

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 30TH NOVEMBER, 2023 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace and Phil Weeder.*

**In Attendance:** *Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Andrew Hunter (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Development Management Team Leader), Kerrie Munro (Locum Planning Lawyer) and Melissa Tyler (Senior Planning Officer).*

**Also Present:** *At the commencement of the meeting approximately 30 members of the public, including registered speakers.*

#### 144 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 52 seconds*

Apologies for absence were received from Councillor Terry Tyler.

*N.B. Councillor Sean Nolan entered the Council Chamber at 19:32 and Councillor Philip Weeder entered the Council Chamber at 19:35.*

#### 145 MINUTES - 26 OCTOBER 2023

*Audio recording – 2 minutes 3 seconds*

Councillor Val Bryant, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 26 October 2023 be approved as a true record of the proceedings and be signed by the Chair.

#### 146 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 50 seconds*

There was no other business notified.

#### 147 CHAIR'S ANNOUNCEMENTS

*Audio recording – 2 minutes 55 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded. The recording will be available to view on the Council's Mod.gov website or YouTube page.

(2) Members are reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights is set out under Chair's Announcements on the agenda.

(3) Members of the public have 5 minutes for each "group" of speakers, supporters and objectors. There is a separate 5-minute time limit allocated to Member Advocates.

A warning will be given at 4 minutes to alert you that you have 1-minute left.

At 5 minutes, you will be advised that the time allowed has ended and the speaker must cease.

(4) For the purposes of clarification – in order to vote on an agenda item at this meeting a Member must be present for the entirety of the debate and consideration for that item. If a Member leaves the room at any point of the item they will not be able to vote.

## 148 PUBLIC PARTICIPATION

*Audio recording – 4 minutes 12 seconds*

The Chair confirmed that the registered speakers were in attendance.

## 149 22/02871/FP LAND ON THE WEST SIDE OF, LOWER ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8NS

*Audio recording – 5 minutes 5 seconds*

The Planning Officer provided the following updates that:

- To comply with the Local Plan Policy SP1, the end of paragraph in section 3.3.5 of the report had been updated.
- The applicant had formally agreed to the amendment of the wording of the pre-commencement condition in relation to the foundation layout of 'Plot 4 Garage' at section 3.3.17 of the report.
- If Members approved the application, the amendment to section 3.3.17 would be added as Condition 14 to the decision notice.

The Planning Officer presented the report in respect of application 22/02871/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Mick Debenham
- Councillor Louise Peace

In response to the points of clarification, the Planning Officer stated that the objections by Highways were not valid because a technical note regarding access and scale had been accepted and the Local Plan endorsed the site as being sustainable because it was within the settlement boundary.

The Development and Conservation Manager stated that the Local Plan identified this as a sustainable rural location for development, that does have facilities to meet the needs of residents and therefore the Council did not believe refusal due to this being in an unsustainable location would be sustainable upon appeal.

The Chair invited Mr Paul Wilkes to speak against the application. Mr Wilkes thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

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- Mr Wilkes was one of 12 objectors, most of whom lived in Lower Road.
- This proposal was on the edge of the village and situated on a narrow country lane with no passing points.
- People would therefore use the entrance to the development as a passing point and subsequently drive faster on the road.
- A speed and traffic count had been carried out by the applicants, however the speed counter was positioned on a blind bend where cars had to slow down and speed was only registered at 20 miles per hour.
- Since the survey there had been one accident on Lower Road where a residents car had been badly damaged by a speeding car and was a write off.
- The main objection to the application was the suitability of the area and the safety of not only the people using Lower Road, but also the people who would be purchasing the new houses.
- This development would bring more vehicles to Lower Road, including vehicles of any visitors or deliveries.
- This development was a dangerous proposal for Lower Road.

The Chair thanked Mr Wilkes for his presentation and invited Mr Geoff Long and Mrs Rosemary Long to speak in support of the application. Mrs Long thanked the Chair for the opportunity to and provided the Committee with a verbal presentation including that:

- Breachwood Green was listed a Category A village in the Local Plan.
- It was a sustainable small village where development was allowed within the defined borders to help ensure villages attracted young families preventing them from stagnating.
- The development had been designed with young families in mind and the houses at the back were disabled friendly and in keeping with the Local Plan.
- The development would provide 10 houses with the remainder of the site being let to neighbouring houses to increase the size of their gardens.
- The development would bring more people to the village who would therefore use the local facilities.
- Highways had recorded speeds outside the site which were slightly less than 20 miles per hour.

