

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 9TH FEBRUARY, 2023 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Daniel Allen, David Levett, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Tony Hunter and Phil Weeder, Amy Allen and Michael Muir*

**In Attendance:** *James Lovegrove (Committee, Member and Scrutiny Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Eleanor Hopcraft (Committee, Member & Scrutiny Officer), Peter Bull (Senior Planning Officer), Germaine Asabere (Senior Planning Officer), Anne McDonald (Acting Development and Conservation Manager) and Harriet Sanders (Senior Planning Officer)*

**Also Present:** *At the commencement of the meeting approximately 10 members of the public, including registered speakers.*

**51 APOLOGIES FOR ABSENCE**

*Audio recording – 1 minute 31 seconds*

Apologies for absence were received from Councillors Alistair Willoughby, Ian Moody and Terry Tyler.

Having given due notice, Councillor Amy Allen substituted for Councillor Willoughby and Councillor Michael Muir substituted for Councillor Moody.

**52 MINUTES - 1 DECEMBER 2022, 15 DECEMBER 2022**

*Audio Recording – 2 minutes 0 seconds*

The Chair advised that she would take the two sets of Minutes separately to ensure that those present at one meeting could vote.

Councillor Tom Tyson proposed to approve the Minutes of the meeting held on 1 December 2022 and Councillor Daniel Allen seconded and after a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 1 December 2022 be approved as a true record of the proceedings and be signed by the Chair.

Councillor Val Bryant, as Chair, proposed to approve the Minutes of the meeting held on 15 December 2022 and Councillor Tom Tyson seconded and after a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 15 December 2022 be approved as a true record of the proceedings and be signed by the Chair.

**53 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 3 minutes 59 seconds*

There was no other business notified.

**54 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 4 minutes 4 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified the speaking process for public participants.
- (4) The Chair advised that Section 4.8.23(a) applied to the meeting.
- (5) The Chair advised of a change to the order of the agenda and Item 8 would be taken before Item 6.

**55 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes 56 seconds*

The Chair confirmed the registered speakers were in attendance.

**56 22/01464/OP LAND BETWEEN CROFT LANE NORTON ROAD, AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE**

*Audio recording – 43 minutes 50 seconds*

The Senior Planning Officer provided the following update:

- Since the report had been published, there had been an additional seventeen letters of objection from neighbouring residents.
- Hertfordshire County Council Growth and Infrastructure Unit had confirmed changes to the financial contributions required for the development, which had delayed the application.
- There were minor changes to the conditions.
- Condition 2, second line: the word 'internal' was deleted.
- Condition 20 (i), second sentence was deleted.
- Condition 30 (i) was deleted.
- Condition 31 reference M4(3) was deleted.

There were no questions from Members.

The Senior Planning Officer presented the report in respect of application 22/01464/OP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Kevin Hinton to speak against the application. Mr Hinton thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The site was a historic conservation area, and the planning application had an effect on the wider community.

- No details had been given on the access point to the site, which included lines and turning circles.
- Croft Lane was the only viable access to the site, however the lane was narrow at 3.8m wide, which meant cars could not pass each other.
- Traffic had increased since Hertfordshire County Council had assessed the site.

There were no points of clarification from Members.

The Chair thanked Mr Hinton for his presentation and invited Ms Clare Newbury to speak in support of the application. Ms Newbury thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The adoption of the New Local Plan had resulted in the allocation of this site for residential development.
- The current application was submitted and established the principle of the application, which was supported by the Local Plan.
- Matters relating to access, layout, scale and landscaping would be addressed as part of the Reserved Matters application.
- An illustrated layout plan had been submitted with the outline application to deliver 42 dwellings.
- The applicant noted the comments from Statutory Consultees and Planning Officers in relation to the detailed policy matters, which would be addressed in the detailed design and development.
- The application was supported by an updated Suite of Technical Assessment Work including an updated transport statement.
- Existing trips along Croft Lane were 13 trips per hour in the AM traffic peak and 11 trips in the PM peak.
- The proposed 42 dwelling development would result in one trip every two minutes in both the AM and PM traffic peaks.
- The scheme would deliver affordable housing to meet the district's needs, public open space, a biodiversity net gain, employment during construction and more use and investment of local community facilities.
- Off-site improvements would be made to encourage walking and cycling.
- Planning contributions had been requested by the HCC growth and infrastructure team, as well as NHDC.

The following Members had points of clarification:

- Councillor Daniel Allen
- Councillor Simon Bloxham

In response to the points of clarification, Ms Newbury advised:

- The percentage increase in peak traffic on Croft Lane was based on a very low trip generation.
- The traffic survey was conducted over several days.

In response to the points raised, the Senior Planning Officer advised that the report covered access and impacts but did not cover means of access. This would be covered in the next application.

Councillor David Levett commented that he was concerned about the absence of a specific number of dwellings included on the application and requested a condition be included to cover this.

Nurainatta Katevu, Legal Adviser, advised that that application covered the acceptability of site development, not the quantum of dwellings. If the application came back in Reserved Matters, the quantum could be considered by the Committee.

