

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 7TH MARCH, 2024 AT 7.30 PM**

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Louise Peace, Michael Muir and Dave Winstanley.*

In Attendance: *Sedem Amegashie-Duvon (Trainee Solicitor), Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Caroline Jenkins (Committee, Member and Scrutiny Officer), Kerrie Munro (Locum Planning Lawyer) and Tom Rea (Senior Planning Officer).*

Also Present: *At the commencement of the meeting approximately 10 members of the public, including registered speakers.*

178 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 30 seconds

Apologies for absence were received from Councillors Terry Tyler, Sean Nolan, Ian Moody and Phil Weeder.

Having given due notice Councillor Dave Winstanley substituted for Councillor Nolan and Councillor Michael Muir substituted for Councillor Moody.

179 MINUTES - 23 JANUARY 2024

Audio Recording – 1 minute 59 seconds

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

RESOLVED: That the minutes of the meeting of the Committee held on 23 January 2024 be approved as a true record of the proceedings and be signed by the Chair.

180 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 45 seconds

There was no other business notified.

181 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 48 seconds

(1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.

- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) The Chair advised that item 6 21/00541/OP had been deferred to a future meeting due to unresolved matters in relation to S106 obligations.

182 PUBLIC PARTICIPATION

Audio recording – 5 minutes 10 seconds

The Chair confirmed that the registered speakers were in attendance.

183 21/00541/OP LAND BETWEEN 134 AND 148 HIGH STREET, KIMPTON, HERTFORDSHIRE, SG4 8QP

Audio recording – 5 minutes 41 seconds

The Chair advised that this item was deferred to a future meeting due to unresolved matters in relation to S106 obligations.

184 23/00523/OP LAND EAST OF ASHMILL POULTRY FARM, HIGH STREET, BARKWAY, HERTFORDSHIRE

Audio recording – 6 minutes 3 seconds

The Planning Officer gave a verbal update and advised that a recent email received on 4 March regarding elements of public access had now been fully considered. It was also noted that the document dated 21 December 2023 was originally not on the Council website, but had recently been added.

The Planning Officer presented the report in respect of Application 23/00523/OP supported by a visual presentation consisting of photographs and plans.

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

- The area was a heritage point of historical interest.
- The new houses, even though set back, would cause a loss of privacy due to all rooms being next to the road. There is slight privacy to the rear of the properties.
- His whole garden would be overlooked by property 1, which backs onto his house. The field is 1 metre higher than his property, imposing on the area.
- The gable end of the new house would cause loss of light, mostly around midday and early evening.
- The area was good for wildlife and recently more wildlife had been witnessed including badgers, deer, foxes, bees nests, frogs toads and newts.
- Many concerns had been raised about the smell from the adjacent poultry farm.

In response to a point of clarification from Councillor David Levett, Mr Gordon confirmed:

- His house was a Grade 2 listed building.

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- The odour from the poultry farm was strongest around 7 times per year when the area was fully cleared and the smell was worse on damp, rainy days, rather than in Summer.

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

- It was considered the site was unsuitable and not in the local plan.
- Recently the area had been cleared of natural planting leaving a superficial cover to remain.
- This development was not necessary for North Herts housing needs, and Planning Officers had also objected.
- Previous applications for the Ashmill Poultry Farm site had been refused for similar reasons.
- There were concerns over the proximity of the Poultry Farm to local business, places of employment, and to where people will live.

The Chair thanked Councillor Morris for his presentation and invited Mr Shane Ahern, the applicant, to speak. Mr Ahern thanked the chair for the opportunity and provided the committee with a verbal presentation, including that:

- The site in Barkway was currently scrubland and had been earmarked for development.
- The development would consist of six houses, including one affordable home for key workers only.
- The site plan had been designed with heritage as a consideration by an expert and had been submitted with a written air quality guidance.
- The adjacent poultry farm was cleared and cleaned seven times per year. The odour from the farm was noted to be worse on hotter days and measurements showed a 25% acceptability.
- Previous applications included dwellings approximately 3 metres from the poultry farm. This current version included dwellings 60 to 70 metres from the farm.
- The homes in this development would be of a self-build style, allowing buyers to design their houses themselves.

