

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE SPIRELLA BALLROOM,  
ICKNIELD WAY, LETCHWORTH GARDEN CITY  
ON THURSDAY, 21ST JUNE, 2018 AT 7.30 PM**

**MINUTES**

**Present:** *Councillors Michael Muir (Vice-Chairman), Allen, Brown, Paul Clark, Bill Davidson, Sarah Dingley, Cathryn Henry, Mike Hughson, Tony Hunter, Ian Mantle, Sue Ngwala, Harry Spencer-Smith and Michael Weeks*

**In Attendance:**

*Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Kate Poyser (Senior Planning Officer), Melissa Tyler (Planning Officer) and Hilary Dineen (Acting Committee and Member Services Manager)*

**Also Present:**

*At the commencement of the meeting approximately 39 members of the public, including 9 registered speakers and 1 Member Advocate (Councillor Sam Collins).*

**12 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Mike Rice (Chairman) and Jean Green.

**13 MINUTES - 24 MAY 2018**

**RESOLVED:** That the Minutes of the meeting of the Planning Control Committee held on 24 May 2018 be approved as a true record of the proceedings and signed by the Chairman.

**14 NOTIFICATION OF OTHER BUSINESS**

There was no other business.

**15 CHAIRMAN'S ANNOUNCEMENTS**

- (1) The Vice-Chairman welcomed the officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Vice-Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Vice-Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Vice-Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;

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- (5) The Vice-Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) The Vice-Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest and wished to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

## **16 PUBLIC PARTICIPATION**

The Vice-Chairman confirmed that 9 registered speakers and 1 Member Advocate (Councillor Collins) were present.

## **17 17/04239/OP - LAND ON THE NORTH EAST SIDE OF PRIORS HILL, OPPOSITE HILL FARM AND NORTH OF DANEFIELD ROAD, PRIORS HILL, PIRTON, HERTFORDSHIRE**

Outline application for the erection of 24 dwellings (including 7 affordable dwellings), together with provision of open space with seating, a perimeter path, archaeological information boards, footpath link, landscaped bunds and access to Priors Hill. (All matters reserved except means of access.) (as amended by plan no. 10 A received 1/3/18).

The Area Planning Officer advised that the description of the application related to the revised scheme.

There were two typographical errors in the report as follows:

Condition 11 – Page 20 should read:

11. (B) The demolition / development shall take place / commence in accordance with the programme of archaeological works set out in the WSI approved under condition 10.

Condition 12 - Page 21 should read:

12. (C) This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 10 and the provision made for analysis and publication where appropriate.

The Area Planning Officer advised that he had received a communication from JPP Land Ltd, the applicant which summarised the proposals, this had been circulated to all Members of the Committee.

He had received information from the applicant's archaeological agent regarding the current archaeological position at the site which stated the following:

All archaeological work was signed off by the County Council Archeological Officer, this includes the written scheme and all reports.

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The County Council Archaeological Office had confirmed in writing to the Local Authority that no further archeological evaluation was required to support the application.

Historic England had welcomed the development as mechanisms would ensure the future management and safeguarding of the scheduled monument.

The Agent advised that, should the application be consented, development would be preceded with a further full archaeological excavation, which would be published for the benefit of the wider community.

The Applicant would approve of a condition to provide public open days and outreach to the local community and schools.

The skeleton found on the site was awaiting carbon dating results, due to a long delay due to unprecedented amount of archeological work being carried out by the firm undertaking the carbon dating. However, this had no bearing on the determination of this application.

The Area Planning Officer presented a report in respect of planning application 17/04393/RM supported by a visual presentation consisting of plans, drawings and photographs of the site.

He reminded Members that this was an outline application with all matters reserved, except for access.

Parish Councillor Diane Burleigh thanked the Vice-Chairman for the opportunity to address the Committee in objection to application 17/04393/RM.

Parish Councillor Burleigh, representing North Hertfordshire Archeological Society and Pirton Parish Council, informed Members that they were unaware of the applicant's archeological report, as it had not appeared on the planning portal.

The Archeological Society, supported by the Parish Council, was seeking a deferment of this outline planning permission until such time as a sufficient archaeological evaluation of the site was completed as this was in the same field as the monument.

The archeological work to date was insufficient to provide an assessment of the significance of any archaeological remains on the site in a local, regional and national context.

It was not appropriate to make a decision without a proper archaeological assessment.

The human remains found on the site in 2017 had not been radiocarbon dated, the only dating evidence.

JPP Land had had 6 months in which to carry out the radio carbon dating, the human remains being first found in December 2017.

The Scheduled area was described as "Anglo Saxon enclosure and probable pre-historic ring ditches". The dating of the human remains could turn this probable into a definite.

