

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 17TH NOVEMBER, 2022 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Tom Tyson (Chair), Alistair Willoughby, Daniel Allen, David Levett, Sean Nolan, Simon Bloxham, Terry Tyler, Nigel Mason, Michael Muir Tony Hunter and Phil Weeder*

**In Attendance:** *Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Abigail Hamilton (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Tom Allington (Principal Planning Officer – Strategic Sites), Shaun Greaves (Senior Planning Officer), Thomas Howe (Planning Officer) and Andrew Hunter (Senior Planning Officer)*

**Also Present:** *At the commencement of the meeting approximately 34 members of the public, including registered speakers.*

#### 21 APOLOGIES FOR ABSENCE

*Audio recording – 0:52*

Apologies for absence were received by Councillors Val Bryant, Morgan Derbyshire and Ian Moody.

Having given due notice Councillor Nigel Mason will be substituting for Councillor Val Bryant and Councillor Michael Muir will be substituting for Councillor Morgan Derbyshire.

#### 22 MINUTES - 13 OCTOBER 2022

*Audio recording – 1:21*

It was noted by Councillor Michael Muir and Councillor Nigel Mason that they were present at the previous meeting but their names were not on the list of Councillors present.

Councillor Tom Tyson, as Chair, proposed and Councillor Daniel Allen seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 13 October 2022 be approved as a true record of the proceedings and be signed by the Chair with the amendment that Councillor Michael Muir, Councillor Nigel Mason and Councillor Amy Allen are to be added to the list of Councillors present at the last meeting.

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#### 23 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 3:00*

There was no other business notified.

## 24 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3:02*

- (1) The Chair welcomed those present at the meeting
- (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 need to be declared immediately prior to the item in question.
- (4) The Chair gave advice to the registered speakers on the speaking procedure and time limits
- (5) The Chair advised that there would be a comfort break if required

## 25 PUBLIC PARTICIPATION

*Audio recording – 4:53*

The Chair confirmed that the registered speakers were in attendance:

- Parish Councillor Paul Harding
- Caroline McDonnell
- Hugh Chatfield
- Derek Carter
- Councillor Richard Thake
- Phil Roden
- Tim Lee
- Parish Councillor Neil Burns
- Nicky Tribble
- Peter Calver
- Councillor Lisa Nash

## 26 21/03380/FP Land To The North And East Of Great Wymondley, Hertfordshire

*Audio recording – 5:33*

Shaun Greaves presented the report and gave a verbal presentation, which included:

- At 4.1.6 reference made to conduit heat at priory farm should read conduit head
- At 4.6.24 reference made to appellant and this should read applicant
- At 4.6.27 the year 2030 should read 2040
- The North Hertfordshire Local Plan 2011-2031 was adopted by full Council on the 8<sup>th</sup> November. This report was written before the adoption and therefore there are references to the superseded Local Plan. There are references to this at paragraph 2.6, 4.5.4 and 4.5.42 of the report. References are made to policies of the Emerging Local Plan in the report and significant weight is given to these in the report. As the Local Plan is now adopted, these policies are now attributed full weight. The planning balance is not materially affected and the officer recommendation is unchanged. The previous policies referred to in the report are now replaced by policies of the new Local Plan.

- The site is located within the green belt and references made to policy 2 of the superseded Local Plan is replaced by policy SP5 of the new Local Plan that refers to green belt. Therefore, where stated at paragraph 4.5.43 that the starting point for consideration of this application is policy 2, this is now policy SP5 of the new Local Plan
- Councillor Levett has pointed out a page is missing from the glint and glare assessment on the Councils website. This is in a section addressing aviation considerations. The full document was available within our internal system. The document including the missing page is now available on the Councils website.
- The submitted glint and glare assessment by Pager Power undertakes a high-level assessment. The nearest main airport is Luton Airport and is 11km to the south west of the application site. It is best practice to consider reflections towards pilots in the last two miles of final approach to the airport and the application site is well beyond that. In regards to air traffic control, close proximity to the aerodromes is a consideration. Given the distance involved, officers do not consider that this proposal would have significant impacts on aviation.
- The glint and glare effects on highway users have been carefully considered by the highway authority who have raised no objections to the proposal.
- With regards to drainage, we have received a late response from the lead local flood authority and the response and note has been circulated to Members. The LLFA are not raising an in principle objection to the proposal and whilst they have concerns relating to the proposed drainage strategy, these relate to matters that can be addressed and controlled by conditions. Therefore two additional conditions are proposed by the LLFA to replace condition 7 set out in the agenda
- The officer recommendation remains that permission is resolved to be granted subject to referral to the Secretary of State for Levelling Up Housing and Communities and conditions set out in the agenda as amended by the note that has been circulated.
  
