

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 18TH JULY, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir and Tom Tyson.*

In Attendance: *Loretta Commons (Locum Planning Lawyer), Shaun Greaves (Development and Conservation Manager), Andrew Hunter (Senior Planning Officer), Sarah Kasparian (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer) and James Lovegrove (Committee, Member and Scrutiny Manager) and Andrew Sowerby (Herts County Council Highways Officer).*

Also Present: *At the commencement of the meeting approximately 50 members of the public, including registered speakers.*

22 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 47 seconds

Apologies for absence were received from Councillor Louise Peace.

23 MINUTES - 13 JUNE 2024

Audio Recording – 2 minutes 15 seconds

Councillor Ruth Brown advised of a minor error in the second bullet point on page 17 of the minutes, where the sentence required the addition of the word 'that' to make the sentence read properly.

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 13 June 2024 be approved, as amended, as a true record of the proceedings and be signed by the Chair.

24 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 49 seconds

There was no other business notified.

25 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 55 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 of a change to the order of the published agenda and Agenda Item 7 would follow Agenda Item 8.

26 PUBLIC PARTICIPATION

Audio recording – 8 minutes 10 seconds

The Chair confirmed that the registered speakers were in attendance.

27 22/03231/FP LAND NORTH EAST OF, WANDON END, HERTFORDSHIRE

Audio recording – 9 minutes 50 seconds

The Senior Planning Officer provided an update that:

- There had been four representations from neighbouring residents and Kings Walden Parish Council.
- In relation to the map showing major developments in the area, the land associated with Luton airport is actually detailed as being allocated for replacement open space and habitat creation, as detailed in paragraph 4.10.40 of the report.

The Senior Planning Officer presented the report in respect of application 22/03231/FP supported by a visual presentation consisting of photographs and plans.

The following members asked questions:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Michael Muir
- Councillor Elizabeth Dennis
- Councillor Amy Allen
- Councillor Nigel Mason
- Councillor Sadie Billing

In response to questions, the Senior Planning Officer advised that:

- The solar panels would be visible from a localised context, but not from a distance.
- The solar panels, batteries and water tanks would all be between 2-3 metres high.
- The solar panels beyond the yellow field would not be visible, with Darley Wood in the distance, from footpath 43.
- There would be security wire fencing with posts 2.2 meters high and a 10cm clearing at the bottom for wildlife.
- There would be 30-meter-high CCTV poles with restricted movements as detailed in Condition 16 of the report.
- No lighting would be installed.
- The electricity produced from the solar panels would go into the National Grid.

- The right of way between the fencing would be 10 meters wide with open sides where possible as detailed in Condition 13 of the report.
- Fire safety had been incorporated into Condition 14.
- The land at present was being used for arable rotation.

In response to questions, the Highways Officer advised that:

- Construction vehicles would come from the Luton area, arriving via Darley Road and Wandon End Road and would be kept away from Tea Green.
- As the construction period was only for 6-9 months any impact to the area would be limited.
- Deliveries to the site would be regulated throughout the day.
- Details of the variety of vehicles and number of traffic movements were set out in Table 5 of the report.
- A condition could be added if required to limit vehicles entering or leaving the construction site to ensure the safety of children being taken to and collected from school.

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

- He had lived in Tea Green for 47 years and was the Director of a family business which employed 53 local people.
- No consideration had been given to his staff as the construction company entrance was close to his staff car park.
- There would be 2,300 HGV two-way movements over the 6-9 month construction period. There would also be 242 daily movements from all his vehicles.
- The width of the road near the construction site would cause problems with the passing of traffic.
- This application was a conflict with the strategic economic objective of the Council to support the local economy.
- The solar farm would cause harm to the Green Belt, the local landscape and heritage assets.
- Soil analysis had shown the area was suitable for agricultural requirements and this went against the drive of the government to produce more food in the UK.

The following Members asked points of clarification:

- Councillor Amy Allen
- Councillor Nigel Mason

In response to points of clarification, Mr Humphreys confirmed that:

- The 242 daily movements of vehicles were a mixture of HGVs, staff cars and delivery vehicles and did not account for any public vehicles.
- There was one entrance and one exit to his business with most of the traffic entering from Wandon End Road.

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

- Residents had raised objections to a solar farm at Wandon End since 2022.
- The solar farm would be in the direct view of at least 38 homes.
- This was one of three major developments in the area, all of which were within a 2-mile radius.

Thursday, 18th July, 2024

- A beautiful landscape with 13 footpaths and which was good agricultural land would become a maze of tunnels and CCTV monitors.
- The solar farm would have a negative impact on the landscape as it was not discreet and more like an industrial development.
- There was a fire risk associated with the batteries.
- This application represented a risk to local communities and went against the government national planning policy framework.
- No land where an existing infrastructure had been in place for 40 years had been returned to agricultural production.