There had been no effort made to investigate whether the important Saxon Enclosure site extended into the area proposed for development by investigating the actual boundary to the site at the access point and across the field bank.

This meant that it was not possible to place the significance of any finds, including the human remains, in their National context, a requirement of all evaluations, and effectively ruled out the possibility of extending the Scheduled area as an application for scheduling would not be considered post granting if permission.

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The Archaeological Society had originally applied for the site to be scheduled and there was now an opportunity to undertake further investigations to see whether the rest of the site should be scheduled.

Parish Councillor Burleigh concluded by stating that the people of Pirton were proud of their heritage and without further investigation it was difficult to know what was on the site, therefore the application must be deferred as with the information currently available, the application could not be determined.

Members queried why the County Archaeologists were confused about this site as the archaeological experts, in full knowledge of the skeletal remains, had signed this off.

Parish Councillor Burleigh informed Members that, if they signed off the application, the result would be that the site could never be Scheduled, even if the most important finds were subsequently made

She had no idea why the County Archaeologist had signed this off, she had tried to contact them, but never received a reply.

The Archeological Society had asked for the main site to be scheduled and had plenty of information in support of this but did not apply for the development site to be scheduled as not enough work had been done on the site.

This site had been de-scheduled, not because it was not able to be scheduled, but because the work had not been undertaken to allow it to be scheduled.

Failing to date the skeleton and failing to check whether the Anglo-Saxon boundary extended into the development site was understandable from the developer's side, but there was not enough information to make a decision regarding scheduling.

Even the archeologist on site didn't know why the access was not being investigated.

The Vice-Chairman thanked Parish Councillor Burleigh for her presentation.

Mr Douglas Bond, Applicant's Agent, thanked the Vice-Chairman for the opportunity to address the Committee in support of the application 17/04393/RM.

Mr Bond informed Members that the application sought to establish the principle for residential development, consisting of 24 dwellings, with a means of access off Priors Hill.

Applications were to be determined in accordance with the development plan.

The development plan comprised the North Herts Local Plan, but also the more recent Pirton Neighbourhood Plan.

The Planning Act confirmed that the most recent development plans superseded any earlier one where there is a conflict.

The made neighbourhood plan confirmed the application site was now within the defined built up area of Pirton and in development plan terms the principle of residential development on this site was acceptable. This was a weighty material consideration in support of the application.

The proposal was also below the 30 unit size threshold in the neighbourhood plan policy PNP1, further reinforcing the appropriateness of this application.

The application had been subject to public consultation, including meetings with the Parish Council, where issues and ideas were discussed and exchanged.

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This applicant had been extremely transparent regarding archaeology with 3 phases of archaeological evaluation. These followed pre and post application engagement with Historic England and the County Council Archaeologist and were consistent with policy and best practice.

The archaeological investigations were comprehensive and more intensive than those carried out for the Scheduled Ancient Monument.

They had all been signed off by the County Council archaeologist, who had not asked for any further work to be carried out, despite comments from local interest groups. The archaeologist had had the reports for a number of months and had plenty of time before coming to his conclusions.

The investigations had not revealed any archaeological interest likely to affect the principle of development on the site. Moreover, there were conditions (nos 10.11 and 12), accepted by the applicant, requiring a full archaeological dig of the entire site, including the areas highlighted by the previous speaker, with a full record and full publication of these findings. This would occur before any development occurred on the site.

The extent of the pre-determination work had been extensive, on a site that Historic England confirmed was not of sufficient value to be a Scheduled Ancient Monument and this was why Historic England and the County Council raised no objections. With a full dig condition in place, the issues raised by the objector had been addressed and was consistent with national policy, development policy and best practice.

It was important to recognise that the proposed residential development lay beyond the Scheduled Ancient Monument and Historic England had confirmed that the proposals for new public open space on the Monument would sustain, manage and enhance this important heritage asset.

Furthermore, the new public space would further reveal the Scheduled Ancient Monument and be one of the largest open areas in the village, close to the centre. These open spaces could only be seen as positive benefit arising from the scheme.

Additional benefits included the provision of 24 dwellings, at a time when the Council could not demonstrate a five-year land supply. This included the provision of 8 affordable houses, which were of a size and tenure that met the housing officer's requirements, as well as emerging Local Plan policy HS2.

The proposed development was well related to and framed against existing built development, which was of a lower density than the immediate surrounding area.

Mr Bond concluded by stating that, overall, the proposal had many significant benefits, was compliant with relevant development plan policy and a Section 106 agreement was in place such that permission can be granted.

Members asked for clarification that the archaeology carried out was more intensive than that carried out on the Scheduled Ancient Monument.