- The location of the site is located to the east and north east of Great Wymondly, to both sides of Gravely Lane which runs down the middle. To the east is the A1 motorway with the village of Gravely beyond.
- The Hertfordshire way runs along the east and northern boundaries of the northern part of the site.
- The application site extends to 88 hectares including the route of the cable which extends from the solar farm to Wymondly substation which runs along Gravely Lane and Priory Road.
- The area the solar panels are proposed to be positions extends to about 85 hectares
- The panels are to be placed on a frame and post which are placed into the ground
- There are some areas that have been identified as locations of potential archaeological interest and solar panels on these areas will be placed on rafts so there will be no impact to the ground
- There are internal roads and tracks within the site and there are inverter and transformer stations and battery storage containers
- Deer stock fencing will be around the site.
- There will be hedgerow planting, tree planting and low maintenance pasture around the fencing
- The areas around the solar panels are to be grazed by sheep and beyond the fencing there will be species rich grassland. The details required would be controlled by suggested conditions
- There will be attenuation bonds and detention basins to serve the proposed development in terms of drainage.
- There will be 22 transformer inverters and 22 battery storage containers that will be located alongside the internal tracks

- There will be 12m between the hedgerow and the stock fencing
- A cable trench will go along the road. Excavation will be done on a daily basis so there won't be large spoil areas in line with the Environment Agency concerns
- Accessors will be designed to accommodate larger vehicles but these will not be needed after construction has finished
- This is an application for a solar farm in the countryside and on the greenbelt
- The applicant has a professional representation
- If you grant permission, it must be referred to the Secretary of State as it is on the green belt
- The proposal is an inappropriate development on the greenbelt
- In terms of visual impact and landscape, this has been detailed in the report. The harm is localised, but in terms of the site and are it is significant harm
- The site is good quality agricultural land, however livestock grazing would still continue on the site
- The application is only for 40 years and the land will return to complete agricultural land after this time
- The proposal will provide a significant amount of renewable energy. The solar farm will provide energy for around 12,000 homes
- The Council has declared a climate emergency. The other solar farms in the area are relatively small
- There will be economic benefits
- On balance, officers consider that there are very special circumstances that outweigh any harm to the green belt

The following Members asked questions:

- Councillor Michael Muir
- Councillor David Levett
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor Daniel Allen
- Councillor Tom Tyson

In response Shaun Greaves advised:

- CCTV cameras are on top of 4m high poles. This can be raised with the applicant during the discharge stage
- A basic landscaping scheme strategy has been submitted, but this can be looked at further in the conditional stage
- They would need planning permission again after 40 years. There is a condition proposed on the decommissioning of the solar farm after 40 years so it will have to return to agricultural land. If they wanted to extend this they would have to apply for planning permission again
- The matter of community grants isn't something we should consider. This is outside the framework. I am aware an offer has been made to the Parish Council from the applicant.
- It would be classified as predeveloped land but there is a condition of it requiring decommissioning and returning back to agricultural land. It is still a low form of agricultural use while it is in use as a solar farm. I wouldn't say 40 years is temporary, but it also isn't permanent and after 40 years it would return back to agricultural use as stated in the condition. It will have an impact on the green belt for 40 years but it won't be a permanent impact

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- There are many solar farms around the country and that is a risk with solar farms. This is an asset of the company. The planning permission goes with the land rather than the applicant and the conditions would still apply for the 40 years. Decommissioning could happen sooner if things such as technology changes happen
- There is no means of us requiring benefits to the community. Unlike housing requirements, there is no justification and any requirement for any contributions would not meet statutory requirements. An applicant may offer contributions to the local community and there has been a letter from the applicant to the Parish Council for a contribution.
- They could change things under the 40 years but would have to apply for planning permission
- The applicant proposed 40 years. Previous solar farms have proposed 25 years but that was based on the technology at the time. Now the technology has developed and solar farms can last 40 years. This isn't unique and many solar farms around the UK are like this
- We have made the declaration that we will achieve carbon net zero by 2040. To achieve this there will need to be significant renewable energy within the district, along with many other things. Renewable energy generation is around 10% in North Herts. Nationally, 40% of our energy is generated by renewable sources.

The Chair invited Paul Harding, Caroline McDonnell, Hugh Chatfield, and Derek Carter to speak against the application.

The objectors thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- After the reluctant vote of the Local Plan to approve green belt loss to housing. One week later we are faced with a vote to remove another 200 acres of green belt.
- In the Wymondly Neighbourhood Plan it states the Parish view of retaining the green belt. It has been stated the solar development is not permanent as it will be decommissioned however planning officers have provided case law that confirms that land use for development for 25 years must be accepted as lost to the green belt.
- There will be arable land lost to grain production. The AGR commission report states "This site comprises gently undulating land and fundamentally offers no restrictions to agricultural use and cropping potential". The site is grain producing grade 2 and 3A agricultural land and should be used for food production when food security is paramount in the nation's lives.
- The developers put forward establishing flower rich field margins around the perimeter to increase biodiversity but is already good management and is widely practiced with food crops
- There is a strong presumption in the national framework against developing solar on grade 2 and 3A land. There is no evidence that alternatives have been considered.
- There are better places to produce energy than using grade 2 and 3A land that should be kept in arable production
- The plans are of disproportionate scale. There will be landscape harm and it will be 4x the village size with 4m fencing and CCTV. It will damage the rural character and views from the village and local footpaths. There will also be notable glint and glare for some residents.
- There should be more work done on the plans fire and noise risks. Solar array fires are increasing frequent yet the plan has no input from the fire and rescue service. A fire engine can't easily manoeuvre on site. Plans do include a fire suppressant in the battery containers we saw earlier, however this is deceptive. A fire safety engineer spoke with the manufacturer of the gas suppressant who confirmed their suppressant

