

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH  
ON THURSDAY, 15TH JULY, 2021 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors: (Chair), Councillor Sue Ngwala (Vice-Chair), John Bishop, Morgan Derbyshire, Tony Hunter, David Levett, Mike Rice and Tom Tyson*

**In Attendance:** *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer) and William Edwards (Committee, Member and Scrutiny Officer)*

**Also Present:** *At the commencement of the meeting approximately 7 members of the public, including registered speakers.*

**11 APOLOGIES FOR ABSENCE**

*Audio recording – 2 minutes 10 seconds.*

Apologies for absence were received from Councillors Val Bryant, Mike Hughson, Kay Tart and Terry Tyler.

Having given due notice Councillors Ian Mantle and Michael Muir advised that they would be substituting for Councillors Val Bryant and Ian Moody respectively.

**12 MINUTES - 27 MAY 2021**

*Audio Recording – 2 minutes 37 seconds.*

Councillor Sue Ngwala proposed, Councillor Morgan Derbyshire seconded and it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 27 May 2021 be approved as a true record of the proceedings and be signed by the Chair.

**13 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 3 minutes 34 seconds.*

There was no other business notified.

**14 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 3 minutes 43 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 registered speakers as follows:

Members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5-minute time limit also applied to Member Advocates.

A bell would sound at 4 1/2 minutes to alert them that they have 30 seconds left

At 5 minutes, a bell would sound again to signify that the speaker must cease.

The Chair noted for item 6 that they had increased the speaking time to 10 minutes per group i.e. 10 minutes for objectors and 10 minutes for supporters. This 10-minute time limit also applies to Member Advocates.

(5) The Chair advised that Item 8 on the agenda, application 20/01764/FP, had been removed and would not be taken due to additional consultations being required before presentation.

## 15 PUBLIC PARTICIPATION

*Audio recording – 5 minutes 45 seconds.*

The Chair confirmed that the registered speakers were in attendance.

## 16 19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD, AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE

*Audio Recording – 6 minutes.*

Councillor Michael Muir advised that he was a Hertfordshire County Councillor. However, he had not had any input at County level on this application nor had the application gone before the Hertfordshire County Council Development Control Committee. Having sought advice from the Deputy Monitoring Officer, he would remain in the room and take part in the debate and vote on this item.

Councillor Sue Ngwala advised that the previous time this application came before the Committee she had seconded to a motion to refuse the application on Highways grounds. The application was deferred until a Highways officer could address the Committee. Having sought advice from the Deputy Monitoring Officer, she would remain in the room and take part in the debate and vote on this item as a Highways officer was present to provide information not available at the previous meeting.

The Senior Planning Officer presented the report in respect of application 19/00520/OP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor David Levett;

In response the Senior Planning Officer advised that his recommendation was made on the basis of a balance between planning policy requirements, the level of harm anticipated as a result of the proposal, and the necessity to provide a form of access technically acceptable by

Highways standards that would enable the development to provide the benefits of affordable housing and appropriate housing mix.

The Chair invited Mr Kevin Hinton and Mr Nathan Hanks to address the Committee.

Mr Kevin Hinton thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was a resident of the area for 37 years and was Chair of the Norton Action Group;
- The officers report states that Croft Lane was the only feasible access option but the public consultation conducted by Vincent and Goring Ltd stated that Croft Lane access was the 'achilles heel,' of the development;
- Impact to the surrounding conservation area had been limited by the current access options and would be increased if this development was approved;
- Croft Lane was currently in keeping with the conservation area in that it was home to buildings designed by key architects involved in the foundation of Letchworth Garden City;
- There were sight lines to the conservation area which would be impacted;
- The report's judgement that no substantial harm would ensue as a result of the access scheme and development was a judgement of convenience;
- Croft Lane was 3.8m wide at its narrowest and there were no footpaths for 320 meters from the access to the proposed site;
- Pedestrians and vehicles shared the access surface;
- According to the access assessment vehicle movement would increase by 350% between 8AM-9AM;
- The assessment did not make mention of the children expected on the site as a result of the 145 bedroom development;
- The proposed pedestrian crossing would attract more pedestrians to Croft Lane;
- The Information Commissioners Office had confirmed the NAG's request for unredaction of key documents had merit but said documents had not been received;
- The proposed use of Croft Lane for this development would detract from the value area, prejudice living conditions of existing and future residents, damage heritage assets, and result in a loss of safety for road users;
- Additional vehicles on a lane not designed for heavy traffic would result in a breach of NPPF regulations;
- The access scheme contravened the Hertfordshire Highways Design Guide, and there was additional risk of damage that could be incurred during construction.

