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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 15TH SEPTEMBER, 2022 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Alistair Willoughby, David Levett, Ian Moody, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Terry Tyler and Tony Hunter*

**In Attendance:** *Tom Allington (Principal Planning Officer), Tom Rea (Principal Planning Officer), Naomi Reynard (Senior Planning Officer) Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), William Edwards (Committee, Member and Scrutiny Manager)*

**Also Present:** *At the commencement of the meeting approximately 8 members of the public, including registered speakers.*

#### 14 APOLOGIES FOR ABSENCE

*Audio recording – 0:30*

The Chair announced that North Herts Council joined the whole nation and The Royal Family in mourning the death of Her Majesty the Queen.

On behalf of our residents the Committee expressed our deepest sympathies The Royal Family. As the longest serving monarch in British history, Her Majesty the Queen devoted her life to the country as a symbol of unity, strength, and hope for all.

Members joined the Chair in a minutes' silence.

Apologies for absence were received from Councillor Daniel Allen.

Having given due notice Councillor Nigel Mason advised he would be substituting for Councillor Daniel Allen.

The Chair advised that Councillor Nigel Mason had sent his apologies for late-running and would join the meeting soon.

#### 15 MINUTES - 31 MARCH, 23 JUNE 2022

*Audio Recording – 3:02*

The Chair advised that there were two sets of minutes for consideration and that these would be taken separately.

The Chair proposed, Councillor Tom Tyson seconded and on the vote it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 31 March be approved as a true record of the proceedings and be signed by the Chair.

The Chair advised that an amendment was to be made to the minutes of the meeting on 23 June 2022 as follows: that at minute 7 resolution (1) was meant to include a section from the officer's report omitted by error, the words to be included being "That the applicant agrees all necessary extensions to the statutory determination period to enable the completion of the deed of variation S106 agreement. In the event that agreement is not secured to extend the statutory determination that the members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement"

The Chair proposed that this amendment be made. Councillor Tom Tyson seconded.

Councillor Nigel Mason joined the meeting at 19:36. The Chair advised that Councillor Mason was not able to vote on the motion currently tabled as he was not present for its full duration.

On the vote it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 23 June 2022 be amended as follows:

At minute 7, resolution (1) to read:

- (1) That application 21/03533/FP be **GRANTED** planning permission subject to the conditions and reasons as set out in the report and with the following additional condition:

"That the applicant agrees all necessary extensions to the statutory determination period to enable the completion of the deed of variation S106 agreement. In the event that agreement is not secured to extend the statutory determination that the members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement"

The Chair proposed, Councillor Tom Tyson seconded and on the vote it was:

**RESOLVED:** that the Minutes (as amended) of the Meeting of the Committee of the Committee held on 23 June 2022 be approved as a true record of the proceedings and be signed by the Chair.

## 16 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 6:26*

There was no other business notified.

## 17 CHAIR'S ANNOUNCEMENTS

*Audio recording – 6:27*

- (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 and video recorded and recordings would be available to view on the Council's YouTube channel and via mod.gov;
- (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 regarding times to speak.

**18 PUBLIC PARTICIPATION**

*Audio recording – 7:35*

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

**19 17/01464/1 - LAND ADJACENT TO OAKLEA AND SOUTH OF, COWARDS LANE, CODICOTE**

*Audio Recording – 7:48*

The Senior Planning Officer presented the report in respect of application 17/01464/1 - LAND ADJACENT TO OAKLEA AND SOUTH OF, COWARDS LANE, CODICOTE supported by a visual presentation consisting of plans and photographs and provided the following additional updates:

- The supplementary agenda pack published with this item included an update on the implications of the Inspectors Report on the emerging Local Plan which had been returned; the main point included was that subject to a number of main modifications set out in the appendix to the report the emerging Local Plan was sound, legally compliant, and capable of adoption;
- This meant that the policies and site allocations made under the emerging Local Plan could be given very significant weight when determining planning applications;
- Two additional representations had been received since the report was written which were uploaded to the Planning Portal and which reiterated objections already included in the report;
- A representation from Herts and Middlesex Wildlife Trust had also been received which made comments regarding the 12m buffer to hedgerows and objections to the interpretation of the emerging local plan's policy by Herts Ecology;
- The front page of the report omitted the applicant's name in error; the applicant was Warden Developments Limited;
- There was an error in paragraph 4.3.1 of the report where it refers to "full" application it should instead refer to "outline" application;
- There was an error in informative 2 which related to off-site highways works where the numbers of the conditions to which it relates were missed which should read "The off-site highways works referred to in conditions 17 and 18 above shall include:"