Mr Bond advised that the archaeologist had the Archaeology Plan and extensive trenching was undertaken. They had gone beyond what was required of them and had gone above and beyond to make sure there were no significant finds. This was at the heart of what was requested by the County Archaeologist in response to comments of local people.

The Vice-Chairman thanked Mr Bond for his presentation.

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The Area Planning Officer advised that he had spoken to the County Archaeologist and, in his view, there were no grounds to defer this item.

Members asked for clarification as to whether, if this application were granted permission, the site could subsequently be scheduled or not.

The Area Planning Officer advised that this site had previously been scheduled and that, if permission were granted, this would prevent further scheduling.

Members asked whether the previous scheduling had been removed due to lack of information. They queried what would happen if archaeological finds were made at a later date and whether the site had been scanned with ground penetrating radar.

The Area Planning Officer confirmed that a site with planning permission would not then be scheduled. If finds were made, that had to remain in situ, if necessary the siting of the development could be adjusted to accommodate them under the reserved matters.

Members commented that Historic England should look particularly at sites next to scheduled sites and expressed concern that, in this case, all archaeological bases had not been covered. They queried what would happen if significant finds were made below the proposed access.

The Area Planning Office advised that the views of the archaeological advisor should be considered and they had consulted and received conditions. The County archeologist was satisfied that there were ways to either go around finds or put in mitigation measures to take account of finds.

Members sought clarification regarding the what would be reserved matters if this outline permission were granted.

The Area Planning Officer advised that all matters of scale appearance, siting and landscaping would be the subject of a future application. The detail being considered at this meeting was the access.

Upon being moved, seconded, and put to the vote, it was

**RESOLVED:** That planning application **17/04393/RM** be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the revised conditions below:

Condition 11 to read:

11. (B) The demolition / development shall take place / commence in accordance with the programme of archaeological works set out in the WSI approved under condition 10.

Condition 12 to read:

12. (C) This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 10 and the provision made for analysis and publication where appropriate.

**18 17/04393/RM - LAND SOUTH WEST OF BARKWAY SOCIAL CLUB, CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE**

Reserved Matters application (appearance and scale). Residential development of 12 dwelling with associated access road. Pursuant to Outline Planning permission granted under ref 16/02237/1.

The Senior Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/04393/RM supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Senior Planning Officer advised that the application site was located on the northern edge of Barkway village, within the village boundary, as defined in the new Local Plan 2011-2031 and was outside of Barkway Conservation Area.

It adjoined residential development on the southern and western boundaries and paddocks on the northern boundary.

The outline application was for a residential development of 12 dwellings, together with associated access road. The matters of layout, landscaping and access were considered in the outline application and a Section 106 agreement was completed and signed. Matters of scale and appearance were reserved and formed part of this application.

All properties had electric vehicle charging points and all bins had a dedicated area within the site or rear gardens, with access to move the bins on collection days.

All properties were two storey, with heights of approximately 8 metres

They had worked with the applicant to create a development that would fit into the village of Barkway in terms of materials used.

The original scheme proposed a variety of different materials. The Parish Council raised concerns regarding the proposed materials and the applicant amended the scheme to a more simple palette with properties having expressed chimneys in order to give the roof scape interest.

Members noted the Parish Council's concerns regarding the number of parking spaces of 4 and 5 bedroomed houses and asked whether it could be conditioned that the garages could not be converted into living space.

The Senior Planning Office advised that parking had been addressed in the outline planning permission and that each property had 3 spaces, whilst the Parking SPD required only 2.

The outline application had a condition which meant that garages could not be converted.

Members queried whether solar panels had been considered and whether the roots of the trees near the access were likely to be damaged and whether it could be conditioned that the roots of the trees were protected.

The Senior Planning Officer advised that the outline planning permission had a condition regarding root protection.

Solar panels were not discussed, but each property had an electric vehicle charging point.

Upon being moved, seconded, and put to the vote, it was

**RESOLVED:** That application **17/04393/RM** be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

**19 18/00338/FP - SPRINGWOOD, PRESTON ROAD, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QR**

Erection of two storey linked office block

The Senior Planning Officer advised that this was a proposal to extend an office building.

Paragraph 3.2 of the report mentioned the possibility of there being roman snails on the site. Hertfordshire Ecology had advised that the presence of these snails should not prevent development, although any snails should be relocated. An additional condition would be required regarding this.

A condition was also required to ensure protection of the tree roots stating that trenches would be hand dug and that there would be no mechanical digging at the site of the roots of the trees.

The Senior Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 18/00338/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

The office building was surrounded by trees and one tree was required to be removed.

Materials would match with the existing building and would have a lot of sustainable and green features.

Mr Philip Wharton thanked the Vice-Chairman for the opportunity to address the Committee in objection to planning application 18/00338/FP.