In response to a point of clarification from Councillor Levett, Mr Long advised that the area was currently vacant at present but had previously been used for dog training.

The Planning Officer advised that a footpath would be out of keeping with Lower Road and that the objections from Highways were purely on the sustainability and accessibility of the site for sustainable transport means, not on safety of access.

The following Members took part in debate:

- Councillor Daniel Allen
- Councillor Louise Peace
- Councillor Simon Bloxham
- Councillor Sean Nolan
- Councillor David Levett
- Councillor Mick Debenham

Points in the debate included that:

- Chain link fencing was unsafe for animals and this wording should be removed from Condition 11.
- There was no provision of a footpath from the development to the centre of the village or to the school.
- This was a small development which would not have a large impact on the sustainability of the area.
- Moving back the starting point of the 20 miles per hours restriction to the village may help with the speeding issues.

The Planning Officer advised that it would be possible to remove chain link wording from Condition 11 and that the only objections left with Highways were on sustainability issues and not regarding safety issues.

The Development and Conservation Manager advised that the only provision for a footpath was along the front of the site which wouldn't gain access to the village. Lower Road was a country lane and it was felt that the installation of a footpath would change the character of the road.

The Locum Planning Lawyer advised that amending a speed limit was a matter for Highways as the public would need to be consulted and feedback taken before any decision could be made and that this was not in the applicants domain.

Councillor Tom Tyson proposed with the amendment above to Condition 11, and Councillor Simon Bloxham seconded and, following a vote, it was:

**RESOLVED:** That application 22/02871/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the following amendment to Condition 11 and the addition of Condition 14:

Condition 11:

*Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling fencing of a minimum height of 1.2 meters on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012.*

*Reason: To prevent damage or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.*

Condition 14:

*Details of the foundation layout, type and depth for 'Plot 4 Garage' of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.*

*Reason: To ensure that the development will not have an unacceptable impact upon the adjacent woodland and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.*

**150 23/00334/FP BARN ADJACENT TO CHURCH FARM, WEST STREET, LILLEY, HERTFORDSHIRE, LU2 8LH**

*Audio recording – 35 minutes 17 seconds*

The Senior Planning Officer provided updates:

- The report should state 'planning application' rather than 'pre-application request' at the end of the last sentence of paragraph 4.1.1.
- The County Councils Highway Officer had stated in a response from March 2023 that they do not wish to restrict the grant of permission and that this would be added as paragraph 3.8.

The Senior Planning Officer presented the report in respect of application 23/00334/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Daniel Allen
- Councillor Louise Peace

In response to the points of clarification, the Senior Planning Officer stated that:

- The original planning application which was granted back in 2022 had been approved by the Parish Council, but that there was an objection to this application.

- The bin stores were clearly marked on the plans as a black rectangle.
- This new application had added a workshop and store to the front extension which brought it closer to Church Farm.

The Chair invited Ms Rosalind Murray to speak against the application. Ms Murray thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The plans were not sensitive to have a building of this size in a conservation area.
- The barn was agricultural in its original use.
- The new extension was very close to Church Farmhouse.
- The solar panels were clearly visible from the public highway and this caused an infringement on the conservation area.
- The inclusion of a glazed window added an urban note which was not in keeping with a conservation area.
- The plans were not sympathetic and did not preserve or enhance the conservation area.

The Chair thanked Ms Murray for her presentation and invited Mr Kendall Cordes to speak against the application. Mr Cordes thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He lived at Church Farm, the property next door to the planning application.
- The solar panels would be very high and prominent, which would make them visible as you drove through the village.
- The barn was opposite a Grade 2 listed church and this planning application would not preserve or enhance the character of the village.
- The solar panels should be positioned out of view.
- The new extension had narrowed the distance to the width of a small gate from Church Farm.
- The workshop doors would obstruct the access of next door.

In response to a point of clarification from Councillor David Levett, Mr Cordes confirmed that the white building next to Church Farm was part of his house.

The Chair thanked Mr Cordes for his presentation and invited Councillor Claire Strong to speak against the application as Member Advocate. Councillor Strong thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- She had called this application in support of Lilley Parish Council and the neighbours.
- The original application had been agreed, but this application should be considered as a new application rather than an amended one.
- There was a Grade 2 listed farmhouse and church nearby and these barns were not in a good state and required a rebuild rather than a conversion.
- The solar panels were very visible and were not in keeping with a conservation area and would have an impact on the heritage buildings nearby.
- The Committee should consider the material impact of the revised plan and what the residents would have to live with if this application was approved.