- would be ineffective in batteries overheating. Vents release the suppressants to the atmosphere which is also polluting and potentially toxic.
- No consideration has been given to panels amplifying motorway noise to nearby residents.
  - Access roads to the site suffer traffic in excess of their capacity already up to 160 HBD trips a day as proposed for almost a year would be crippling as minor roads are dug up for extensive cabling.
  - The proposed site is a site of natural beauty with lots of wildlife and joins an important conservation area. The footpaths are frequented by many people. Site construction will result in destruction of wildlife. The CCTV, transformers and infrastructure will negatively impact the view from the footpath
  - Solar power is targeted to be 8% of England's carbon neutral energy policy by 2050. If the latest technology panels were used in this case the 150,000 would produce over 70 megawatts and that is over 30% more than the applicant would be allowed. Is the scheme 30% larger than it needs to be or are the panels inefficient. We have reviewed other sites and this is the biggest land take to produce 50 megawatts.

The following Members asked points of clarification:

- Councillor Daniel Allen

In response to points of clarification it was advised:

- I can follow up the name of the company that was spoken to regarding the fire suppressant. The chemical does stop fire but isn't designed to stop the fire that would be caused by a battery overheating and thermal discharge in those instances

The Chair invited Councillor Richard Thake to speak against the application as a Member advocate

Councillor Thake thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- The Council has declared a climate emergency and we would like to contribute to non-carbon fuels
- The planning process is in place to protect and control but limit any damage that might be caused for the communities in which they live.
- Over a number of years I have been involved in the Local Plan process and professional officers have given advice on the weights that must be applied of the Government. The current administration has said that grad 2 and good quality grade 3A land are not where these should be built.
- The removal of agricultural land for the possibility of grazing isn't good enough
- I have serious doubts of the industry in terms of being honest about the true environmental impact of providing these arrays, running them and decommissioning them
- In 40 years time we have no control over the finances of the person running this to decommission this.

There were no points of clarification from Members

The Chair invited Phil Roden and Tim Lee to speak in favour of the application.

The supporters thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- North Herts declared a climate emergency in 2019 and have committed to becoming a net zero district by 2040.
- In response to national renewable energy targets, AGR have developed Priory farm solar array with the aim of supplying clean renewable energy.
- The key location criteria for any social solar farm is the availability of a grid connection point with sufficient capacity. Existing connection capacity in the UK and North Herts is limited.
- Recently National Grid have stated that they will need to build 7x as much infrastructure in the next 7-8 years than they've built in the last 32. This is to support the move to a net zero electricity system by 2035.
- This is a major investment programme and renewable energy developers are now having to wait 6-10 years to connect new developments. In contrast, Priory farm solar array can connect in 2024 and help decarbonise electricity network well in advance of the 2035 national target.
- The main planning constraint is the sites green belt location. 38% of the total area of North Hertfordshire is allocated as green belt and the proposed site represents just over 0.6% of this green belt land
- The lack of available grid connection points and the extensive nature of the green belt combined with areas of high landscape quality outside the green belt has led to renewable energy developments coming forward near the available grid connection points which are in the green belt.
- The applicants initial site search prioritised identifying land outside the green belt to minimise planning risk. However no other unconstrained viable sites could be secured and no alternative unconstrained connection points were available
- National planning policy does not preclude energy development in the green belt and there are numerous examples where renewable energy developments have been approved in the green belt based on special circumstances associated with national need and the climate change emergency.
- The key green belt consideration is the need to balance the very special circumstances against the harm. This planning balance is set out in section 4.7 of the Committee report and concludes that the special circumstances put forward outweigh the harms of the green belt in this instance.
- The UK government is committed to net zero by 2050 with the interim target of a net zero electricity system by 2035
- The British energy security strategy sets out that a five-fold increase in solar energy is required from where we are today.
- In advance of the recent COP27 conference Rishi Sunak said "we need to move further and faster to transition to renewable energy and I will ensure the UK is at the forefront of this global movement as a clean energy superpower"
- These are aligned with the Council climate change strategy. A key pillar of this is the Council committing to supporting both businesses and residents to switch to renewable energy.
- Only 10.4% of energy generation within the authority were from renewable sources in 2019 when the climate change emergency was announced. The authority hasn't consented any new commercial scale renewable energy projects since declaring the climate change emergency
- The solar farm would only occupy 0.2% of the district yet it would be able to supply almost 32% of the households in North Hertfordshire. This is a very significant contribution to the energy needs of the district and would move the authority a considerable way to becoming a net zero carbon district by 2040.
- This is given significant weight in the planning balance set out on pages 70-72 of the report.