Mr Wharton, a local resident, advised Members that he lived in Gosmore Hill and was the nearest neighbour to the proposed development.

The site was originally a small two bedroomed building which had been replaced about 5 years ago and at that time Dermal had given assurances that they would not extend this building but would extend their Kempston building.

They were now looking to double the size of this building in a rural location for just 12 new jobs and they suggested that this was for the benefit of the area, yet 60 percent of staff lived outside of the area,

This development would reduce space for birds of prey, owls, bats etc.

It seemed excessive to double the size of the building for so few jobs.

There were colonies of Roman snails on the site yet no survey had been undertaken and the bat survey was out of date.

The previous owners of the site wanted to develop it but Dermal objected saying that it would damage the environment and affect wildlife.

They said that the lights in the building would be turned off at 6.30pm, this was extended to 8.30pm, but they actually remained on until 10.30 pm, with light clearly seen from the road.



If permission were to be granted there should be a condition that external and internal lighting be tuned off when no work is taking place in the building, that late night working should take place in the main building and that screening and hedging be sufficient to screen the buildings.

Members asked whether Mr Wharton accepted that the site was managed in an exemplary manner.

Mr Wharton advised that management of the site was not an issue as it was well managed with good employees. He was just concerned about the size of the building.

The Vice-Chairman thanked Mr Wharton for his presentation.

Mr Michael Yarrow, Dermal Laboratories, thanked the Vice-Chairman for the opportunity to address the Committee in support of application 18/00338/FP.

Mr Yarrow informed Members that:

- Dermal Laboratories was an independent family owned company that undertook research and development of products relating to skin disease.;
- They had been at Tapmore Place since 1970;
- They regarded themselves as custodians of the grounds and environment for future generations;
- Activities at the site included administration, research, drug licensing and marketing, being peaceful and quiet work;
- Additional space was required which would enable modest growth;
- More and more time was spent in meetings, which needed audio visual facilities;
- There would be a very small percentage increase in traffic and the site would be empty on weekends and bank holidays;
- The extension would be a long way away from neighbours;
- The design of the building was highly sustainable, would be in sympathy with the existing building and would have many environmentally friendly features;
- They would work with NHDC on a Landscaping Plan;
- They would continue to look after the grounds;
- They had given no assurances regarding expansion and would not have done so;
- They would expand in a measured and modest way;
- They had developed other sites and were not focussing all expansion on Gosmore;
- They would deal with additional conditions if imposed.

Mr Yarrow concluded by asking the Committee to look favourably on the application.

Members asked for clarification regarding when internal and external lights were on at the site and queried what type of tree would be removed and what trees would replace it.

Mr Yarrow advised that Dermal were conscious of light pollution and had configured lighting to take account of the environment and habitat.

All outside lights were low level and they already had lights that were automatic.

They were sad to have to remove a Chestnut tree but would be planting broad leafed trees to replace it.

They had husbanded the woodland since being on the site and have planted many trees as well as snowdrops.

The Vice-Chairman thanked Mr Yarrow for his presentation.

Members queried whether lighting on the site could be conditioned.

The Senior Planning Officer advised that Dermal kept normal office hours and it was not seen as necessary to add a condition regarding lighting and if there were a condition regarding lighting this would effectively stop staff from working once the lights were off.

When the building was unoccupied internal lights were switched off.

The Senior Planning Office advised that this site was not in the Area of Outstanding Natural Beauty nor was it in the Green Belt, it was however close to it.

Members considered that the extension would have little effect. There may be a small effect on the flora and fauna but the applicant would keep those issues to a minimum.

It was moved and seconded that the application be granted planning, subject to appropriate conditions. Upon being put to the vote, it was

**RESOLVED:** That application **18/00338/FP** be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the following additional conditions:

Condition 10

Prior to the commencement of any construction work on site, the site shall be inspected by an ecological consultant and any Roman snails found shall be relocated to another suitable site in accordance with the advice of the ecological consultant.

Reason: In the interests of Roman snails which are a protected species.

Condition 11

For construction of the new car parking spaces, the ground shall be hand dug and no mechanical digging shall take place within the canopy of any tree.

Reason: In the interest of retaining the existing trees.

**20 17/04353/FP - FORMER LANDFILL SITE, BLAKEMORE END ROAD, LITTLE WYMONDLEY, HERTFORDSHIRE**

Erection of a gas fired Electricity Generating Station comprising gas engine casements and associated buildings and infrastructure together with means of access and landscaping/ground works.

The Senior Planning Officer advised that this was the second attempt to gain permission for a gas peaking plant at this site

Additional information had been submitted by the Applicant regarding air quality and ground water contamination.

The Council's Environmental Health Officer was satisfied with the information regarding air quality and raised no objections to the proposal subject to three conditions.