In response to a point of clarification from Councillor Elizabeth Dennis, Mr Cross advised that the footpaths were well used by a variety of local people for recreational use, by dog walkers and by visitors to the area.

The Chair thanked Mr Cross for his presentation and invited Parish Councillor Owen Connolly to speak against the application. Parish Councillor Connolly thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- As the number of panels for the solar farm had now been reduced, the amount of energy that would be produced as stated in the report could not be relied upon.
- This was not to fulfil a local need, as any energy produced would go to the national grid.
- The fields had a history of fire and solar batteries would increase the risk of any future fire.
- Extra solar panels had been added to fields 8 and 9 which were closest to the residents of Mill Way, Breachwood Green.
- Although solar panels could contribute to society, they must be located in suitable places.

There were no points of clarification from Members.

The Chair thanked Parish Councillor Connolly for his presentation and invited Councillor Joe Graziano to speak against the application. Councillor Graziano thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had lived in Kings Walden for more than 16 years.
- This proposed solar farm was next to an area of outstanding natural beauty.
- This part of the district had seen three major proposed sites all within a 2-mile radius of each other.
- The Green Belt provided a buffer which shielded areas from urban sprawl.
- This proposed solar farm was for 106 hectares.
- 402 people had raised concerns about the solar farm.
- To build this solar farm on the Green Belt was not a reflection of the Planning Policy.
- Any electricity generated would be transferred to the national grid and not directly to the homes in North Hertfordshire.
- More solar panels should be built on existing industrial areas and not on the Green Belt.
- It was important to be mindful of the impact on the public and wider environmental impacts as technology evolved.
- Offshore wind turbines would produce enough energy for every home by 2030.

There were no points of clarification from Members.

The Chair thanked Councillor Graziano for his presentation and invited Mr Conor McNally, as agent to the applicant, to speak in support of the application. Mr McNally thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There was an urgent need for renewable energy and this should outweigh any residual impacts, including impact on the Green Belt.

- The Council had declared a climate emergency and would require 12-13 projects of this size to meet the objective of zero carbon emissions by 2040.
- No objections to the solar farm had been received from any statutory body.
- The project had been designed to minimise any impact on the area.
- The land quality was lower than the average in North Hertfordshire and half of the site would be designated for biodiversity use.
- The significant benefits of this application were clearly outweighed by any harm to the Green Belt.
- He would be happy to respond to any questions from Members regarding lighting and fencing and public rights of way.
- The project had been designed to limit any environmental effects to the landscape, heritage assets and the agricultural land.
- The Council would require five times increase in solar energy, equivalent to 1,000 projects of this size, to achieve decarbonisation of the grid by 2030.

The following Members asked points of clarification:

- Councillor Nigel Mason
- Councillor Sadie Billing
- Councillor Amy Allen
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Elizabeth Dennis
- Councillor Ian Mantle

In response to points of clarification, Mr McNally stated that:

- The project complied with the national guidance provided to Fire Chiefs for projects in the UK.
- There was only emergency lighting proposed for the site.
- CCTV poles were 3 meters high and were inward facing to reduce any impact on the local community.
- The application was for a temporary 40-year structure and there was a planning obligation for dismantle and removal at the end of the 40 years.
- A public consultation event had been held which had resulted in a redesign of the scheme and the removal of some solar panels.
- The green areas in the diagrams showed areas that would be used for biodiversity purposes and would remain a wild green space as agreed as part of the landscaping ecological management plan as detailed in Condition 8.
- The applicant was happy to comply with the request of no HGV movements at school times.
- Footpaths were a minimum of 8 meters wide.
- Deer fencing on one side and hedgerow on the other side would be used where possible to reduce a corridor effect.

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

- There had been a reduction of energy from 49.9MW to 48MW as a result of the reduction of the number of solar panels on site as detailed in point 4 of the report.
- There had been neutral weighting on the soil survey and versatile land as highlighted in paragraph 4.12.1.
- The different elements of fire and emergency response plans were detailed in paragraph 4.8.16 of the report.
- The cumulative development impact, mainly the landscaping element, was set out in paragraph 4.10.40 of the report.

N.B. There was a short break in proceedings and the meeting reconvened at 21.11.