The following members asked points of clarification:

- Councillor David Levitt
- Councillor Simon Bloxham
- Councillor Louise Peace
- Councillor Dave Winstanley
- Councillor Mick Debenham

In response to the points of clarification, Mr Ahern advised that:

- A full application and outline had not been taken, due to the principle of the site being agreed first.
- The houses on site would be self-build therefore people could design their own home and one property would be allocated for key workers and local residents to purchase.
- The delivery of self-build homes was a statutory obligation and 89 people had already registered.
- There would be an extensive play area and green space providing biodiversity net gain.

- Measurements of the odours from the poultry farm had been carried out over 3 days at approximately 25°C, however residents had noted that the odour was worse during wet weather.

Councillor Tom Tyson proposed that the application be refused, and Councillor Simon Bloxham seconded.

The following members took part in debate:

- Councillor Daniel Allen
- Councillor David Levitt
- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Simon Bloxham

Points raised in debate included:

- Concerns over legality of offering houses to key workers only
- The recommendation for refusal was not because of the odour from the poultry farm alone and also concerned the heritage and conservation of the site.
- The development was noted to be outside of the settlement boundary with the rear of properties facing the High Street.
- Due to the height of surrounding trees and visibility from the properties, it was felt that the development would have heritage impact upon the listed buildings.

Having been proposed and seconded, following a vote, it was:

RESOLVED: That application 23/00523/OP be **REFUSED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

185 22/02205/FP LAND ADJACENT TO ARNOLDS FARM, CHAMBERS LANE, ICKLEFORD, HERTFORDSHIRE, SG5 3YE

Audio recording – 52 minutes 20 seconds

N.B Councillor Mick Debenham declared a personal interest and left the Council Chamber at 20:22

The Chair advised that Councillor Louise Peace was to speak as a Member Advocate against this item and would therefore move to the public gallery and not take part in the debate or vote.

N.B Councillor Louise Peace moved to the public gallery at 20:22.

The Senior Planning Officer provided an update that:

- The comments from the Conservation Officer comments were now on the website, confirming no detrimental impact on the character.
- The nearby public house had no impact on the property development. There was sufficient separation from the site and the nearby farm, with scrub to the perimeter.
- The Lead Local Flood Authority (LLFA) had raised no objections and as the application was now for fewer than 10 units, there was no obligation to consult the LLFA.
- The site plan had been amended on the 5 March 2024.

The Senior Planning Officer presented the report in respect of application 22/02205/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levitt
- Councillor Nigel Mason
- Councillor Dave Winstanley
- Councillor Daniel Allen
- Councillor Tom Tyson

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

- In the past this site has had four appeals, all which have been dismissed.
- This development was no longer on Greenbelt land.
- This was the second recent development in Ickleford and there was concern about the infrastructure in a small village and whether this is at breaking point.
- Larger development sites were asked to look at the cumulative impact of the site. This did not apply to this site, which was seen as a “windfall site”.
- There was a transport assessment submitted with this application.
- Sustainable energy ground source heat pumps would be installed in properties.
- The site would generate traffic during peak hours. However, Highways had confirmed they had no concerns.
- The side of the carriage way would be widened with a footpath.
- The adjacent burial ground was protected under planning law and provided no concern to the development.

The Chair invited Parish Councillor Ray Blake to speak against the application. Parish Councillor Blake thanked the Chair for the opportunity and provided the committee with a verbal presentation including that:

- Residents were proud of this green setting, together with the nearby Plume of Feathers public house and cottages.
- The Local Plan had been adopted and the site was not consistent with national policy and contains much flora and fauna.
- The cemetery is a peaceful setting which would be compromised.
- There was insufficient room for exits and entrances to the development.
- The area contains many wildlife corridors and Chambers Lane itself was narrow in places. This would provide problems for emergency vehicles and on site HGV.
- The parking for the development was also considered insufficient.
- The sewage system in the area will find the addition of properties impossible. The area already floods after downpours.
- After the recent development at Bowmans Mill, it was considered that this site was not needed.

In response to the points of clarification from Councillor David Levett, Parish Councillor Blake advised that the adjacent burial ground was a recent burial site from 2010 onwards.

The Chair thanked Councillor Blake for his presentation and invited Councillor Louise Peace, as Member Advocate, to speak against the application. Councillor Peace thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The flood risk of the site appears low but rises to medium to high risk on Chambers Lane. A drainage plan should be confirmed for the area and permission should not be granted until information is available.
- The biodiversity report was out of date, and a new report had not been provided by the applicant. Biodiversity will be offset elsewhere, possibly Oughtonhead Common.