The Environment Agency had withdrawn their objection regarding water contamination and recommended four conditions.

It was therefore recommended that reason 2 for refusal be omitted.

The Senior Planning Officer presented the report of the Development and Conservation Manager in respect of planning application 17/04353/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

Mr Adrian Hawkins, Wymondley Parish Neighbourhood Plan, thanked the Chairman for the opportunity to address the Committee in objection to application 17/04353/FP.

Mr Hawkins advised that he was representing Wymondley Parish Council and the residents of Wymondley Parish and drew attention to the following:

- The objections of the Parish Council had been submitted;
- The site was in the Green Belt, in a picturesque area and next to a recently rejuvenated hotel;
- This development would affect the openness of the Green Belt;
- At a public meeting the applicant admitted they had not built a facility of this size and scale before;
- Therefore sound, pollution and vibration levels all remained untested;
- Flooding in the area was difficult;
- The site was next to the A1(M) and Wymondley was dissected by the A602;
- Air quality was a growing concern and NHDC was already monitoring this at the Three Moorhens roundabout and Paynes Park, Hitchin;
- During the examination in public of the Local Plan, Wymondley Parish Council had an air quality expert in attendance;
- NHDC documents state that no development should take place if poor air quality existed;
- Residents of Wymondley had been taking readings regarding air quality in the area;
- The European Union maximum was 40 micrograms of nitrous oxide and readings at the Three Moorhens regularly exceeded this figure over the past 8 years;
- The Three Moorhens Air Quality Management Site was just over one mile away from the proposed development;
- Wymondley had two air quality testing points along the A602. Readings at the air quality testing point at Blakemore End Road regularly exceeded European Union maximum levels of 40 mgs.

Mr Hawkins concluded by stating that it was inexcusable to allow development of this site, given the propensity towards delivering additional air pollution that would adversely affect the health and wellbeing of residents of Wymondley Parish and Hitchin.

He referred to the Energy Policy for the East of England report, considered by Hertfordshire LEP, which stated that since 2012 electricity usage had been stable.

He advised that the same report contained the following statement:

“We are a clean growth region that has superb natural assets and a high quality of life in our cities and rural areas. Our local energy strategy shows our commitment to the need to reduce carbon emissions and pollution, to improve air quality and ensure a healthy environment.”

Gas powered electricity generating stations did not fit that purpose.

He requested that the planning application be refused.

Members asked Mr Hawkins to comment on the fact that Environmental Health and the Environment Agency no longer objected to the application.

Mr Hawkins advised that as the Parish lay between the A1(M) and A602, with pollution coming from both those roads. He could not believe that, without taking any readings themselves, they had the relevant information to make that judgement.

The Chairman thanked Mr Hawkins for his presentation.

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The Senior Planning Officer advised that Environmental Health had been consulted and required further information which had been submitted.

They withdrew their objection to the application, subject to three conditions as follows:

1. The flu stacks should be a minimum of 9.2 metres high;
2. Evidence to be submitted relating to the emissions of the engines;
3. Operational activity shall not exceed 1050 hours per year.

The Chairman informed Members that he had agreed that, due to exceptional circumstances, Councillor Sam Collins could speak on behalf of Councillor Terry Tyler, who would have acted as Councillor Advocate.

Councillor Sam Collins, on behalf of Councillor Terry Tyler, Councillor Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/04353/FP.

Councillor Collins advised Members that he had specialist knowledge of high energy combustion engines and drew attention to the following:

- This application was in the wrong location;
- This application was in the Green Belt;
- It was totally out of place and there must be better places to build this facility;
- There were already air quality issues in Hitchin and this facility would make this situation worse;
- The Local Plan, the Neighbourhood Plan and LTP4 of the Transport Plan all had severe implications regarding air quality;
- Environmental Health wanted to restrict engine running time to protect human health, so what is coming out of the chimneys;
- The peak running time of the facility would be between 4 pm and 7 pm. A lot of young children played outdoors in the playgrounds of the immediate vicinity;
- This was a former residential and industrial tip and we do not know what was under the soil;
- There would be vibratory oscillation and vibration could rattle buildings to pieces over time.

Councillor Collins concluded by asking whether the long term effects of this sort of installation was known and commented that there were a huge amount of unknown consequences.

He stated that this was the wrong facility, in the wrong place at the wrong time and asked Members to reject the application in its entirety.

The Chairman thanked Councillor Collins for his presentation.

Mr Andrew Troupe, applicant, thanked the Chairman for the opportunity to address the committee in support of application 17/04353/FP.