- We are all experiencing spiralling energy costs as part of the current energy crisis and this is the main driver for the current high inflation levels and cost of living crisis.
- The solar farm electricity generation will be delivered at a lower levelized cost than any other generation technology and this will contribute significantly to reducing energy costs to consumers as renewables displace more expensive fossil fuel generation in the energy mix
- The applicant is also in discussion with energy supply partners to offer reduced tariffs to local communities when the solar farm is operational. These discussions are at an early stage but is something that is currently being piloted with communities in proximity to wind farms.
- The applicant presented the project proposals at an open meeting arranged by the Parish Council via zoom in January. In combination with statutory consultee responses this resulted in refinements to the proposals including removal of areas of solar panels, provisions of additional woodland and hedgerow planting to enhance screening, increase buffers to hedgerows and neighbouring footpaths with increased wildflower areas for greater biodiversity gains, identification of 'no dig' areas to preserve archaeology in situ, and provision of permissive footpaths to provide circular routes and enhanced public access to the area.
- Whilst it isn't a material planning consideration, the applicant has offered community benefit funds of £20,000 per year for the full 40-year life of the project totalling £800,000 to be used on local community environmental initiatives in recognition of the localised effects of the development.
- The applicant proposes to have further dialogue with the Parish Council and local community should planning permission be granted and this would inform the construction phase an additional mitigation measure that may come out of those discussions.
- We recognise that there has been flooding events to south of the site in recent years and this has been linked to water catchments which include the application site. Research has shown solar farms do not increase significantly surface water runoff, particularly if the areas below the solar panels are well vegetated with grassland.
- However a robust drainage strategy is being prepared. The overall effect would reduce peak runoff in the 1 in 30-year flood event by 30% compared to the current situation before development. This is a betterment over the current situation and reduces the likelihood of future flood events
- The details of the surface water management can be secured though a suitable worded condition and development would not proceed until this has been agreed with the LLFA.
- The applicant is committed to continuing agricultural activities within the solar farm through sheep grazing and the site would be restored to full agricultural use following decommissioning
- The UK is a food secure country and the biggest threat to food production and farm viability is the current energy crisis and climate change impacts. The proposed development would address both of these key pressures while supporting the existing farm business through diversification.
- The planning committee report sets out a clear and balanced consideration of the key planning and environmental issues. Your experienced planning officer has undertaken a very careful and considered balancing exercise and has concluded that there are material considerations that weigh heavily in favour of the application. These represent very special circumstances that clearly outweigh the harms to the green belt. The proposal is considered a sustainable development.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor David Levett
- Councillor Tony Hunter
- Councillor Daniel Allen

In response to points of clarification it was advised:

- There is a 50-megawatt maximum
- 12,000 households is based on the maximum energy consumption of all households and is the average households use. This solar farm would provide renewable energy for 36% of all North Herts houses annually.
- There is a 40-year lifespan for all panels. They may need to replace some of the battery cells as they have a shorter lifespan but the solar panels last for 40 years.
- Sheep grazing is a tried and tested method. AGR has a solar farm in Cambridge that have sheep grazing. Whilst growing crops underneath the solar panels is feasible it would require a much bigger area
- An offer has been made in writing from AGR to Parish Councils
- Technology has moved on. 25-year lifespans were linked to wind turbines. All solar farms have been 40-year lifespans due to the investment required. Manufacturers guarantee 40-year lifespans now, whereas before it was shorter
- The carbon payback is 6-10 years for the solar panels
- The 20,000 tonnes is comparing solar generation to gas generation
- The DCO threshold is over 50 megawatts. The inverter capacity limits how much it exports to 50 megawatts. The panels generation is limited to the grid connection
- The biggest threat to agriculture is energy
- There would have been a period of legal discussion with Parish Councils to ensure that there would be funding

Shaun Greaves reminded Members that although there has been mention of financial contributions to Parish Councils, no weight should be given to these in their decision making.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Tony Hunter
- Councillor Alistair Willoughby
- Councillor Michael Muir
- Councillor Nigel Mason

Points raised in the debate included:

- This is a subjective decision between the green belt and renewable energy. It is an inappropriate development on the greenbelt. It is also turning it into predeveloped land. This should be going to the Secretary of State due to the size of the development and the capacity potentially being greater.
- There were disagreements with the Local Plan for taking away the green belt, however the Local Plan says that there will be more green belt created. So taking away 0.6% isn't that big of an amount considering the amount of solar power created
- There are no special circumstances that warrant removal of the green belt as it is so important

- It is a difficult decision as it is environment vs environment. Unfortunately, we will have to make choices to remove some green belt to save the green belt in the future
- 2% more green belt is being created in the Local Plan, so losing this but won't have much difference. There is a solar farm on each side of a local runway and there has never been any reflection from solar farms while flying and it doesn't produce any glare
- We have an opportunity to do something about the climate emergency but it is at a cost

Councillor David Levett proposed to refuse permission for the reason that there has not been adequate demonstration of exceptional circumstances due to the harm it will create to the landscape. Councillor Terry Tyler seconded and, following a vote, the proposal was **LOST**

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

**RESOLVED:** That the application 21/03380/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager and the removal of Condition 7, to be replaced with two further conditions. Therefore the current Condition 9 would become Condition 10, with the other Conditions included within the report changing number accordingly. The additional conditions were:

“Condition 7:

No development including ground works and ground preparation works shall take place until a surface water drainage scheme, based on suitable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100-year + climate change critical storm will not exceed run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. A detailed response to the Letter from the LLFA dated 15 November 2022 which addresses the points of concern with the proposed surface water drainage scheme and overland flow management scheme.
2. Carry out any necessary amendments to the proposed surface water drainage scheme and hydraulic modelling for the overland management scheme for LLFA approval. Once the baseline information is agreed the following information should be provided;
3. Demonstrate an overall betterment of the existing pre-development overland flow paths for the 1 in 30-year event, ensuring the flow paths are maintained and not made worse for events above the 1 in 30-year event and up to the 1 in 100 year + climate change event.
4. Detailed engineered drawings of the proposed SuDS/flood risk mitigation features including their location, size, volume depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
5. Detailed engineered drawings of all proposed discharge locations including headwall details, evidence of land ownership and relevant permissions. A condition survey of these specific locations should also be provided and any mitigation required should be carried out prior to development taking place.
6. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.

7. Provision of half drain down times for surface water drainage features within 24 hours.
8. Silt traps for protection of any residual tanked elements where appropriate.
9. Construction phase surface water and flood mitigation management plan.
10. Details of how the scheme shall be maintained and managed after completion including adoption of details.

Reason: To prevent the increased risk of flooding, both on and off site in particular to Priory Lane and Little Wymondley.

Condition 8:

Upon completion of the surface water drainage/flood management works for the site in accordance with the timing/phasing arrangements, the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.”

**27 22/00982/FP Greenveldt Kennels , Luton Road, Kimpton, Hertfordshire, SG4 8HB**

*Audio recording – 2:00:29*

Andrew Hunter presented the report and gave a verbal presentation, which included:

- An extension of time has been agreed to the 22<sup>nd</sup> November
- Paragraph 4.3.26 reports should have the number 34.39% amended to 38.95% to reflect the figure in the energy strategy statement on its last page
- Following the adoption of the new Local Plan, the references to the 1996 previous Local Plan in the officer report have been removed and these changes are set out in an addendum to the officer committee report for this item and on the website.
- The site is a previous dog kennels business behind the dwelling which is at the front
- The business has now closed and the land has been cleared of most building structures and vegetation.
- The oak tree car repair garage to the east is the only neighbour and the rest of the site is enclosed by agricultural fields.
- There is a line of mature trees on the west boundary
- The nearest dwelling is approx. 300m away to the west
- The locality is a rural agricultural character and is in the green belt
- The proposal is for the redevelopment and change of use of the site to residential, involving the clearance of building structures and vegetation and the erection of three detached 4-bedroom bungalows each with pitched roofs, parking for the dwellings and visitors. There will be soft landscaping and the existing access will be widened.
- The existing site plan was before it had been cleared of the building structures

There were no questions from Members.

The Chair Neil Burns to speak against the application.

Neil Burns thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- In the last three years there have been three planning applications granted by the Council. First in 2000 was the conversion of a single stable block to provide a 4-bedroom house. The second in 2021 was the erection of two 3-bedroom and one 4-bedroom dwellings which this application seeks to replace. Thirdly, last week the Council granted permission for the extension of the existing dwelling at the front of the site by 100m sq. to be subdivided into two 4-bedroom dwellings.
- In 4.3.4 of the officers report which is inappropriate development, the application doesn't meet either of the two tests of nppf149g. firstly the proposal is not contributing to identified affordable housing needs. Secondly the proposal has an impact on the openness of the green belt.
- The proposed dwellings are now 4.7m in height, which is over twice the height of the existing buildings and significantly higher than that contained in the 2021 approved scheme. This increases the intrusion into the green belt
- The current application seeks to relocate the dwellings 20m further the south away from the existing house and public road. This is a far greater visual intrusion into the green belt
- The existing mature trees to the south east are removed in this scheme, reducing screening and increasing visual intrusion
- In 4.3.6 of the officer report, NHDC define land excluded from PDL as "land that has previously developed but where the remains of the permanent structure or fixed surface structures have blended into the landscape"
- If you refer to the aerial photographs, this was taken before the land was stripped and the existing buildings were substantially dilapidated and overgrown vegetation. The appearance of the site was mainly of grassland and wooded areas. This shouldn't be considered as previously developed land in NHDCs definition
- In 4.3.9 of the officers report, NHDC state the proposal is inappropriate development land unless very special circumstances exist. NHDC state that existence of a prior approved planning application is considered a VSC. The current application must be considered upon its content against the planning regulations and not granted simply because there was a previous approved application.
- This is substantially different to the one given permission in 2021.
- The applicant has made an application on the basis that the existing development was 1400m sq. this figure is incorrect, the actual size is only 50% of this. The post development is actually larger than the existing. In the evaluations, open areas were included in the calculation
- The area of the new scheme is agreed with NHDC that it is 30m sq. larger than the previous application and this should be a reason for not granted for an application for a greater extension of building area in the green belt
- In addition to the technical grounds against planning applications, the current proposal offers only 4-bed properties. If this is approved it will result in the site compromising entirely of six 4-bed houses. None of the needs of the Kimpton Parish housing survey would be met.

