

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON THURSDAY, 19TH NOVEMBER, 2020 AT 7.30 PM**

MINUTES

Present: *Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Tony Hunter, David Levett, Sue Ngwala, Sean Prendergast, Mike Rice, Sam Collins (In place of Tom Tyson) and Michael Muir (In place of Ian Moody)*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Naomi Reynard (Senior Planning Officer), Matthew Hepburn (Committee, Member and Scrutiny Officer) and Anna Gouveia (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 3 members of the public, including registered speakers and Member Advocate Tom Tyson*

50 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

Audio recording 6 seconds

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live onto YouTube and recorded via Zoom.

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate; and
- Voting.

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Planning Control Committee, Councillor Ruth Brown started the meeting proper.

51 APOLOGIES FOR ABSENCE

Audio recording 3 minutes 3 seconds

Apologies for absence were received from Councillors Ian Moody, Mike Hughson and Tom Tyson.

Having given due notice, Councillor Michael Muir advised that he would be substituting for Councillor Ian Moody and Councillor Sam Collins advised that he would be substituting for Councillor Tom Tyson.

52 NOTIFICATION OF OTHER BUSINESS

Audio recording 3 minutes 40 seconds

There was no other business notified.

53 CHAIR'S ANNOUNCEMENTS

Audio recording 3 minutes 45 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded as well as filmed. The audio recording would be available to be viewed on Mod.Gov and the film recording would be available via the NHDC YouTube channel;
- (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 welcomed the registered speakers to the meeting and explained that objectors, supporters and Member Advocates would each have five minutes per group to speak on each item and would be alerted at 4 ½ minutes and further when their time was up.

54 PUBLIC PARTICIPATION

Audio recording 4 minutes 57 seconds

The registered speakers had been confirmed as present during the roll call.

55 18/02722/FP LAND SOUTH OF HEATH LANE, CODICOTE, HERTFORDSHIRE, SG4 8YL

Audio recording 5 minutes 6 seconds

Residential development of 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road (as amended by drawings received 1st and 6th November 2018, 17th and 18th December 2018 and 3rd April 2019).

The Chair advised that this item had been withdrawn from the agenda.

56 **20/00126/FP LAND NORTH OF ASHWELL STREET AND SOUTH OF LUCAS LANE BETWEEN HUNTSRIDGE AND EAST LODGE, 22 LUCAS LANE, ASHWELL, HERTFORDSHIRE**

Audio recording 5 minutes 17 seconds

Erection of 24 dwellings including creation of vehicular access off Ashwell Street, footpath link to Lucas Lane, associated public open space and landscaping (as amended by plans received 17.08.20).

The Senior Planning Officer presented the report in respect of application 20/00126/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- Paragraph 4.3.26 under “Recommendation” the first sentence should be deleted as it was included in error;
- Paragraph 4.3.85 all the pound signs had changed to the letter ‘J’ in error when the report was published;
- The Growth and Infrastructure Team, Hertfordshire County Council had requested that the indexation was clearly stated for the library service, youth service and secondary school education provision. This would be PUBSEC 175.
- There was an error in paragraph 3.23 and in fact fire hydrants were requested as per the consultation response from Hertfordshire County Council, Growth and Infrastructure Team;
- A representation had been received from Bygrave Parish Council since the report was published which highlighted concerns about construction traffic. Should Members be minded to grant permission these concerns could be dealt with by a condition requiring a traffic management plan;
- The Environment Agency had been reconsulted in light of the concerns raised by local residents with regard to surface water flooding. They had provided advice which was received after the Committee report was published. Should Members be minded to grant planning permission this issue this could be dealt with by condition.

Mr Graham Lee, Chair of Ashwell Parish Council, thanked the Chair for the opportunity to address the Committee in objection to application 20/00126/FP.

Mr Lee gave a verbal presentation including:

- Ashwell Parish Council supported the recommendation of the Senior Planning Officer to refuse planning approval for the development, for the reasons stated in her report;
- Ashwell Parish Council had submitted objections to the application previously as detailed in the Senior Planning Officer’s report at paragraph 3.24;
- In addition to the previous objections made, the Parish Council wished to raise the safety of the proposed vehicular access via Ashwell Street and Kingsland Way and the safety of non-motorised users of Ashwell Street;
- Ashwell Parish Council considered that the concept and location of the application conflicted with a number of local and national planning policies.