The Chair thanked Councillor Strong for her presentation and invited Mr David Parry to speak as a support of the application. Mr Parry thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- This application was designed of a very high standard of sustainability and energy efficiency.
- The revised scheme was smaller than the original application and was more in line with the original agricultural use with a farmyard layout.
- The original large by fold doors on the original scheme had been removed.
- The materials used reflect the agricultural outbuildings.
- The glazed window was in a bathroom of the property and faced northwest from the property.
- The white building adjacent to the boundary with an asbestos roof was only attached to the historic building and not part of the original barn.

- The solar panels used were discussed with the conservation team and were level with and formed part of the roof covering.
- No visible frames or geometric patterns had been used on the solar panels to enable them to blend in with the roof.

The following Members asked points of clarification:

- Councillor Daniel Allen
- Councillor Simon Bloxham
- Councillor Val Bryant

In response to the points of clarification, Mr Parry stated that:

- The shared access area was shared between both properties and could be kept as such with no conflict to all parties.
- The roof that the solar panels would be going on was largely an asbestos roof with some original slate on the higher part.

In response to the points of clarification, the Senior Planning Officer advised that:

- The Conservation Officer had not objected to this proposal, including the proposed solar panels and the distance from Church Farm.
- The solar panels complied with legislation and would be fitted on to the front roof the existing barn and dwelling approved last year.
- The doors to the store opened onto a very small part of the driveway and would not be detrimental to the occupants of Church Farm, as noted in point 4.3.15 of the report.
- The 2022 planning application was slightly larger than this application in terms of floor space and this application compared quite favourably to that one.
- Solar panels could be put on a roof of a non-domestic building with planning application.

The Chair thanked Mr Parry for his presentation.

Councillor David Levett advised that although this application was not quite in keeping with the character of the area, he did not feel the harm posed outweighed the advantages.

Councillor David Levett proposed and Councillor Sean Nolan seconded and, following a vote, it was

**RESOLVED:** That application 23/00334/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

151 **23/01029/FP COCKERNHOE FARM, LUTON ROAD, COCKERNHOE, LUTON, HERTFORDSHIRE, LU2 8PY**

*Audio recording – 1 hour 9 minutes 9 seconds*

The Planning Officer presented the report in respect of application 23/01029/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Christopher Higenbottam to speak in support of the application. Mr Higenbottam thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The scheme exceeded the parking standard overall as there were 25 parking spaces and some houses had more than the standard two parking requirements.
- The application was for 8 dwellings and would involve some conversion.
- There were no footpaths in the village to the bus stop and this was the same for all residents in the village.

- The applicant did not own the land where the footpath would need to be constructed, so this was not in his domain.
- The application met the environmental objectives of respecting the conservation of the area.
- The proposal was not a major development and would only generate a small number of traffic movements would not cause any highway safety issues.

In a response to a point of clarification from Councillor David Levett, the Planning Officer advised that there were only 8 dwellings although numbered from 1 to 9 as house number 6 was omitted as this area was part of the refuse plan.

The Chair thanked Mr Higenbottam for his presentation.

The Planning Officer advised that the parking standards were met notwithstanding what is written in the report.

Councillor Louise Peace commented that there was a safe route for families to walk to the local school with a small child or buggy over the green.

Councillor Simon Bloxham proposed and Councillor Tom Tyson seconded and, following a vote, it was:

**RESOLVED:** That application 23/01029/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

*N.B. Following the conclusion of this item there was a short break in proceedings until 21:05*

152 **23/01420/FP NEWSSELLS PARK WINERY, WHITELEY HILL, BARKWAY, ROYSTON, HERTFORDSHIRE, SG8 8DY**

*Aning Audio recording – 1 hour 33 minutes 10 seconds*

The Development Management Team Leader provided updates that:

- There had been a receipt of no objection from the Highways agency.
- There had been advice that unilateral undertaking was no longer required and that Condition 15 was sufficient for the purpose of the travel plan implementation and monitoring.
- There was a typographical error in 4.3.21 which should say ‘blood stock’, rather than ‘block stock’.
- This was a full application of a winery production facility with hospitality and new parking space.

The Development Management Team Leader presented the report in respect of application 23/01420/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Stephen Blowers to speak in support of the application. Mr Blowers thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- A leading design had been used for this winery by the architect.
- The soil was in a south facing chalkland on the estate which was good for growing wine.
- The end of the second growing season was approaching with a small harvest expected next year.
- There would be a synergy with visitors to the stud being able to also visit the winery.
- The surface and water waste system were based on a living water natural ecological system which collected waste and foul water by passing it through a bio filter to ensure there was not any contamination.
- The fully integrated ecological system protects wildlife.
- The site had access on to the road to provide maximum visibility to ensure any motorist could see the new junction.

