

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 11TH APRIL, 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, Phil Weeder and Dave Winstanley.*

In Attendance: *Shaun Greaves (Development and Conservation Manager), Caroline Jenkins (Committee, Member and Scrutiny Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Christella Menson (Principal Planning Officer), Kerrie Munro (Locum Planning Lawyer) and Tom Rea (Senior Planning Officer).*

Also Present: *At the commencement of the meeting there was one member of the public present, including registered speakers.*

199 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 21 seconds

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

Having given due notice Councillor Dave Winstanley would substitute for Councillor Nolan.

200 MINUTES - 7 MARCH 2024

Audio Recording – 1 minute 51 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 7 March 2024 be approved as a true record of the proceedings and be signed by the Chair.

201 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 46 seconds

There was no other business notified.

202 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 49 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.

203 PUBLIC PARTICIPATION

Audio recording – 4 minutes 49 seconds

The Chair confirmed that the registered speakers were in attendance.

204 23/01220/FP HOLBORN FARM, DANE END, THERFIELD, ROYSTON, HERTFORDSHIRE, SG8 9RH

Audio Recording – 4 minutes 55 seconds

The Senior Planning Officer gave a verbal update and advised that:

- A supporting letter had been received from the planning consultant for the applicant. This includes endorsement of the recommendation of the Conservation Officer that the dwelling location met with all criteria from the National Planning Policy Framework.
- A variation in the wording to condition 8 would include relevance to the bat survey carried out in June 2023.
- A variation to the wording in condition 9 would be to include “pre - commencement” rather than “first occupation”.
- New conditions 11 and 12 were suggested in respect of the shuttering and roof elevation to safeguard the character of the building.

The Senior Planning Officer presented the report in respect of Application 23/01220/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Val Bryant

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

- The bat licencing body concerned with this development would be Natural England, or whoever should replace them if they should not exist in the future.
- The roof tiles on the existing building would be removed and reused.
- It would be investigated whether there is a condition concerning the fabric change of the building and whether this needs to be recorded by Historic England.

The Development and Conservation Manager advised that there is a separate listed building application which will be dealt with under delegated powers and any condition concerning the recording of the fabric of the building would be placed on a consent relating to that application.

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

- The area had quiet lanes, mainly used by residents and delivery drivers.
- The barn itself was beautiful, but the added buildings were ugly. The development would provide external benefit to the area.
- Highways had raised concerns that there were no pavements, although his young family use both bicycles and prams and have no concerns. It was thought that one new dwelling would not add significant traffic problems.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Nigel Mason

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

- Alterations to the development would improve the visibility on the site. The stable block to be removed did obstruct the entrance view. It had also been recommended by the traffic consultant to remove the top two thirds of the hedge adjacent to the entrance to improve the visibility splay.
- It was unknown when the site was last used as a farm. He purchased the building 3 years ago, when the previous owners moved to an adjacent bungalow. The previous owners used the site for horses and storage. He was not aware of when the last commercial use of the site was.

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

- Highways had made no objections the visibility at the site, however there was an objection to the new dwelling being sited in a rural location with sustainability issues.
- The hedge at the entrance to the site would be trimmed back to enable the required visibility splay.

Councillor David Levett proposed to grant planning permission and Councillor Daniel Allen seconded.

The following Members took part in debate:

- Councillor Dave Winstanley
- Councillor Louise Peace

Points raised in debate included:

- Highways were not concerned with any impact from one additional dwelling.
- Previous agricultural use had made considerably more traffic on the lanes in the past.
- There had been concern regarding the bats in the barn, but this had been adequately dealt with by the conditions.

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

RESOLVED: That application 23/01220/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, and the following amendments to Conditions 8 and 9 and the addition of Conditions 10 and 11, as follows:

“Condition 8

The development hereby permitted shall be carried out in accordance with the recommended mitigation and enhancements set out in the submitted ecology report by Cherryfield Ecology dated January 2023 and the Emergence & Activity Bat Survey dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy NE4 of the North Herts Local Plan 2011 – 2031.

Condition 9

Prior to the commencement of the development approved a scheme of sustainable energy saving measures to be incorporated into the dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and implemented on site.

Reason: To address the climate emergency in accordance with Local Plan Policy D1 of the North Herts Local Plan.

Condition 11

Notwithstanding the detail show on the submitted drawings further details of shuttering to the north facing primary entrance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 12

Notwithstanding the detail show on the submitted drawings further details of the opening size and design of the north facing rooflight shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031”.

205 APPEALS

Audio Recording: 37 minutes 8 seconds

The Development and Conservation Manager presented the report entitled ‘Planning Appeals’ and informed the Committee that:

- One appeal had been dismissed for a property in Barley.
- The decision for the solar farm in Great Wymondley following the public enquiry had been overruled by the Secretary of State.
- The application for the Bygrave solar farm, which had previously received a hold notice from the Secretary of State, would be returned to a future planning meeting for discussion.
- A further application for a solar farm at Wandon End, near Luton Airport would be discussed at a future meeting.

The following Members asked points of clarification:

- Councillor Nigel Mason
- Councillor David Levett

In response to the points of clarification, the Development and Conservation Manager advised that:

- The Council's costs for the public enquiry was around £78,000, plus officer time. A recent letter from the Great Wymondley Residents Association showed a possible intention to challenge this decision in the High Court, although this would not stop the judicial review period of six weeks following the decision.
- There would not necessarily be a need for the Council to be represented during any Judicial Review in the High Court. It would be for the Secretary of State to be legally represented to defend his decision.

RESOLVED: That the Committee noted the report.

206 CURRENT ENFORCEMENT NOTICES

Audio Recording – 47 minutes 8 seconds

The Principal Planning Officer presented the Information Note entitled 'Current Enforcement Notices' and advised that:

- She was the newly appointed Team Leader of the Planning Enforcement Team and provided background on the newly established team.
- The team would continue to seek to negotiate on enforcement issues and come to an informal agreement where breaches occurred. Whilst this may lead to more protracted process, it was important to take a pragmatic approach to dealing with enforcement issues.
- The team would prioritise listed building, development in the green belt and advertising breaches and would continue to work progressively alongside the Conservation Officers to ensure that where a development fails to meet the corporate objective of the Council, appropriate action is taken.

RESOLVED: That the Committee noted the Information Note.

207 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 50 minutes 9 seconds

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

RESOLVED: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

208 CURRENT ENFORCEMENT ACTIONS

N.B This item was considered in restricted session and therefore no recording is available.

The Principal Planning Officer presented the Information Note entitled 'Current Enforcement Actions' and advised that:

- Officers were working on the current caseloads and bringing backlogs down, due to the recent turnaround of staff. Cases would now be picked up, revisited and decisions made.
- Members were contacting officers directly to request updates. Officers were keen to bring a clear message of a serious approach to planning enforcement and all enquiries should be submitted through the Enforcement inbox.

Thursday, 11th April, 2024

- The team were not yet fully staffed, but the plan of work set out for members had real focus and progress for future works.
- Provided detail on the current enforcement actions listed within the Information Note.

In response to the points of clarification from Councillor Dave Winstanley, the Principal Planning Officer advised that:

- Retrospective prosecution could take place on breaches at premises listed within the Information Note.
- The Enforcement Team had regular monthly liaison meetings with the Legal Team to ensure support for any legal actions required.

RESOLVED: That the Committee noted the Information Note.

The meeting closed at 8.38 pm

Chair