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- Ickleford was considered a conservation area, with 2 listed buildings and burial ground adjacent to this development. The street scene will significantly change due to this application and it would have an impact on the conservation and heritage area.
- When development originated on this site, it was originally inside the green belt and has now been removed, but the land area itself has not changed.
- This application should be refused due to the heritage of the area, rather than the green belt status previously assigned to it.

In response to the points of clarification from Councillor Nigel Mason, Councillor Louise Peace advised that:

- There was a referendum on the Ickleford Neighbourhood Plan on 14 March 2024. The more developed the plan becomes towards its conclusion, the more weighting could be applied to it in considering applications.
- The Ickleford Neighbourhood Plan cannot contradict the Local Plan or National Planning Policy Framework.
- The Alleyfield burial ground is mentioned in Policy C2 of the Local Plan. This policy states that any existing facility would need to be provided elsewhere. The Trust managing the burial ground strongly object to moving the burial ground as the quality will be reduced.

The Chair thanked Councillor Peace for her presentation and invited Mr James Porter, as representative of the applicant, to speak in support of the application. Mr Porter thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The development was now inside the village boundary and outside the green belt.
- Chambers Lane is to be widened and a footpath added and access to buildings on Arnolds Farm site would be accessed from this route.
- Additional visitor parking had already been objected to and recommended to the parking numbers now in the final layout.
- Additional footpath access has not been included as it would not follow guidance as secured by design for new developments.
- A landscaping strip and emission of one house has reduced the density of the site.
- The biggest visual change is the removal of the hedge on Chambers Lane, increasing width and visibility. This followed the character of the area.
- The development comprised nine well designed houses, which would be a positive contribution to the village.

The following Members asked points of clarification:

- Councillor Dave Winstanley
- Councillor Tom Tyson
- Councillor David Levett

In response to points of clarification, Mr Porter advised that:

- In 2021 the area was an open field. Since then, the area was now teeming with wildlife. Although there was a shortfall on biodiversity net gain on site, a financial contribution had been discussed to offset this. An amount had been discussed but not finalised.
- It was confirmed that the separation between the site and the burial ground would be maintained by the tree hedge line and these would be added to.

In response to points raised the Senior Planning Officer advised that:

- The site had now been removed from the greenbelt.

- A heritage assessment had been carried out by an external consultant.
- The application had been discussed by the housing inspector.
- No objections have been raised by statutory consultees.
- Clarification was given to members that this covers biodiversity for the site.
- The study phase 1 had been carried out by the environmental health officer, with continuing issues.
- It was confirmed that Condition 11 should be revised to include three additional points.

Councillor David Levitt proposed the application be granted and Councillor Simon Bloxham seconded.

The following members took part in debate:

- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor David Levett
- Councillor Tom Tyson

Points raised in debate included:

- The resulting development would detract from the countryside feel of Chambers Lane. There were not many lanes left in this area.
- This area had not been identified for housing and consideration should be given as to whether a piece of land should be used solely as it is suitable. The natural diversity of this area cannot be moved elsewhere.
- It was felt there was no legal reason for refusal, as the site was within the settlement boundary and not on Greenbelt land.

Having been proposed and seconded and following a vote, it was:

RESOLVED: That application 22/02205/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

Condition 11 should be revised to include the following forwarding:

Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA in consultation with the Lead Local Flood Authority. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.*
- include a timetable for its implementation; and,*
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

Reason: To prevent surface water flooding

186 23/02802/LBC 26 - 28 HIGH STREET, GRAVELEY, HITCHIN, HERTFORDSHIRE, SG4 7LA

Audio recording – 1 hour 54 minutes, 45 seconds

N.B – Councillor Debenham returned to the meeting and Councillor Peace returned from the public gallery.

The Senior Planning Officer presented the report in respect of application 23/02802/LBC supported by a visual presentation consisting of photographs and plans.

There were no questions from members.

Councillor Tom Tyson proposed that the application be granted and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 23/02802/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

187 APPEALS

Audio recording – 1 hour, 59 minutes, 45 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that a single storey appeal in Holwell had been dismissed.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.30 pm

Chair