There were no points of clarification from Members.

The Chair invited Nicky Tribble to speak in favour of the application.

Nicky Tribble thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- This is a proposal for new housing stock which relates to an existing permission on the site for three dwellings
- The site has substantial history but the main focus of the approval is for three detached single-story dwellings which were approved in 2021
- In response to the Council's concerns for inappropriate development in green belt, the principal of the residential redevelopment of the site has already been agreed and supported by officers under the current permission
- This development could be implemented under the current permission. The applicant however purchased the site with the intention of making some minor changes to the layout, the form and the character of the development
- This revised proposal seeks to change the location of the access road which will now run along the west side of the site. This design change encouraged the retention and protection of the mature trees along the west boundary of the site.
- The new dwellings will occupy a similar position and orientation to the current permissions
- This revised scheme proposed 599 square meters of gross external area. The existing buildings on the site amount to approx. 1400 square meters.
- The reduction in the build enhances the character and appearance of the locality and results in a substantial improvement to the openness of the green belt
- The current permission provides a scheme which is minimal and modern in character and appearance. This scheme proposes traditional pitched roof and external materials which is more in keeping with the rural build styles found locally. The low-rise hip roofs will not extend above the maximum height which has already been agreed. The ridge height has not been increased
- The house types vary slightly in detail and add interest in development which includes alternative materials, brick detailing, and design detailing
- Careful attention has been paid to the street evaluation to create interest and add variety to the build form
- It is the applicant's intention to develop in a more in keeping style and form to enhance the green belt setting

There were no points of clarification from Members

The following Members asked questions:

- Councillor Nigel Mason

In response Andrew Hunter advised:

- The highest points of the dwelling is similar to that of the ridge height of the dwellings now proposed
- The two other applications mentioned by the objector are separate applications and comply with relevant policies
- There are only three dwellings proposed and falls under the national minimum threshold of affordable housing which is 11 dwellings
- The impacts on the area are comparable to the 2021 permission because these dwellings are only 30 square metres larger in terms of their footprint and they will be moved further away from the west boundary of the site which reduces their visibility from outside the site

The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Michael Muir
- Councillor Tony Hunter
- Councillor David Levett

Points raised in the debate included:

- There is a previous approval for a similar application. Currently the site is a dump so I don't think building houses will make it worse it will only make it better.
- Condition 8 mentions trees. I would like to see the gaps filled further with trees and some trees planted on the other side
- This is previous developed land and the previous application was granted so we can't refuse this application
- When this was approved last time we didn't have a 5-year land supply but now we do in the Local Plan, but because this was previous developed land we should grant it

In response to points raised, Andrew Hunter advised:

- The applicants can propose increased landscaping to increase trees. We can add an amendment to condition 8 to plant more trees.

Councillor Daniel Allen noted that the Member that called this item is not present.

Councillor Michael Muir suggested an amendment for Condition 8.

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

**RESOLVED:** That the application 22/00982/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager with an amendment to Condition 8 reading:

“Condition 8:

Prior to the commencement of the approved development, the following landscape details shall be submitted:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained – including details of tree cutting
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

d) details of any earthworks proposed

e) new tree planting to the west and east boundaries of the site, between the trees on the west boundary, and on the east garden boundaries of the approved dwellings. These trees shall be of native species, with details to be provided as part of b) of this Condition.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.”

**28 22/01920/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP**

*Audio recording – 2:31:21*

Thomas Howe presented the report and gave a verbal presentation, which included:

- Omit the report references saved policies and the emerging nature of the Local Plan. My recommendation still stands
- There is an amendment to Condition 4 of Item 8 relating to the planting of a tree. There is some hoarding erected and some commencement of works related to extent permissions has occurred. It now should read “one replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue within one year of the date of this decision and should the tree die within five years of it being planted, the tree must be replaced in the following planting season”
- Two applications are being considered at the same address so I will only introduce the site once
- It is a detached bungalow to the north of Oakfields Avenue and is in a residential area of Knebworth
- It isn't listed or in the conservation area.
- There is a tree that has now been felled
- This application is looking to join up extant permissions with the emission of certain roof elements. A pitch has been erected to obscure and soften the flat roof.
- The garage is retained and the rear extension with bifold doors is joining up to the garage.
- The loss of the copper beech was strongly object to by neighbours and this tree was also considered to contribute to locality given its large size and pleasing crown. It was felled without being a breach of planning as it was not protected by a tree protection order and the site is not in a conservation area. A condition is attached to both applications requiring that a tree be planted in the front garden to replace the felled tree and contribute to the street scene.

The following Members asked questions:

- Councillor Alistair Willoughby

In response Thomas Howe advised:

- The Neighbourhood Plan does reference the design of the buildings. It is in traditional nature and is as expected for a dwelling of the size. It is my opinion but I believe it is the nature of the Neighbourhood Plan

The Chair invited Peter Calver to speak against the application.