Mr Troupe informed Members that the company had built an identical plant in Yorkshire, which had been operating since November 2017 and made the following observations:

- The company knew what they were talking about;
- They had undertaken modelling, reviews and assessments regarding air quality, which had been reviewed by Environmental Health;
- He would not be advocating this development if he had the smallest doubt that there would be an air quality issue;
- The plant could not be operated without a permit;
- They would not be asking permission for this if there were any doubt about air quality

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- Scientifically sound testing had been undertaken on these clean burners;
- The planning issue was that this development was in the Green Belt rather than about the generation of electricity;
- The nuclear programme was taking a long time to come to fruition;
- There was now 16 percent renewable energy penetrating the network;
- We need highly flexible, fast start, clean gas engines to do a good job;
- This facility was about covering high usage by providing quick start generation to meet more and more volatile needs;
- It would run mostly in winter;
- Having a gas burner helps renewables keep going;
- Need was essential;

Mr Troupe concluded by stating that it may be said “never in the Green Belt” but there was a need for this type of facility, flexible generation on the network was needed and there would be a problem in the South-East if facilities such as this were not allowed in the Green Belt.

It was extremely rare to get locations with the gas supply and the electrical capacity.

Members had to balance any harm against the benefits.

Members asked for clarification for why this site was chosen for this development and what was below the surface in this area.

Mr Troupe advised the plant needed some where to export the power to the network as well as a mains supply of gas to find these elements in one site was extremely difficult.

In respect of what was below the surface, the view was that it was mainly waste from the construction of the A602 and that if they found they could not dig into it they would sink pylons to spread the weight.

At the moment the area was completely untapped and there would be some benefit.

He stated the North Herts had already consented to one of these in the Green Belt.

The Senior Planning Officer recapped on the issues and considerations as follows:

- This was an inappropriate development in the Green Belt;
- There must be very special circumstances demonstrated for the development to be deemed acceptable in the Green Belt;
- The applicant puts forward the need for this type of peaking plant as a reason;
- It was accepted that it was difficult to find a suitable site with all the technical necessities required;
- Members had to consider whether reasons for this development in the Green Belt was sufficient to outweigh the harm as very special circumstances.
- Case Law was a relevant consideration and there were quite a few cases that had been dismissed at appeal for renewable energy across the Country;
- The Government seemed to have no sympathy for that form of power generation within the Green Belt.
- There had been a recent appeal decision at Gravesend, relating specifically to a peaking plant generator where the Inspector carefully looked at the need, the difficulty of finding a site etc, but came to the conclusion that this did not overcome the harm to the Green Belt enough and the appeal was dismissed.

Members did not feel that the reasons for development outweighed harm to the Green belt and it was moved and seconded that the application be refused permission for reason 1 as detailed in the report of the Development and Conservation Manager.

**RESOLVED:** That application **17/04353/FP** be **REFUSED** planning permission, for the following reason:

Reason for Refusal

The application site is located within an area designated in the North Hertfordshire District Local Plan no. 2 - with Alterations proposals map as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the opinion of the Local Planning Authority this planning application proposes inappropriate development in the Green Belt, which would harm the Green Belt by reason of inappropriateness and cause harm to the purposes of the Green Belt as defined in paragraph 80 of the National Planning Policy Framework (NPPF) as follows. The proposal would cause harm to the purpose of safeguarding the countryside from encroachment. In the opinion of the Local Planning Authority the applicant has not demonstrated Very Special Circumstances which are sufficient to outweigh the substantial weight should be given to any harm to the Green Belt that is required under paragraph 88 of the NPPF. Furthermore, due to the scale, appearance of the development and its prominent location, demonstrable harm would be caused to the openness of the Green Belt. The proposal therefore conflicts with saved Policy 2 'Green Belt' of the North Hertfordshire District Local Plan No. 2 - with Alterations, Section 9 'Protecting Green Belt Land' of the NPPF and Policy SP5 'Countryside and Green Belt' of the submitted Local Plan 2011 - 2031.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**21 17/04357/FP - LAND AT SAFELINE AVS LTD, ROYSTON BUSINESS PARK, GREENFIELD, ROYSTON, HERTFORDSHIRE, SG8 5HN**

Erection of a new industrial building within Class B1c with offices and associated facilities, access, service yard, car and cycle parking and landscaping. (Amended plans received 05/02/18).

The Development and Conservation Manager informed Members that the Unilateral Undertaking had been completed.

The Development and Conservation Manager presented the report of the Development and Conservation Manager in respect of planning application 17/04357/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

He informed Members that construction work was being undertaken in the area, but this was in connection with the Mark and Spencer Planning Permission.

He advised that the site was outside of the Royston Development area in the current Local Plan, although it was inside the Royston Gateway employment area in the emerging Local Plan.

Members acknowledged that construction traffic would be managed under the construction traffic management plan and queried whether it could be conditioned that future traffic use the new access.