The following Members asked questions:

- Councillor Ian Moody
- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor Tony Hunter

In response to questions the Senior Planning Officer advised:

- The changes to the hedgerow buffer such that only the wildlife site would have 12m were consulted on during the course of the application and Herts Ecology raised no objections to the proposed amendment;
- Insisting on a 12m buffer around all sites could impact the deliverability of developments on smaller sites such as this;

- The extension of time was requested prior to receipt of the inspector's final report; officers considered that the application was in a position to be determined hence its inclusion on the agenda and it was not felt that prematurity would be a viable reason for refusal;
- 40% of the development would be affordable housing as secured in the S106 agreement. This was a percentage figure as at this stage the total number of dwellings was not determined but as the outline application was for up to 83 dwellings figures had been proposed to illustrate the housing mix as follows – 33 affordable dwellings, 65% of which would be social affordable rented units and 35% shared ownership units in line with the mix set out in the local plan;
- Details of the methods used to assess the levels of harm generated by this proposal, including references to the Greenbelt Review that was part of the background to the submission of the local plan, were included in detail in the report;
- The First Homes policy was introduced during the life of this application. The applicant was asked to consider including First Homes in the housing mix and going forward the inclusion of First Homes in a development could be a material planning consideration but in this instance the applicant preferred to keep the housing mix as outlined in the report which it was felt was appropriate to meet local housing need
- The issues of access were discussed in detail in the report. Officers rely heavily on the advice of the Highways Authority who have considered the application, delivered a detailed response, and not raised any objections and it was therefore the officers' view that objection on highways grounds would not be a sustainable reason to refuse permission.

The Chair invited Mr Chris Watts to speak in objection to the application.

Mr Chris Watts delivered a presentation including:

- The proposed scheme would constitute inappropriate development in the Greenbelt and thus, by definition, cause harm to the Greenbelt to which significant weight should be given.
- There would be harm to the openness of the Greenbelt, to the rural setting of Codicote, harm to its landscape setting, harm to the heritage significance of various listed buildings in the High Street and hedgerows;
- The proposed development would inevitably result in an increase in traffic, adding to congestion already on the High Street, particularly at peak times.
- There would also be significant harm to the adjacent wildlife site;
- Officers had consistently underweighted the harm caused to the greenbelt when considering applications of this sort, in the greenbelt review process, and during the local plan process;
- The development would completely destroy the rural and landscape setting the village at that end of Codicote and result in a complete loss of openness and rural character on the site;
- Development on this site would harm the greenbelt barrier that exists between Codicote and Welwyn;
- The report held that infrastructure works associated with the development would be neutral in the planning balance which further reinforced the argument that officers had underweighted the harms resulting to the greenbelt;
- The site was not suitable for as many as 83 dwellings and if the number was significantly reduced the amount of social housing included was likely to be down rated, mitigating the supposed benefits of the proposal, on viability grounds;
- Plans to expand the local school to accommodate the development did not take into account development on brownfields sites nearby and this new proposal would overburden the capacity for school places being provided;
- The application should be deferred until the local plan is settled following Council in October and if not, refused on the basis of the harms identified above.

The Chair invited Mr Paul Watson to speak in support of the application.