Peter Bull advised that section 4.3.9 of the report clarified issues relating to numbers.

Councillor Simon Bloxham commented that he was concerned about the consequences of this application, especially safety and advised that he wanted to push for refusal.

Peter Bull advised that this was an outline application and access was not being considered. He highlighted that no objection had been received from HCC Highways on this application and therefore it would be unreasonable to refuse the application on these grounds, as it would risk the Council losing on appeal.

Councillor Daniel Allen commented that while he had concerns regarding the increase in traffic, there were no legal grounds for this application to be rejected.

Councillor Tom Tyson commented that concerns regarding access would fall under Reserved Matters.

Councillor David Levett commented that as there were no technical or legal grounds for refusal of this application, he would support it in this instance, so that the Committee could further consider the application at the Reserved Matters stage.

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

**RESOLVED:** That application 22/01464/OP be **GRANTED** planning permission subject to the completion of a satisfactory S106 agreement and the reasons and conditions set out in the report of the Development and Conservation Manager.

**57 22/01810/FP LAND ADJACENT TO UNIT 3 ON THE WEST SIDE OF, CADWELL LANE, HITCHIN, HERTFORDSHIRE SG4 0SA**

*Audio recording – 77 minutes 15 seconds*

The Senior Planning Officer provided the following updates:

- Two items in the report were updated before being presented to the Committee.
- Proposed amendments to the conditions had been circulated to Members and included as addenda to the report prior to the meeting. These amendments had been agreed with the agent of the applicant.
- The Environmental Health Officer highlighted that there had been no noise assessments submitted in support of the application and in light of objections, it would be prudent to restrict the night-time activity at the site.
- This could be done with a condition requiring the submission of a noise management plan for approval prior to use or restricting the hours of use to daytime hours 07.00-23.00 with a noise impact assessment if night-time use is required.

The Senior Planning Officer presented the report in respect of application 22/01810/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Val Bryant
- Councillor Tony Hunter
- Council David Levett

In response to the questions, Harriet Sanders advised:

- Condition 3 detailed the restriction to access hours.
- Lighting conditions would be considered.

The Chair invited Ms Suzannah Russell to speak against the application. Ms Russell thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The location displayed very minimal coverage for security and screening for existing hedging.
- The containers would not be obscured from the nearby playing field, which would degrade the appearance of the field.
- There would be no secure fencing around the perimeter of the site, which could lead to climbing on the containers and graffiti.
- There was concern for the vulnerability of lone workers at other units on the site, with the site being unsupervised.
- There was regular traffic congestion at the site.
- The containers would take up car parking space for other site users.
- There were concerns about noise, the unlimited access, lighting at the site, waste, and surveillance.

There were no points of clarification from Members.

The Chair thanked Ms Russell for her presentation and invited Mr Pete Turness to speak in support of the application. Mr Turness thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Hitchin Motor Care were the only occupiers of the site, and occupied three spaces under a historic lease.
- Container storage was a relatively new innovation and Customer parking generally occurred adjacent to a customer's container.
- Working from a rented container would be prohibited.
- There were currently 9 occupied containers at the site, and more was required for the Applicant's own use.
- The application aimed to target long-term tenant and intended to impose strict terms and conditions.
- Trading on-site would not be an option, with significant monitoring and security.
- Highways had chosen not to restrict parking in Cadwell Lane and Wallace Way.
- The application would be a natural progression of the site.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Val Bryant

In response to the points of clarification, Mr Turness advised:

- The joining of containers would be avoided, and there was no plan to have more than one entry into each container.
- A Palisade fence would be put around the site.
- Vehicles over 3.5tons were not anticipated to use the site.
- The large concrete blocks on the site were owned by Recycling Lives.
- The proposed time restrictions would not have an impact on the business.

- Site access would be through a keypad, and terms and conditions would restrict the hours of use.

Councillor Michael Muir commented on the noise from the site, and that time restrictions were needed on the site.

Harriet Sanders read out a verbal update from Councillor Ian Albert, a Member advocate who objected to the site. His update raised his concerns for the application, and suggested conditions that would restrict operating hours, lighting, restrict the site's environmental impact and ensure adequate waste disposal.

Councillor David Levett commented that a late starting time would restrict workers. He also commented that some businesses work until late evening. He proposed an amendment to Condition 3, which would allow use of the site between 07.00 and 20.00.

Councillor Daniel Allen proposed another condition which would limit the size of vehicles allowed access to the site to 3.5 tonnes and below. In response to this proposed condition, the Acting Development and Conservation Manager advised that this condition was not reasonable, as it would not be possible to monitor.

Councillor Daniel Allen asked the Planning team if it were possible to limit the height of vehicles allowed access to the site.

The Acting Development and Conservation Manager advised that there was no condition requiring fencing in the report. A new condition could be added to encompass a barrier at the site entrance which could restrict height if the Applicant was willing to accept this.

Pete Turness advised that he was willing to accept the additional condition.