Mr Nathan Hanks thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- Members of the Committee had shared his concerns around the lack of a footway but Hertfordshire County Council Highways officers had not provided a response to those concerns;
- The Road Safety Audit conducted by the applicant did not consider pedestrian safety along the section of the highway where no works were proposed; a Pedestrian Environment Review System would be required to consider the impact on the section of Croft Lane with no footway;
- Highways Officers would argue that Croft Lane provided adequate access without a pedestrian footway but this did not mean it could be considered safe when the increase in vehicle use as a result of the development was considered;
- The proposals would increase peak use of the access by a factor of three to four times;
- Croft Lane was used as a route to nearby schools and future residents on the proposed development would use it similarly;
- He was prepared to act as an expert witness on Highways matters on appeal at no cost to the Council;

**Thursday, 15th July, 2021**

- A significant expansion of the use of the highway with no widening of the road was not acceptable and unusual in cases such as this;
- The provision of a pedestrian crossing on Norton Road was no longer associated with this application;
- If Members were not satisfied that this access scheme would provide safe access to the site the application should be refused.

The Chair thanked Mr Kevin Hinton and Mr Nathan Hanks for their presentations.

The following Members asked questions:

- Councillor Ian Mantle

In response to questions Mr Nathan Hanks advised that Hertfordshire County Council guidance on Highways development required that any development over 25 houses have separate footways and roads, and in failing to meet this requirement the proposed access scheme was unacceptable.

The Chair invited Members to ask questions of Mark Youngman, Highways Officer from Hertfordshire County Council.

The following Members asked questions:

- Councillor David Levett

In response to questions Mark Youngman advised:

- HCC Highways had worked with the developer over the course of this application to build mitigation measures and an access scheme acceptable to relevant policies;
- The process of consultation with the developer had led to 8 different access options being considered;
- If the conservation area had not been a factor Highways Officers would have felt it reasonable to negotiate more in the way of traffic calming measures;
- Road widths in this application were proposed on the basis of pre-application advice made with reference to developing standards to future-proof the development.

The Chair invited Councillor Daniel Allen to address the Committee in his capacity as Member Advocate.

Councillor Daniel Allen thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was speaking against the application;
- Herts County Council contradicted themselves in their recommendations relating to this development;
- Access to the site has to be at least 3.8m wide at certain points to accommodate emergency vehicles and bin wagons;
- There were points of Croft Lane where pedestrians and vehicles shared the road surface;
- The access proposal required vehicles to sweep across the opposite side of the road to enter the site;
- He had informed the Committee of safety issues resulting from the roadway in its current form which would only be exacerbated by an increase in road traffic;
- The development would not decrease footfall across Croft Lane;
- The widened area only covered a third of Croft Lane;

**Thursday, 15th July, 2021**

- Most objections to the development are as a result of a lack of consideration for health and safety of residents around the use of the roads and lack of transparency in decision-making;
- Recent developments approved by this Committee based on flawed access schemes had resulted in road accidents;
- Key documents had not been disclosed to the Norton Action Group and the developers had demonstrated little respect for residents or NHDC;
- The proposal was unsafe and unsuitable and should be rejected.

The Chair invited Ms Claire Newbury and Ms Nicola Morris to address the Committee.

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

- The site was allocated for residential development in the emerging local plan and was given full consideration at Local Plan hearings, which included representations from the Highways Authority that confirmed suitable access could be achieved;
- The inspector had not disputed the suitability of the site;
- The proposed development would provide market and affordable housing to meet the identified housing needs of the district including 40% affordable housing and .37 hectares of public open space, employment during construction and investment in community facilities;
- A heritage assessment had identified assets in the vicinity of the site consisting of listed buildings principally set in substantial garden plots; overall the site made a neutral contribution to the conservation area;
- The proposed development had a low density layout with generous plot sizes, deep front gardens and tree lined streets;
- Access off Croft Lane was devised to resemble a country lane framed with an open landscape corridor to minimise impact on the conservation area;
- Extensive consultation had been conducted which included consideration of a number of access options;
- Planning balance consideration concluded that the access option proposed here resulted in the least harm to the conservation area while delivering a scheme safe and acceptable in Highways terms.