Councillor Tom Tyson, Member Advocate, thanked the Chair for the opportunity to address the Committee, including:

- He was speaking in objection to the application and in support of the Senior Planning Officer’s recommendation to refuse planning permission for the development;
- On the whole, neighbours’ comments (paragraph 3.25) had been taken in consideration;
- There was an ongoing issue of drainage and sewerage problems thought to be due to a full sewer which might be compounded by new development;

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- Open spaces and the rural character of Ashwell were being gradually eroded;
- 116 new homes had been built in Ashwell over the last 9 years;
- This development was unacceptable and would detract from the rural character of Ashwell.

Mr Sav Patel, speaking on behalf of the client Manor Oak Homes, thanked the Chair for the opportunity to address the Committee, including:

- Mr Patel wished to speak in support of the application;
- The development would support the Council's efforts towards meeting the house building and delivery target set by the government and included 8 affordable homes;
- The village of Ashwell was a sustainable location for development as it had a good range of facilities and was located close to the towns of Royston, Baldock and Biggleswade and had a railway station at Ashwell and Morden;
- The current Local Plan was considered to be out of date due to its age and non-conformity with the NPPF particularly in regard to Countryside Protection Policy 6;
- In the emerging Local Plan Ashwell is a Category A village where general development is allowed within the settlement boundary;
- The benefits of the scheme would outweigh the less than substantial harm that has been identified;
- The development had been designed to respond to the site constraints without adversely impacting local residents in terms of open space and views.

The following Members asked questions in relation to conservation and archaeology:

- Councillor David Levett;
- Councillor Val Bryant;
- Councillor Sam Collins.

Mr Patel stated that he considered that the concerns of the Conservation Officer had been addressed by the revised scheme and that his client was willing to undertake archaeology investigations as required and if necessary lift any remains or preserve them on the site.

In response to a question, Mr Patel confirmed that his client would look to agree Section 106 undertakings for the development once the scheme had been granted approval.

The Senior Planning Officer responded to points including:

- Refusal was not recommended on the grounds of concerns with regard to highways safety or drainage as this would be difficult to defend at appeal without objections from the relevant local authorities, but these matters could be raised if the application went to appeal;
- The view of the planning team was that the public benefits of the scheme would not outweigh the harm to the heritage asset;
- The Historic Environment Advisor had advised that the archaeology matter could be dealt with by condition.

The following Members took part in debate:

- Councillor David Levett;
- Councillor Daniel Allen;
- Councillor Tony Hunter;
- Councillor Michael Muir.

Points raised in the debate included:

- The report of the Development and Conservation Officer had concluded that the development would occasion less than substantial harm toward the upper end of the continuum that would outweigh the public benefits associated with the delivery of 24 dwellings and this opinion had been supported by several agencies;
- 24 houses would not necessarily make a big difference to housing targets;
- The 8 affordable houses were not secured as the Section 106 agreement was not yet in place;
- There were concerns over highways access;
- The number of vehicle movements in and out of the site per day (24) might have been underestimated;
- Members discussed whether to add highways concerns to the grounds for refusal;
- Members agreed that highways should not be added to the list of grounds for refusal due to the absence of an objection from the Highways Authority and the fact that this may be difficult to defend at appeal;
- The report of the Senior Planning Officer was comprehensive and provided three reasons for refusal;
- The Senior Planning Officer's report contained a balanced assessment of paragraph 196 of the NPPF.

The Development and Conservation Manager and the Legal and Regulatory Team Manager advised that the inclusion of highways concerns in the grounds for refusal without the support of the Highways Authority could result in a substantial cost award against North Herts District Council at a Public Enquiry even if the decision to refuse was upheld. Members subsequently agreed not to include an additional reason of highways concerns in the grounds for refusal.

Councillor David Levett proposed to refuse planning permission which was seconded by Councillor Daniel Allen and upon being put to the vote, it was:

RESOLVED: That application 20/00126/FP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

57 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals which was noted.

The Development and Conservation Manager advised Members that a recording of the training for Members delivered by the Planning Advisory Service would be made available on the Council's learning platform for all Members.

The Planning Advisory Service had agreed to deliver further training for Parish Councils in the new year.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 8.33 pm

Chair