and transport amenities in the town.
- Enhanced sustainability conditions, likely to include triple-glazed windows, EV charging points and solar panels.
- Section 106 contributions would be made across the town and amount to in excess of £160,000.
- Development would begin in the new year, with the completion of affordable housing as a priority.

The following Members asked questions and took part in the debate:

- Councillor Michael Muir
- Councillor David Levett
- Councillor George Davies

In response to questions, the Senior Planning Officer advised:

- Would need to confirm whether the access road was within the application site before they could agree on any yellow lines.
- Fencing and boundaries would be covered by Condition 5.
- It was possible to review the agreed working hours on site to make it more suitable for existing residents.
- Section 106 funds had already been agreed.
- Would need to confirm the status, whether temporary or statutory, of the allotments previously on the site.

Councillor David Levett highlighted that the social/affordable housing was in a separate block, would rather it be within the development. He also highlighted that there were several different terms for the same sites and roads within the Officer's report, need to improve on consistency.

In response to questions the Development and Conservation Manager advised:

- The status of the allotments previously on site would not be a reason for refusal of planning permission.
- A Traffic Regulation Order and consultation with residents would be required for yellow lines if on public road, with no guarantee of agreement. If the road was private, yellow lines would be unenforceable. Given these factors it would be an unreasonable condition to include in these plans.
- Officers could explore existing, unused Section 106 money from other developments to fund a fence for the Baldock Allotment Association.

Councillor George Davies announced that he was a member of Baldock Allotment and Leisure Gardens Association and requested advice from Legal Regulatory Team Manager as to a possible declaration of interest.

The Legal Regulatory Team Manager advised that this was currently a proposal from another Councillor, however should this be accepted as a condition it would be a declarable interest.

Councillor Michael Muir advised that his wife was a member of the Baldock Allotment Association.

The Legal Regulatory Team Manager advised that this was a declarable interest by proxy, if the Committee request to grant Baldock Allotment Association funds.

The Development and Conservation Manager advised members that either the application is left as it is and Officers could explore leftover Section 106 funds or there was potential to explore whether Section 106 funds for Open Space in the plans could be used for the allotments. It would be easiest to find the funding for allotments in Baldock from elsewhere.

Councillor David Levett proposed, with no additional conditions, and Councillor Morgan Derbyshire seconded and, following a vote, it was:

RESOLVED: That application 20/02507/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager.

18 20/02779/FP LAND AT, WINDMILL CLOSE, BARKWAY, HERTFORDSHIRE

Audio recording – 52 minutes 47 seconds

The Development and Conservation Manager presented the report in respect of application 20/02779/FP supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager outlined three additional conditions requested by the LLFA, which included:

- Drainage scheme should be carried out in accordance with a certain specification.
- More detailed engineering drawings to be agreed prior to commencement.
- Verification and checking reports upon completion.

Further updates provided by the Development and Conservation Manager included:

- Barkway Parish Council continued to object to the development on grounds that local drainage systems would not cope.
- Condition 6 would be reworded to ensure that road widening should take place as requested, but not to impact the size of plots 17, 18 or 19.

The following Members asked questions:

- Councillor David Levett

In response to questions, the Development and Conservation manager advised that of the three new conditions, only the condition relating to detailed engineering drawings would be restrictive of the development commencing.

The following Members asked questions and took part in the debate:

- Councillor Ian Mantle

In response to the debate and questions, the Development and Conservation Manager advised that the whole site was within the village boundary of the new Local Plan.

Councillor David Levett highlighted that social/affordable housing was in a separate block, which was not preferred but at least there was some included within the development.

Councillor David Levett proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That application 20/02779/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following amendments and additions to conditions:

- Indexation for Herts County Council S106 payments is PUBSEC 175.
- Condition 6 be amended to the following:

“Prior to the occupation of the development hereby permitted the principal access road shall be provided 5.5 metres wide with the side access road being 4.8 metres wide to provide localised widening where possible up to 6.0m without encroaching onto plots 17, 18 and 19. All exiting footways are to include tactiles and dropped kerbs at crossing points and links to footways on the new development, thereafter the access roads and footways shall be retained at the position shown on the approved site layout plan number BEV-537-PA-001 Rev E. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan.”