Councillor Amy Allen proposed to approve planning permission and Councillor Elizabeth Dennis seconded.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Amy Allen
- Councillor Elizabeth Dennis
- Councillor Nigel Mason
- Councillor Caroline McDonnell
- Councillor Emma Fernandes

Points raised in the debate included:

- The proposed solar farm was too large and too intrusive.
- Concern that the visual impact had not been adequately addressed.
- Renewable energy was a benefit but needed to be in the right place.
- The biodiversity net gain was very substantial on this site.
- Concerns about the location and the cumulative impact of the three projects being proposed for this area for the residents.
- Fields 8 and 9 should be removed from the application to ensure safety and to have an appropriate distance from the residential areas to the solar farm.
- There would need to be legal grounds for refusing this application.
- Details of the impact on the Green Belt and landscape could be found on pages 48 and 49 of the report.
- Details of renewable energy benefits were highlighted on page 88 of the report.
- This was a finally balanced application and any decision must be made having taken all relevant matters into consideration.
- There should be a condition included for the restriction of traffic movements around school times.
- Concerns about the length of this temporary period as 40 years was a significant period in a lifetime.

In response to points raised the Development and Conservations Manager advised that:

- If Members thought that the harm to the Green Belt and landscape outweighed the benefits of the solar farm, they could refuse to grant this application, but his recommendation was to approve.
- The application had been awarded limited weight due to the temporary nature of 40 years.
- The number of solar farms within North Hertfordshire was appropriate with other areas of the country.

The Locum Planning Lawyer advised that there was no legal definition of the word 'temporary'. This application was temporary as it was for 40 years. The Chair also clarified that the Committee should work with the ordinary and everyday meaning of the word 'temporary'.

Having been proposed and seconded to grant permission, following at vote, it was lost. Councillor Michael Muir proposed to refuse planning permission and Councillor Ruth Brown seconded.

The following Members took part in the debate:

- Councillor Michael Muir
- Councillor Ian Mantle
- Councillor Ruth Brown
- Councillor Elizabeth Dennis
- Councillor Amy Allen
- Councillor Tom Tyson
- Councillor Sadie Billing

Points raised in the debate included:

- This was an inappropriate development within the Green Belt and special circumstances had not been demonstrated in this application. There was also concern regarding the visual impact to the fields having considered the plans.
- The temporary aspect had only been awarded limited weight and this was not sufficient to outweigh any visual impact.
- There were potential issues with amenities for the local community.
- The two fields 8 and 9 were too close to residential areas.
- There would be a loss of public amenity with public rights of way being enclosed by fencing.
- Concerns over the safety of the local community and particularly women and girls using the enclosed rights of way.
- There should have been more interaction with the public concerning this application.
- There was not an urgent local need for this solar farm as energy produced would be put into the national grid.

In response to points raised the Development and Conservation Manager advised that:

- Members were not convinced that special circumstances had been demonstrated in the benefits of the application with regard to harm of the Green Belt and this was in conflict with SP5 of the Local Plan.
- Members were not convinced that this application would not cause harm to the landscape character which conflicted with Policy NE2 in the Local Plan.
- Members had shown concerns that the requirements of Policy NE12 had not been complied with regarding renewable energy proposals.

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

RESOLVED: That application 22/03231/FP be **REFUSED** planning permission, contrary to the officer recommendation, subject to the following reasons:

- (1) The proposal would be inappropriate development within the Green Belt that would be harmful to its openness. The Council considers that the benefits of the scheme, including the wider environmental benefits associated with the increased production of renewable energy (pursuant to paragraph 156 of the National Planning Policy Framework December 2023), would not amount to very special circumstances sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and other harm. As such the proposal would be contrary to paragraphs 152 and 153 of the National Planning Policy Framework and Policy SP5 of the North Hertfordshire Local Plan 2011-2031.

- (2) The proposal would result in harm to the rural character and appearance of the application site and the surrounding area with a cumulative impact as a result of other major development in the vicinity. Whilst measures are proposed to mitigate the impact of the proposed development, and the proposal would not be permanent, there would nevertheless be harm over a long period to rural character and appearance of the area, including the visual amenities of users of the local public footpaths. The proposal would therefore conflict with Policies NE2 and NE12 of the North Hertfordshire Local Plan 2011-2031, which seek to avoid unacceptable harm to landscape character and appearance.

N.B. Following the conclusion of this item there was a short break in proceedings and the meeting reconvened at 22.04.

28 23/02719/FP LAND AT OAKLEIGH FARM, CODICOTE ROAD, WELWYN, HERTFORDSHIRE, AL6 9TY

Audio recording – 2 hours 34 minutes 26 seconds

The Senior Planning Officer gave a verbal update and advised that there had been no objections to this application from the Lead Local Flood Authority (LLFA).

The Senior Planning Officer presented the report in respect of Application 23/02719/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Ian Mantle
- Councillor Emma Fernandes
- Councillor Elizabeth Dennis

In response to the questions, the Senior Planning Officer advised that:

- There was currently no permanent structure on the site.
- This development had been designed as gated with a main gate to the development being operated by a fob.
- The access road would be privately maintained by a management company.

In response to questions the Development and Conservation Manager advised that:

- This application was a cross boundary development between North Herts District Council and Welwyn Hatfield Council.
- It was expected that Welwyn Hatfield Council would be making a delegated decision regarding this application.