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

- She represented Stonemore Ltd which had conducted the transport assessment for the site;
- There had been extensive consultation on access options with the Highways and Planning Authorities;
- On balance it was determined that a scheme of access with two entrances to the site, Croft Lane for vehicle use and Cashio Lane for active travel was the most appropriate to the scale of the development;
- Accident data from Herts County Council showed no relevant figures between 2016 and December 2020;
- Based on contributions from HCC and NHDC it was predicted that traffic generation from the site would be low in view of the Cashio Lane active travel access providing sustainable and priority access to Letchworth Garden City directly;
- The access scheme envisioned a localised widening of site access at the east end of the site on to Cashio lane and retaining good visibility along Croft Lane as well as implementing off site measures to improve pedestrian crossing options;
- Two road safety audits had been undertaken and demonstrated no evidence that the roads were unsafe, and regular views of accident data confirmed no indication of an accident problem in the area;

**Thursday, 15th July, 2021**

- Existing traffic flow was light and while additional residents would result in a significant percentage increase the active amount would not be high; it was anticipated the development would result in an one additional vehicle every three to four minutes at key times;
- On the Norton Road crossing, HCC had identified the crossing as an existing requirement based on work undertaken in the Letchworth and Baldock transport plans, not as a result of this development;
- The implications of this development on a new crossing had been considered and any crossing would be delivered to meet local transport plan policies;
- The access strategy had considered a range of options and the current proposal considered all the advice given by relevant authorities.

The following Members asked questions:

- Councillor David Levett

In response to questions Ms Claire Newbury advised that since the Emerging Local Plan examinations there had been detailed discussions with the Highways authority to cover detailed access plans which had adequately covered the suitability of the access scheme presented.

In response to questions Ms Nicola Morris advised that the safety audit had considered options included flat-top road humps, speed reduction areas at a variety of ranges, widened development access, localised widening of existing footway and a new pedestrian crossing facility; it was not a 'Safer Routes to School,' assessment.

The Chair thanked the registered speakers for their contributions

The following Members asked questions of Mark Youngman, Herts County Council Highways Officer:

- Councillor Mike Rice
- Councillor Tony Hunter

In response to questions Mr Mark Youngman advised:

- A scheme of traffic calming measures had been proposed that complement the new junction layout including speed tables;
- The Highways Authority had worked with the applicant on proposing appropriate mitigations and had aimed to be respectful of the setting of the conservation area;
- The proposed Cashio Lane active travel access complied with LTP4 on reducing car journeys and ensuring any journeys as a result of housing growth were made by sustainable means;
- The width of access roads had been calculated with reference to active and vehicle access schemes, in order to preference vehicle access further away from the link in to the town centre;
- The accident record did not demonstrate evidence of injury accidents on Cashio Lane or Croft Lane and low traffic flows;
- The proposed development was not dense and would not result in a high increase in active use of the highway;
- In view of the lack of evidence in the accident record there was no basis upon which HCC could justify a refusal of planning permission on Highways grounds.

Councillor Morgan Derbyshire exercised his Councillors' Speaking Right, contributing points including the following and then taking no further part in the debate or vote regarding this item:

- He seconded Councillor Daniel Allen's presentation;

- 3.8m was not wide enough to cope with the volume of traffic generated by the development;
- Residents of Croft Lane had expressed concern about issues of congestion resulting from 42 new homes on a street with no public footpath;
- This development would have an unacceptable impact on highways safety and should be refused on highways grounds.

The following Members took part in the debate and consideration of this item:

- Councillor David Levett;
- Councillor John Bishop
- Councillor Ian Mantle

Councillor David Levett proposed, Councillor Mike Rice seconded and upon the vote it was:

**RESOLVED:** That application 19/00520/OP be **REFUSED** planning permission for the following reason:

“In the opinion of the Local Planning Authority the proposed vehicular access associated with this development would generate additional traffic onto Croft Lane which has a substandard road width. Such additional traffic would be to the detriment of highway safety in the locality, contrary to Policies T1, SP6 and SP7 of the Emerging North Hertfordshire District Local Plan (2011-2031) and to paragraphs 109 and 127 (f) of the National Planning Policy Framework (NPPF).”