- Condition 16 to be amended to the following:

“The development permitted by this planning permission shall be carried out carried out in accordance with LLFA consultation letter dated 15 September 2021 prepared by EAS with attachments A-E (Appendix A proposed site layout plan BEV-357-PS-001-Rev E) prepared by MS Square Architect Ltd. Appendix B proposed drainage layout 2822 SK01 Rev D dated 14 September 2021, appendix C Source Control Calculations dated 15 September 2021, Appendix D Micro drainage calculations dated 15 September 2021, appendix E Exceedance Routes 2822 SK05 dated 15 September 2021 all prepared by EAS and the following mitigation measures:

- 1. Provide minimum attenuation of 162.8 cubic metres and infiltration 262.6 cubic metres to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + climate change (40%) event.*
- 2. Implement drainage strategy based private soakaways, permeable paving with sub-base on all roads, mews and parking areas, oversized pipe, geocellular attenuation tanks and a restricted discharge at 2.5l/s at MH44 and 2.9l/s at MH14 via a Hydro brake into the Thames water foul water sewer.*

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.”

- Condition 17 to be added as follows:

“No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for written approval. All approved drainage details shall be carried out carried out in accordance with LLFA consultation letter dated 15 September 2021 prepared by EAS with attachments A-E (Appendix A proposed site layout plan BEV-357-PS-001-Rev E) prepared by MS Square Architect Ltd. Appendix B proposed drainage layout 2822 SK01 Rev D dated 14 September 2021, appendix C Source Control Calculations dated 15 September 2021, Appendix D Micro drainage calculations dated 15 September 2021, appendix E Exceedance Routes 2822 SK05 dated 15 September 2021 all prepared by EAS. The scheme shall also include:

- 1. Detailed engineering drawings of the proposed SUDs features including their location, size, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year +40% for climate change event.*
- 2. Detailed engineering drawings of the access road arrangements between the permeable paving and sub-base and oversized pipe, including the connecting pipe from MH14 into*

the Thames Water foul sewer and how surface will be captured from the surface water of the road and the entrance of the site where MH14 is located.

3. *BRE digest infiltration tests in the location of the proposed private soakaways and permeable paving areas including an assessment of seasonal variation to ensure the infiltration of surface water can be catered for effectively during the Autumn and Winter months for all rainfall events up to and including the 1 in 100 year + climate change event.*
4. *Demonstrate appropriate SUDs management and treatment and inclusion of above ground features such as permeable paving, reducing the requirement for underground storage.*
5. *Provision of half drain downtimes for surface water drainage within 24 hours.*
6. *Silt traps for protection for any residual tanked elements.*

Reason: To prevent flooding by ensuring satisfactory storage and disposal of surface water from the site.”

- Condition 18 to be added as follows:

“Upon completion of the drainage works for the site in accordance with timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority.

1. *Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profile/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.*
2. *Provision of a complete set of a as built drawings for site drainage.*
3. *A management and maintenance plan for SUDs features and drainage network.*
4. *Arrangement for adoption and any other measures to secure the operation of the scheme throughout its lifespan.*

Reason: To prevent flooding by ensuring satisfactory storage and disposal of surface water from the site.”

19 PLANNING APPEAL REPORTS

Audio recording – 8 minutes 44 seconds

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

- Lots of appeals had been submitted and further appeals were in the pipeline.
- The Gladman’s site in Royston had not launched an appeal and the deadline for this site had passed.
- The Heath Lane/Codicote appeal decision was awarded costs at appeal and this had been received at £43,000, subject to Officer confirmation. The legal fees defending this decision had come to around £30,000.
- A training course would be arranged to build on previous training and to reflect on decisions made at previous Planning Control Committee meetings.

The Chair encouraged all Members and substitutes to attend the training organised and also outlined for Members that any sites already allocated in the Local Plan could no longer use Green Belt as a reason for refusing permission.

The Vice-Chair, Councillor David Levett, advised that until the Local Plan was adopted, the Committee would have difficulties refusing plans across the board.

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The following Members asked questions:

- Councillor Mike Hughson

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

- The total costs owed by the Council were the £43,000 outlined previously.
- There was £10,000 spent on enforcement.
- There was an expectation that the Gladman's site would require external consultants but as no appeal was lodged, this was no longer required.

RESOLVED: That the report entitled 'Planning Appeals' be noted.

The meeting closed at 9.12 pm

Chair