In response to a point of clarification from Councillor Sean Nolan, the Development Management Team Leader stated that:

- Before the winery was up to full capacity, they would have space within the facility to bring in grapes from other growers to process and mature wine.
- There would be the potential to produce and store wines for other existing wineries after 2026 if required.

The Chair thanked Mr Blowers for his presentation. The Chair invited Councillor Gerald Morris to speak in support of the application. Councillor Morris thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The winery was architecturally exciting and discreetly set within its rural environment.
- The winery would be a credit to North Hertfordshire and would bring both employment and wine to the area.

The Chair thanked Mr Morris for his presentation.

The following Members took part in a debate:

- Councillor David Levett
- Councillor Sean Nolan

Points raised in the debate included that:

- The winery was an excellent design and was something new to the area.
- It would be beneficial to the area and would bring rural jobs which was something that had been a struggle in other areas.

Councillor Tom Tyson proposed and Councillor David Levett seconded and, following a vote, it was:

**RESOLVED:** That application 23/01420/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the removal of 6.1(A) and 6.1(B) and the following additional conditions and informatives:

Condition 18:

*If, during development, contamination not previously identified is found to be present at the site then no further development (unless agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.*

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.*

Condition 19:

*The development hereby permitted may not commence until a non-mains waste water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.*

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.*



Condition 20:

*No development should commence until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The scheme shall be implemented in accordance with the approved details.*

*Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.*

Condition 21:

*Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.*

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.*

**153 23/02040/FP 181 WESTON WAY, BALDOCK, HERTFORDSHIRE, SG7 6JG**

The Senior Planning Officer provided the following updates that:

- A neighbour emailed advising that they did not object to the application but hoped that the comments regarding possible damage to the hedge were considered. Therefore, the word 'objection' would be changed to 'comment' under section 3.1.
- The proposed garage would be set 0.75 meters from the boundary.
- The proposed garage would have a maximum height of 2.7 meters.

The Senior Planning Officer presented the report in respect of application 23/0240/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Josh Munford to speak in support of the application. Mr Munford thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He and his wife had lived in the area for 32 years.
- The application was for a single garage to be built on a 218 square meter driveway.
- The proposed plans sat away from the boundary and were on level with the footpath.
- The property provided screening from public view by a 2.5 meter high evergreen red robin hedge.
- Weston Way was an everchanging road with no distinct character.
- The plans had been designed sympathetically to blend in with existing houses and area.

The following Members asked for points of clarification:

- Councillor Daniel Allen
- Councillor Val Bryant

In response to the points of clarification, Mr Munford advised:

- The hedge was 2.55 meters high to the front of the property and 2.8 meters high to the right.
- They owned two cars and wanted the garage to store a classic car which was not used daily.
- There was enough space on the drive to do a full turn in a large vehicle.

The Chair thanked Mr Munford for his presentation. The Chair invited Councillor Alistair Willoughby to speak in support of the application as Member Advocate. Councillor Willoughby thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Mr Munford was willing to work with the planning department to come to a fair compromise.
- The hedging around the property would prevent any significant view of the garage.
- Weston Way had many properties all of which were of differing size.
- There was no character in Weston Way that this planning application would negatively impact.

In answer to a point of clarification from Councillor Louise Peace, Mr Munford advised that he was prepared to move the application half a meter from the street line.

The following Members took part in a debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Tom Tyson
- Councillor Val Bryant

Points in the debate included that:

- The garage would be out of keeping with that stretch of Weston Way.
- The Council did not think it was right to change the street scene for this application.
- This section of Weston Way would not benefit having this building put at the front of the house.
- There was a clear street scene in that area without any garages.
- The neighbours at 179 would suffer from a higher hedge as their garden was narrow.

Councillor David Levett proposed and Councillor Daniel Allen seconded and, following a vote, it was:

**RESOLVED:** That application 23/02040/FP be **REFUSED** planning permission due to the reasons outlined in the report of the Development and Conservation Manager.

## 154 PLANNING APPEALS

*Audio recording – 2 hours 12 minutes and 59 seconds*

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that there had been two appeals lodged. One appeal was part dismissed as the inspector had accepted the decision and the other appeal was allowed as it complied with Policy D2 of the North Hertfordshire Local Plan 2011-2031.

**RESOLVED:** That the Committee noted the report.

The meeting closed at 9.45 pm

Chair