*N.B the Chair adjourned the meeting for a short break. The meeting resumed at 1 hour 36 minutes on the audio recording.*

## 17 20/03018/FP LAND WEST OF, ROYSTON BYPASS, ROYSTON, HERTFORDSHIRE

*Audio Recording – 1 hour 36 minutes.*

The Senior Planning Officer presented the report in respect of application 20/03018/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Ms Laura Grimason to address the Committee.

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

- She was acting as agent for the applicant and speaking in support of the application;
- The property would be owned by Frontier Estates and managed by Quantum Care delivering care home services to residents;
- Quantum Care was based in Hertfordshire and run on a not-for-profit basis, worked with Herts County Council, and operated a home in Royston;
- The new home would reflect the needs of the community and deliver services to cater for a mixture of residents with differing needs;
- There would be accommodation for residents in need of 24hr specialist support in addition to medical services;
- Some residents would be unable to leave the site unaccompanied;
- The site had been subject to two applications recently, the first of which was rejected by the Council but approved at appeal, and the second of which was an amended scheme at a reduced scale;
- This application would provide 73 beds in buildings over two storeys, minimising the difference between the care home and future neighbouring homes;
- The development provided an innovative approach to levels and gave residents direct access to gardens from each floor;

- The development provided benefits including the provision of care beds to meet a local shortfall and wider benefits to the health and wellbeing of the community, allowing residents to access care in their home towns where proximity to their families was important;
- The pandemic had demonstrated the importance of purpose built care homes;
- Royston had no care home beds with en suite provision which this development would provide;
- En suite provision was a minimum standard and essential for infection control;
- The care home would provide a short term economic benefit due to construction and a longer term benefit in the provision of 53 full time jobs in the home;
- The site was considered appropriate and sustainable for development in ecological term and the development complemented the character of the area with additional landscaping and biodiversity enhancements.

The following Members asked questions:

- Councillor David Levett

In response to questions Laura Grimason advised the applicant had not yet decided which of the two development proposals would be progressed if both were granted planning permission.

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

- Councillor Tony Hunter
- Councillor Ian Mantle

Councillor Tony Hunter proposed, Councillor Ian Mantle seconded and on the vote it was:

**RESOLVED:** That application 20/03018/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**18 20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD**

This item was withdrawn from the Agenda and was not presented at this meeting.

**19 21/00401/FP LAND AT IVEL COURT, RADBURN WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE**

*Audio Recording – 1 hour 59 minutes.*

Councillor David Levett declared an interest in that he was a member of the Cabinet which had made the decision to sell the land concerned by this application. As such he would take no part in the debate or vote on this item and would leave the meeting.

Councillor Tony Hunter declared an interest in that he was a member of the Cabinet which had made the decision to sell the land concerned by this application. As such he would take no part in the debate or vote on this item and would leave the meeting.

The Legal Regulatory Team Manager confirmed that as Councillor Levett and Councillor Hunter had made a decision as members of the executive to sell this land conditional on gaining planning permission they have fettered their discretion to take part in the decision making process for planning permission. To the reasonable person, if they were to take part in the decision for planning permission at PCC it would be seen as predetermination.



The Development and Conservation Manager presented the report in respect of application 21/00401/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Michael Muir

In response to questions the Development and Conservation Manager advised:

- Detailed specifications of cycle storage in the development were not included in the application but a sizeable unit had been allocated, and if Members were minded a condition on size could be included;
- The applicant was not an affordable housing provider and would not act as the owners of the affordable housing in the scheme.

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

- Councillor Ian Mantle
- Councillor Michael Muir

In response to questions the Development and Conservation Manager advised that a condition on electric vehicle charging could be added to the recommendations of the report.

Councillor Ian Mantle proposed, Councillor Michael Muir seconded and it was:

**RESOLVED:** That application 21/00401/FP be **GRANTED** planning permission subject to the conditions and reasons outlined in the report of the Development and Conservation Manager and the following additional condition:

“Prior to the commencement of the development hereby permitted, full details of internal cycle and mobility vehicle storage and EV charging, shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in completed accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority.”

## 20 PLANNING APPEALS

*Audio Recording – 2 hours 14 minutes.*

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

It was:

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

**REASON FOR DECISION:** To keep the Planning Committee apprised of planning appeals lodged and planning appeal decisions.

The meeting closed at 9.45 pm

Chair