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

- There were concerns regarding the impact of extra traffic in the area on cyclists and horse riders.
- There were two large livery yards in the area and several equestrian yards which used this as a crossing point.
- Approximately 325 dwellings were built in Codicote last year which added to traffic already using the B656 and the single-track lanes.
- There should be additional horse warning signs and a speed camera in this area.

There were no points of clarification for Members.

The Chair invited Councillor Steven Patmore to speak against the application. Councillor Patmore thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The original application had been refused and this was overturned by appeal in September 2021.
- This application was an inappropriate development in the Green Belt and would cause harm to the character of the area.
- This application was contrary to Policies SP1, SP2, SP5 and D1 of the Local Plan.
- Codicote Parish Council were also opposed to this application.
- This application presented further erosion of the Green Belt in Codicote.
- The proposed development did not support the infrastructure of Codicote.

There were no points of clarification for Members.

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

- He ran a small family company and had purchased this site with the aim to uplift the design to a high standard.
- The increase in volume was due to changing the garages to double instead of single to improve their visual appearance.
- All 7 dwellings would have timber garages, clay tiles and Flemish brickwork to fit in with the area.
- The old buildings had been removed as they were dangerous and £100K had been spent on planning for these 7 dwellings.
- The Green Belt and biodiversity had been considered with the planting of 50 trees and hedgerows.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Emma Fernandes

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

- If the application was refused, he would be willing to build the original design, but did not feel this would be the best outcome for the development.
- The increase in scale of 23% was due to the double garages.
- One dwelling would have accommodation over a double garage.

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

- This scheme was allowed after an appeal in 2021 which would expire in September this year.
- This current scheme was comparable to the previous scheme with the same number of dwellings.
- There were very special circumstances to support this scheme which were set out in more detail in the report.
- No objections had been received from the HCC Highways Officer.
- There was no reason to object on traffic or safety grounds.

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

- Policy SP1 was an overarching policy regarding location and seeking to achieve sustainable development in North Hertfordshire.
- Policy SP 2 was the settlement hierarchy.
- Policy SP5 was concerning development in the Green Belt.
- Policy D1 was sustainable design.
- As the applicant had commenced implementation by demolishing existing buildings, the fall-back permission would not expire in September 2024 and would last in perpetuity.
- This proposal complied with Policy SP5 as it was an uplifted design with considerable improvements with high quality materials.

Councillor Ruth Brown proposed to approve planning permission and Councillor Amy Allen seconded.

The following Members took part in debate:

- Councillor Michael Muir
- Councillor Tom Tyson
- Councillor Amy Allen
- Councillor Emma Fernandes
- Councillor Elizabeth Dennis

Points raised in the debate included:

- This was an improved planning application to the previous design.
- The Electric Fob Entry Gates to the entrance to the development should be removed in line with the policy of the Council and be replaced by gate posts.
- Road safety was not a concern due to the size of the application and no concerns had been raised by the Highways Officers.
- Improving road safety in this area was an ongoing campaign for the Council.
- Developers needed to be mindful of sustainability with planning applications as the Council has declared a climate emergency.

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

RESOLVED: That application 23/02719/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 addition of a new Condition 22, to read:

“Condition 22

Notwithstanding the approved plans, the development shall not include the ‘Electric Fob Entry Gate’ shown on drawing ‘19359 1002A Planning Layout’ (excluding the gate pillars and pedestrian gate).

Reason: In the interests of maximising physical and social accessibility, and character and appearance. To comply with Policy D1 of the Local Plan.”

29 **23/02572/S73 LAND AT OAKLEIGH FARM, CODICOTE ROAD, WELWYN, HERTFORDSHIRE, AL6 9TY**

Audio recording – 3 hours 23 minutes 23 seconds

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

- There had been one variation made in Condition 2.
- The Lead Local Flood Authority (LLFA) had provided comments in an update and they had received no objections to this application.

The Senior Planning Officer presented the report in respect of Application 23/02572/S73 supported by a visual presentation consisting of photographs and plans.

Councillor Amy Allen proposed and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: That application 23/02572/S73 be **GRANTED** subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

30 **APPEALS**

Audio recording – 3 hours 29 minutes 10 seconds

The Development and Conservation Manager presented the report entitled Planning Appeals and informed the Committee that one appeal had been lodged.

The Development and Conservation Manager provided an update on site allocation BA4 which the Committee had refused to grant planning permission. The applicant had since lodged an appeal and had requested for this to be via a public inquiry. A response had been provided to say that a hearing would be more appropriate and a decision would be provided by the Planning Inspectorate. The Development and Conservation Manager advised Members that he would provide an update on the outcome.

RESOLVED: That the Committee noted the report.

The meeting closed at 11.01 pm

Chair