Peter Calver thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The two applications should be considered together as they are effectively a single development to this plot.
- It is surrounding a 1926 bungalow on all sides with flat roofed extensions is entirely out of character and sympathy with the existing building and surrounding properties
- Oakfields Avenue should be considered as a character neighbourhood whose origins are from the inspired Knebworth Garden Village project from the early 20<sup>th</sup> century.
- An image of this property can be seen in the original prospectus for the Knebworth Garden Village project
- The bungalow should be described as a building of special architectural interest and should be treated with respect
- The proposed plans will attach a large double garage to the front which will be detrimental to the street scenery
- Very little of the original structure would be visible, contrary to North Herts and Parish Council Local Plan policies. These policies state that the layout, design, existing features, and character of the surroundings must be considered. "Concern for the site and surroundings is equally, if not more, important for conversions. Single dwellings can have a disastrous impact on the street scene or building itself. Existing features should be retained as far as possible and development on sites and areas having established character will need careful consideration as to whether they are acceptable at all".
- Many surrounding properties have been developed over the years in sympathy to their origins and this should continue
- The statutory notifications for these applications were not originally displayed at the site by the applicant. It was only after objections were received, it was displayed with only a few days left for objections
- Planning extended time for objections but the notices were not updated at the site.
- Another extension was put forward and the planning officer attended the site to ensure the notices were displayed for the full period
- There was a felling of a significant 80-year-old beech tree on the boundary between 12 and 14.
- The previous application plans didn't include this tree and after informing Council planning the plans were amended to include the tree.
- There was an inspection with a view to imposing a TPO on the significant tree. The tree officer said, "the felling of this tree will be criminal". He rated the tree definitely meriting a tree preservation order and considered the tree to be in joint ownership between 12 and 14.
- The applicant in the signed declaration stated that no tree was to be felled and this was reaffirmed by emails.
- The application for the detached garage under the tree were refused because of the tree
- With no consultation, the beech tree was felled

The following Members asked points of clarification:

- Councillor David Levett

In response to points of clarification it was advised:

- I am house number 12 which is the bigger house

The Chair invited Councillor Lisa Nash to speak against the application as a Member advocate

Councillor Nash thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- There have been a considerable number of applications which have caused confusion to residents who feel they can't comment fully. This application should have been a single application
- This property is currently unoccupied and stands on the road in full view of neighbouring properties and street scene
- Oakfields Avenue was built in keeping with the garden village design which provides wide main avenues and large gardens, similar to Letchworth, and is protected
- This application disregards this approach as it is in conflict with the adopted neighbourhood plan.
- Oakfields Avenue is recognised as a character road in Knebworths neighbourhood plan.
- One objective of Knebworths neighbourhood plan is to retain the existing architectural character of the garden village which this proposal is contrary to.
- This proposal is not in keeping with the character of the property nor those surrounding it, which have pitched roofs.
- The large garage dominates the front of the property and is disproportionate to the size of the property itself and significantly forward of the building line.
- These features negatively impact the street scene for neighbouring residents
- This application is also contrary to NHDC policies 28 around house extensions and 57 residential guidelines and standards, by not retaining the shape and existing features of the property.
- It is contrary to the adopted Local Plan policy D2 due to the adverse effect on the character and appearance of the street scene
- The road have unique characteristics which should be protected
- Several neighbours were unhappy about the felling of the beech tree which was due to have a TPO put on it
- A new and complete planning application should be submitted which shows changes in the property to date and all proposed alterations which is in character to the street scene.
- I request two conditions are attached. The reinstatement to replace the tree that was felled to maintain the environment, and that due to the disproportionate size of the garage which is significantly forward of the building line, that permitted rights are moved and conversion to residential use should not be allowed

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson

In response to points of clarification it was advised:

- All the other houses have been altered but have been in keeping with the character and were done before the Neighbourhood Plan which specifically mentions Oakfield Avenue
- The road is in the Neighbourhood Plan and is a recognised character road

The Chair invited Justin Reed to speak in favour of the application.

Justin Reed thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The applicant was previously granted prior approval for the single-story rear extension with a depth of 5.32m and granted planning permission for a single-story side and front extension and conversion of a garage into a room.
- This application seeks to connect the two applications together.
- There have been points regards to established character, but there are a range of types of houses and there isn't an established character along the street.
- The difference between the two approved applications and this one is very slight in differences.
- The tree was felled in June and the planning officer has recommended an additional condition which requires the client to plant another tree. There was no breach as the tree didn't have a TPO. The tree doesn't form part of this application so there shouldn't be a condition added to it

There were no points of clarification from Members

The Chair invited Thomas Howe to respond:

- The design is sympathetic
- The neighbourhood plan does discuss Oakfields Avenue and views down. This is why previous applications were refused for a detached garage at the front.
- The frontage is still open and you can still see the majority of the design of the dwelling
- There is a lot of variation along Oakfields Avenue of bungalows and 2-storey dwellings.
- There were notices put up with correct expiry date to allow for full consultation
- The applicant can submit two applications, and they are detached from each other.
- The planting of a tree in the front garden would be a positive impact to number 14 and the wider area.