The Development and Conservation Manager advised that it was extremely difficult to insist that vehicles must use a particular route.

Members queried whether it could ensure. By way of condition, that vehicles use the new access point.

The Development and Conservation Manager advised that, particularly in light of recent planning appeal decisions, he would be cautious about trying to insist that vehicles used a certain route on a public highway.

It was moved and seconded that the application be granted planning permission subject to the conditions and reasons set out in the report. Upon being put to the vote, it was

**RESOLVED:** That application **17/04357/FP** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**22 18/00900/FP - MILESTONE, MILL LANE, ST IPPOLYTS, HITCHIN, HERTFORDSHIRE, SG4 7NN**

Erection of two detached 4-bed dwellings following demolition of existing dwelling and double garage.

The Development and Conservation Manager presented the report of the Development and Conservation Manager in respect of planning application 18/00900/FP supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager advised that St Ippolyts Parish Council had objected to the proposal on the grounds that it was over development of the site.

Mrs Carol Zemmen thanked the Chairman for the opportunity to address the Committee objecting to application 18/00900/FP.

Mrs Zemmen advised that it was easy to look at the Millstone site through tinted spectacles.

At this time of year, the house was hidden behind beautiful flowering trees and shrubs although in autumn the house would be visible and the restrictions of the site would be seen.

Two town houses jammed close together, right against Field House would be totally out of character in this semi rural locality.

St Ippolyts Parish Council unanimously agreed that these proposals were unsuitable for the site and there had been many objections submitted.

In respect of design, the Planning Office had commented in the report that she had concern that the form was contrary to the character of the surrounding area, advising that the neighbouring houses had wide, shallower footprint.

She was right to be concerned, narrow and deep houses with tall narrow gables were not in sync with the surrounding houses and introducing this type of town house in a county lane was detrimental to the area and would set a poor precedent.

Houses in the lane were central to their boundary and not jammed in on their plots.

The proposed plan would take the majority of light from the two south west facing windows of Field House, which did not show in the drawings.

With the flat roof garage next door, light and sun stream through these down stairs rooms, with this proposal the lounge would look straight onto a 10 metre long 5-8 metre high wall, which meant the dining room would receive no south west sun.

She accepted that Field House was not entitled to a view, but was entitled to light

This tall east wall would cast a shadow over Field House's patio at the rear, creating a shaded dead zone.

The Officer stated that Field House had a large garden, did this make up for the south wets facing light being shadowed by a massive brick structure most of the year.

Paragraph 4.3.7 acknowledged that there would be a substantial degree of harm both in actual and perceived harm on Field House and Paragraph 4.3.9 acknowledged that the proposal would result in new shading of the patio area.

There were no garages included in the initial plan, however those proposed in the modified plan were only 75 percent of the stipulated size requirement and therefore were not adequate as parking space, as suggested by planners.

The applicant stated that they would not count either garage as parking accommodation.

There were only two designated parking spaces for each house, arguably this met the criteria, but this project differed in that Mill Lane offered no place to go and no street parking.

There were absolutely no options for overspill parking in the lane and these two spaces would not cater for visitors, deliveries etc. and would surely result in the spoiling of the front garden which would become an expanding mess.

The application stated that the two storey form of the proposed dwellings would be no greater in depth than the existing property and the neighbouring Field House, this was simply not true and not upheld by the drawings.

The two proposed houses had been brought forward of the Millstone footprint, the front elevation of the right-hand house extended approximately 3 metres forward in front of Field House, blocking light and 7 metres forward of the Mill Farm site.

Mill Lane was a narrow lane single lane road, with absolutely no possibility of parking.

During the building phase it would cause chaos to the surrounding properties and to the natural traffic flow of the lane.

The addition of another property would certainly add to the traffic situation.

It was especially important to consider that a residential care home was situated opposite Millstone and Field House, which had regular deliveries in large vans as well as needing 24 hour access for ambulances, fire engines, paramedics and community nurses.

Mrs Zemmen concluded by stating that, based on the unsuitability of this proposal including over development of the site and the narrowness of Mill Lane, he asked that the Committee would support her and her neighbours by opposing this contentious application.

The Chairman thanked Mrs Zemmen for her presentation.

Ms Karen Cowder-James, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of application 18/00900/FP.

Ms Crowder-James advised Members that she was a planning consultant with over 20 years experience and was a career long member of the Royal Town Planning Institute.

This proposal was for a policy compliant development of an existing residential plot that would result in the net gain of an additional 4 bedroomed family dwelling.



**Thursday, 21st June, 2018**

The site was within the urban settlement, but outside of the Green Belt.