Councillor David Levett proposed and Councillor Daniel Allen seconded and after a vote, it was:

**RESOLVED:** That application 22/01810/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation manager, with the following amendment to Condition 3 and the addition of Condition 9 to read:

“Condition 3:

*To use hereby approved shall only take place between the hours of 07.00 and 20.00.*

*Reason: To ensure the amenity of neighbouring occupiers is protected and that no unacceptable harm is caused to the local environment and wildlife.*

Condition 9:

*Prior to the first occupation of the containers hereby approve, details of fencing are to be submitted to and approved in writing by the Local Planning Authority. The approved details are to be implemented prior to the first occupation of the containers and thereafter retained for the duration of the use hereby permitted.”*

*Reason: To restrict vehicle size.”*

58 **21/03533/FP LAND WEST OF TUTHILL HOUSE, KELSHALL TOPS, THERFIELD, HERTFORDSHIRE**

*Audio recording – 6 minutes 27 seconds*

The Senior Planning Officer provided the following update:

- The application was for three residential units in Therfield.
- Since the publication of the report, a letter of objection had been received from the Parish Council and had been circulated to Members.
- This application had been presented to the Committee previously, however following the adoption of the new Local Plan the application had to be submitted again.
- Previously developed land was land which is or was occupied by a permanent structure, whereas brownfield land was previously developed land that is no longer being used.
- These terms were often used interchangeably in Planning, but the Planning Officer did not believe that this technicality was relevant for the purposes of this application.
- Point of clarification in Paragraph 4.7.7, the second sentence was amended to: “All planning applications are considered on merit, and this site already has Officer recommendation for approval and Members resolve to grant permission”.

The Senior Planning Officer presented the report in respect of application 22/03533/FP supported by a visual presentation consisting of photographs and plans.

In response to a question from Councillor Michael Muir, the Senior Planning Officer advised that it was for Highways to address the matter of visibility when entering the road.

The Chair invited Ms Lynne Bogie to speak against the application. Ms Bogie thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There was concern regarding the application and the manner the application had been dealt with.
- The application went against the New Local Plan and Policies.
- The application would extend the village on a narrow and busy road.
- The site would cause harm to local assets, and with no public transport in the village, car traffic would increase in the area.
- The nature of the roads meant that there was no safe access to the site and the village centre.
- There were multiple planning harms in the planning application.

There were no points of clarification from Members.

The Chair thanked Ms Bogie for her presentation and invited Mr Matthew Wood to speak in support of the application. Mr Wood thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The Officer’s report was impartial and the five year plan was improved.
- The site was not agricultural and unspoilt, with a history of use.
- The urban and industrial character of the site did not fit in with the village.
- The application for three residential dwellings would allow a resolution to this, as the site would be more in keeping with the village location.
- The concrete would be removed, access to the site would be narrowed and side edges would be enhanced with soft landscaping.
- There would be ample room for significant planting, which would contribute to a biodiversity net gain.

There were no points of clarification from Members.

Councillor Daniel Allen commented that this was previously developed land and would follow the Officer’s recommendation for approval.

Councillor David Levett commented that the previous application did not consider the new Local Plan. The current planning application did not comply with policies and the new Local Plan.

The Acting Development and Conservation Manager advised that harm needed to be identified to refuse the application. The opinion of the Planning Officer was that the policy benefits of this application outweigh the harm.

Councillor Tony Hunter commented that the previous Planning Officer advised that the site was not Brownfield, which conflicted with the new application which suggested that the site was Brownfield. He further commented that the site was outside of the settlement boundary and did not comply with the new policies.

The Senior Planning Officer highlighted paragraph 5.1 of the report which stated that the Local Planning Authority may depart from an updated development plan if material cases stated that planning cannot be followed. The planning application does not present harm, but had benefit.

Councillor Tom Tyson commented that there was definite policy conflict, however the application suggested improvement to the area. He commented that he could not see harm in the proposal, but was cautious when approving development outside of a village boundary.

Councillor Sean Nolan commented that approval of the application could contravene the new Local Plan.

The Acting Development and Conservation Manager advised that each application was assessed individually, and harms and benefits are identified in each application. She advised that the benefits to this application outweigh the harms.

Councillor David Levett commented that he felt the planning application went against the new Local Plan and was outside of a settlement boundary, which was harmful.

Councillor David Levett proposed and Councillor Tony Hunter seconded and after a vote, it was:

**RESOLVED:** That application 21/03533/FP be **REFUSED** planning permission due to the following reasons:

“The application site is outside of the settlement envelope of Therfield in a location designated as rural area beyond the Green Belt. The proposed development therefore conflicts in principle with Policies SP2, SP5 and CGB1 of the Local Plan 2011 - 2031 (2022) which seek to focus new housing within defined settlement boundaries.”

## 59 PLANNING APPEALS

*Audio recording – 121 minutes 38 seconds*

The Acting Development and Conservation Manager advised the Committee that there had been 3 new planning appeals in the last monitoring period.

Two decisions were made and had been dismissed by the Inspector.

**RESOLVED:** That the Committee noted the report.

The meeting closed at 9.33 pm



**Thursday, 9th February, 2023**

Chair