Mr Paul Watson delivered a presentation including:

- The site was marked for residential development in allocation CD1 in the Emerging Local Plan;
- The section 106 agreement secured a quota of 40% social housing and significant financial contributions to local infrastructure including local highway schemes, bus services, local nursery provision, primary and secondary education, health services, and sports and open space;
- The inspectors report published subsequent to the application endorsed the allocation and related plans;
- Housing supply was a continual issue for the District as identified by the inspector and this site would contribute up to 83 dwellings to address pressing housing need;
- The greenbelt reviews conducted were considered to be high quality and their findings were sound;
- All of the criteria in the emerging local plan attached to allocation CD1 were met by the terms of this application;
- There were no technical objections from the statutory consultees;
- Whilst current master plan is indicative, it did demonstrate how a soft edge the site so as to be a sensitive interface with the nearby village could be created along with the 12 meter buffer with the adjacent wildlife site.
- Members would have the opportunity to review proposals for the site as part of future reserved matters application;
- It was clear that the site occupied a sustainable location and that development here would deliver a high quality environment for future occupiers, including the full policy compliant level of affordable housing.

The Senior Planning Officer advised the following in respect of points raised during the presentations:

- Harm to the greenbelt had been assessed by officers in line with comments from the Inspector and was considered to be moderate at best, and the impact of the Heath Lane decisions (concerning a larger site in more open setting) was a material planning consideration;
- No harm to the heritage value of listed buildings had been identified and the harm to the heritage asset of the hedgerows was considered to be less than significant.
- This harm would be weighed against the significant public benefit of the provision of up to 83 dwellings that represented much needed market and affordable housing;
- There would be no requirement incumbent on adjacent landowners to supplement the proposed 6m hedgerow boundary on their own land and Herts Ecology had raised no objections to the proposed boundary scheme;
- The impact to infrastructure had been considered moderate in view of the secured Section 106 funding to provide mitigations and the assessment of school capacity and the uplift required resulting from developments relied heavily on the view taken by Hertfordshire County Council officers.

The following Members took part in debate:

- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Ian Moody
- Councillor Tony Hunter
- Councillor Alistair Willoughby

Points raised in the debate included:

- The pedestrian access outlined in the application was not sustainable or appropriate in view of the walking distances proposed to the nearest bus stops;
- The only unreserved matter on this application was road access to the site and the provision made looked particularly poor; the road was small and frequently congested and there was no safe footpath beside it and the addition of this development would exacerbate these problems;

In response to points raised the Senior Planning Officer advised:

- The scheme included pedestrian access directly to Codicote high street and the scheme had secured by S106 agreement contributions to the South and Central Growth Transport Plan and expansion of the bus service through Codicote which would improve bus stop provision and accessibility;
- The access scheme proposed was the result of a series of consultations and negotiations with the Highways Authority and was considered to be an improvement on the current problems described at the junction and would include the addition of a public footpath set back from the road;
- Officers relied on advice from the Highways Authority as statutory consultee and no objections to the scheme had been raised.

Councillor Alistair Willoughby proposed, Councillor Tom Tyson seconded and on the vote it was:

**RESOLVED:** That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Levelling Up, Housing and Communities, subject to the completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and the conditions and informatives as set out in the report, and the following amendment:

Informative 2 relating to off-site Highway Works to read:

“Off-site highways work Informative

The off-site highways works referred to in conditions 17 and 18 above shall include:

- Pedestrian dropped kerbs and tactile paving either side of the Cowards Lane / spine road junction, with a suitable level of visibility from the tactile crossing points.
- Pedestrian dropped kerbs and tactile paving either side of the B656 / spine road junction.
- Measures to prohibit the parking of vehicles (e.g. double yellow lines) at the roadside of the B656 to ensure the necessary level of visibility from the site access, and from the pedestrian crossing points on the B656, are maintained in perpetuity.
- The upgrading of the two existing bus stops closest to the site along the B656, including raised Kassel kerbing.
- The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development.”

20 **21/02957/FP LAND ON THE SOUTH WEST SIDE OF, BARKWAY ROAD, ROYSTON, HERTFORDSHIRE**

Audio Recording: 1:17:41

The Principal Planning Officer presented the report in respect of application 21/02957/FP supported by a visual presentation consisting of photographs and plans, along with the following updates:

- The supplementary agenda pack published with this item included an update on the implications of the Inspectors Report on the emerging Local Plan which had been returned; the main point included was that subject to a number of main modifications set out in the appendix to the report the emerging Local Plan was sound, legally compliant, and capable of adoption;
- This meant that the policies and site allocations made under the emerging Local Plan could be given very significant weight when determining planning applications;
- Late representations had been received which reiterated points already considered by the report including concerns around; design, height and proximity of the houses and the loss of privacy to Shepherd's Close residents; concerns that an archaeological survey should be carried out; increase in traffic; additional burden on the town's infrastructure; concerns of damage to existing properties that might occur through construction; health and safety issues; and concerns around surveys including the bat survey conducted and the design codes used by the Council in assessing the development;
- There was an amendment to be made to the S106 table at page 129 of the agenda pack to reflect the monitoring fee of £340 charged at each trigger point in the legal agreement;
- There was additional wording to be added to condition 9 as follows: "The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Bat Survey Report by Three Counties Ecology, the Preliminary Ecological Assessment and Potential Roost Assessment (August 2021)."

The following Members asked questions:

- Councillor David Levett
- Councillor Tom Tyson

In response to questions the Principal Planning Officer advised:

- The power line ran directly above the access road;
- The bridleway/footpath headed northwards towards central Royston.

The Chair invited Mr Roger Mead to speak in objection to the application.

Mr Roger Mead gave a presentation including:

- Plots 7 and 8 on the plan were intrusive and would sit close to his property resulting in a loss of light and overlooking;
- A light survey he had conducted from October to March between the hours of 8:15-14:15 suggested he could lose up to 88% of the light to his property and to his neighbours;
- The view from his property would be interrupted by the new development;
- The height of the proposed dwellings was such that it would lead to overlooking and a loss of privacy and there were first floor windows looking directly on to his property;
- There would only be 1.5m distance between the boundaries of his property and the plots at 7 and 8;
- He was supportive of development in Royston but concerned about the position and height of this part of the proposed development.

The Chair invited the Principal Planning Officer to respond to points raised in the presentation.

The Principal Planning Officer advised that:

- The applicant had been asked to obtain a daylight and sunlight assessment and a report had been produced by consultants which accompanies the application based on the industry standard;
- The numerical results of that study confirm that the impact of the proposed development on the light receivable by the nine existing dwellings is in full accordance with good practice and therefore the proposed development design satisfies all of the requirements set out in the BRE Guide Site Layout Planning for Daylight and Sunlight;
- Regarding overlooking, condition 135 required any windows looking towards Shepherds Close (the neighbouring properties) have obscure glazing;
- Plot 8 would be near 5 meters away at the nearest point from the boundary and Plot 7 would be 4, and additional landscaping was proposed along the boundary.

Councillor Simon Bloxham asked a question of clarification and in response the Principal Planning Officer confirmed the plots being discussed by himself and Mr Roger Mead were corresponding.

The following Members asked questions and took part in debate:

- Councillor Tony Hunter
- Councillor David Levett
- Councillor Terry Tyler

In response to questions the Principal Planning Officer advised:

- Conditions were proposed that meant all details of hard and soft landscaping be approved by the Council, that trees be retained, and any loss of soft landscaping measures in the first few years of the development be replaced by the developer;
- Officers relied on the advice of the Health and Safety Executive when considering issues like power lines;
- The Energy Networks Association produced guidance on construction and development near power lines and based on that information and the fact that the power line was of the lowest voltage in use the minimum suggested safe distance between the line and development was 3m; the proposed plan had a distance of 6 meters.

Councillor David Levett proposed, Councillor Alistair Willoughby seconded and on the vote it was:

**RESOLVED:** That planning permission be **GRANTED** subject to the completion of a satisfactory S106 Legal Agreement and the reasons and conditions set out in the report, subject to the following amendment to condition 9 to read:

“The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Bat Survey Report by Three Counties Ecology, the Preliminary Ecological Assessment and Potential Roost Assessment (August 2021).”

## 21 PLANNING APPEALS

*Audio Recording: 1:44*

The Principal Planning Officer presented the report entitled Planning Appeals and highlighted that there were seven appeal decisions received to report on and of those seven two were withdrawn leaving us with five; of those five are all delegated decisions. In his view none of them were contentious or significant appeal decisions.

Thursday, 15th September, 2022

By assent of the meeting it was:

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

The meeting closed at 9.17 pm

Chair

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