Tom Allington also responded:

- A condition to prevent the garage from being turned into a room was not imposed on the previous application so would be considered unreasonable to impose it now.
- Usually when we impose a condition like this it is to retain parking, but this site has ample parking in the front.

The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Michael Muir
- Councillor David Levett
- Councillor Simon Bloxham

Points raised in the debate included:

- The issue seems to be with the character however we have heard from a lot of people that it seems to be in line with the character of the street.
- The tree shouldn't have been removed

- The wording should be that the tree should be planted in the front garden not just on the property. With a tree of that size, will there still be ample parking at the front of the property for two vehicles
- Was there a pending TPO on the tree that was felled. We should make sure that the new tree doesn't get cut down too
- If there is a tree felled for a development we should have a policy as a Council to ensure they plant two trees rather than just one. A tree in the back garden can be planted as well as in the front
- The previous application was different
- We don't have proof that it was felled for planning reasons. I can't believe that in the next application there is the same wording so there could be two trees planted

In response, Tom Allington advised:

- Condition 4 has been updated. The tree should be planted within a year should this application be granted
- If the tree is to be planted in a similar place to the last tree, the driveway is big enough so there is enough space
- We are keeping the two applications separate and if both are approved then they would need to plant two trees. The main harm that was caused was the visual impact so planting a tree in the back garden won't do much to mitigate this

Thomas Howe also responded:

- There is wording to ensure the tree is planted in the front garden
- The previous application proposed two garages, we only allowed one

Councillor Alistair Willoughby proposed and Councillor Daniel Allen seconded and, following a vote, it was:

**RESOLVED:** That the application 22/01920/FPH be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager with an amendment to Condition 4 reading:

"Condition 4:

One replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue within 1 year of the date of this decision. Should the tree die within 5 years of it being planted, the tree must be replaced in the following planting season.

Reason: In the interest of local amenity."

**29 22/01921/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP**

*Audio recording – 3:10:15*

Thomas Howe presented the report and gave a verbal presentation, which included:

- The proposed extension is to the right side of the property and will have a flat roof

There were no questions from Members.

The Chair invited Peter Calver to speak against the application.

Peter Calver thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The objections are equally balanced for this application
- The attaching of a flat roofed extension partly to the front side visible from the street, the character property is at odds with the original building and those surrounding it
- It should be sympathetic to the buildings around it and in respect to the character of the neighbourhood
- This application is designed to be part of the larger development so why wasn't it included in the previous application.
- The original bungalow doesn't exist as the rear extension has been demolished and the building has been gutted
- The applicant work started without consent

There were no points of clarification from Members.

The Chair invited Councillor Lisa Nash to speak against the application as a Member advocate

Councillor Nash thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- Many residents were unaware
- This application is contrary to the Knebworth Neighbourhood Plan
- It will have a massive impact on the street scene as it is not in keeping with surrounding properties
- It would have been better to have one complete plan that was sympathetic to the street scene and in line with policies.
- The front of the property will be a lot further forward than neighbouring properties
- It has a massive visual impact on neighbouring properties

There were no points of clarification from Members.

The Chair invited Justin Reed to speak in favour of the application.

Justin Reed thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- There is no established character along the street with properties varying in size and style.
- This proposal will be a front extension to create a uniform appearance.
- It is a relatively small addition and won't harm the visual impact of the site

There were no points of clarification from Members

The Chair invited Thomas Howe to respond:

- The setback nature of the dwelling and modest scale and visual impacts means it will not have a massive impact

The following Members took part in the debate:

- Councillor Alistair Willoughby

- Councillor Michael Muir
- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor David Levett

Points raised in the debate included:

- We've just approved the visual of the building site so we can't refuse this
- It doesn't say what type of tree should be planted, I think it should state it is a Beech tree as that is what was removed
- We don't need two trees, we already have one now that replaces the other one
- If the tree is planted in the first condition and they build the second extension do they have to build both trees. If a second one is planted it should be placed in the back garden
- Sometimes you can't replace a tree with the exact same tree so having it as a native tree is better.

In response, Tom Allington advised:

- The condition says it should be a native tree, but this can be specified
- A replacement tree is important. These are two different applications for two different extensions. If they don't build on of the extensions then they will only have to plant one tree

Councillor Alistair Willoughby proposed and Councillor David Levett seconded and, following a vote, it was:

**RESOLVED:** That the application 22/01920/FPH be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager

## 30 PLANNING APPEALS

*Audio recording – 3:24:48*

Tom Allington updated Members on Planning Appeals which included:

- We have five appeal decisions to report back
- The site at Croft Lane in Letchworth and this is now one of our allocated housing sites. This was recommended for approval by the officer and was overturned and refused by the Committee on the grounds that Croft Lane was too narrow for the levels of traffic.
- The appeal was dismissed but the inspector found that the reason given by the Council was acceptable and the impact of the traffic would be an unacceptable level. It was dismissed because the obligations in the unilateral undertaking had not been fully justified and therefore had not been found to be fully compliant.
- There are four other appeal decisions but they are not hugely noteworthy but I am happy to take questions

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

The meeting closed at 11.00 pm

**Thursday, 17th November, 2022**

Chair