The existing dwelling on this site was in need of modernisation to bring the property up to current standards and it occupied a small part of a large site, which did not make the most efficient use of the site. It was for these reasons that the owner of the site sought pre-application advice for a potential development.

The principle of sub-divisions of the site was accepted during the pre-application stage, although concerns were raised over the original design.

Accordingly, a revised scheme was submitted, but the Council considered that the revisions did not fully address their concerns.

Therefore, that application was withdrawn and a revised application submitted that now addressed all of the previously raised design concerns.

The application had been called in for the reason that little had changed since the previous proposal except there is one bedroom less for each property. This was not the case.

The proposed dwellings had been significantly reduced, including a reduction in footprint and floor areas. This had resulted in the loss of a bedroom in each property, but they were also smaller in size, with the depth being reduced by 3.5 Metres and the depth of the first floor now being the same as the existing house.

The previously proposed crown roof had been replaced by a traditional pitch so that the eaves line was now lower than the neighbouring property, the rear tall and long lounge structures had also been replaced by a narrow flat roof structure, so that the roof line and design of the roof were commensurate with neighbouring properties.

In addition, the siting of the dwellings was altered so that they were parallel with each other, rather than splayed. The right hand house moved further away from the side and rear of the neighbouring property and the siting had been positioned so that the rear windows were angled away from the rear garden, adjacent neighbour. The changes also introduced a single garage for each property.

The buildings would be placed to the rear of the site in order to retain the open nature and the existing boundary landscaping would also be retained so that the development was softened and embedded into the existing topography. The proposed materials also matched the surrounding development to ensure consistency in appearance.

The acceptability of the design was a view shared by the professional officer, furthermore the proposal was fully compliant with all relevant Local Plan Policy.

In terms of traffic impact, Highways agreed that the proposed development would not give rise to a demonstrable increase in traffic generation that would affect the flow of traffic or highway safety along Mill Lane. The proposal actually improved highway safety, as cars could only currently reverse onto Mill Lane whereas the application allowed for vehicles to turn around within the site so that they could enter and leave facing forward.

With regard to perceived neighbour impact, it was important to remember that the site already accommodated a dwelling, with windows on the rear elevation, which already overlooked the garden of the neighbouring property. In addition, the one flanking window to Field House, which was a secondary lounge window, currently looked out onto the side of the existing garage. As such the perceived impact was not as great as it would be if this was a previously undeveloped site.

Furthermore, the short extent of the forward projection of the building would not be unacceptably overbearing or over dominant to Field House.

Whilst the neighbouring property was concerned about the loss of sunlight to the patio at the rear, the officer confirmed that such a small area would be affected that no material weight could be given to this concern.

With regard to setting a precedent, Members were no doubt aware that each individual application should be determined on its own merits and in respect of the covenant, this was not a planning matter and so should not be a material concern in determination of this application.

None of the potential concerns raised by objectors were justifiable reasons upon which to base a valid and defensible planning refusal, and as such would not form a robust case if this were appealed.

Ms Crowder-James concluded by advising that the applicant had listened to all previous concerns raised by the Council and had amended the scheme to fully address these concerns.

This was how the planning system should work and was a good testament to the collaborative ethos of officers.

In her professional opinion there were no valid planning reasons to refuse permission and she requested that Members support the officer's recommendations to grant planning permission.

The Chairman thanked Ms Crowder-James for her presentation

The Development and Conservation Manager advised that, in respect of sunlight/daylight, the 3 metre projection at the rear of the property was single storey and explained how daylight and sunlight was calculated. There was not going to be a demonstrable loss of daylight therefore a daylight/sunlight test would not be required and a refusal on these grounds was not sustainable.

It was proposed and seconded that the application be granted permission, subject to the conditions and reasons contained in the report and:

**RESOLVED:** That application **18/00900/FP** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

## 23 PLANNING APPEALS

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

### Elm Tree Farm Pirton

An update had been sent to Members and award of costs had been made against the Council, but these had not yet been approved.

### 67 High Street, Whitwell

Members asked how the Council could validate viability of a public house, when it was not in operation.

The Development and Conservation Manager advised that the emerging Local Plan said that change of use of a pub would always be allowed, providing it was not the only pub in the village and this was the key issue rather than the viability.

The Cabinet, Reed

This appeal is to be heard at a 2 day public inquiry from 6 November in the Council Chamber starting at 10am.

The Council has appointed an expert witness and Counsel to defend the Committee's decision at the Inquiry.

Cala, Pirton

Members queried if Cala had confirmed which traffic scheme they would adopt following the appeals.

The Development and Conservation Manager advised that the scheme had not been confirmed however the Section 278 agreement had now been completed and any further discussion would now be about the costs.

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

The meeting closed at 10.04 pm

Chairman