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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY

ON THURSDAY, 14TH SEPTEMBER, 2023 AT 7.30 PM

MINUTES

Present: Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Mick Debenham, David Levett, Nigel Mason, Ian Moody, Michael Muir, Sean Nolan, Louise Peace, Terry Tyler, Phil Weeder and Dave Winstanley

In Attendance:

Peter Bull (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Area Planning Officer) and Sjanel Wickenden (Committee, Member and Scrutiny Officer)

Also Present:

At the commencement of the meeting approximately 46 members of the public, including registered speakers.

102 APOLOGIES FOR ABSENCE

Audio recording – 2 minute 15 seconds

Apologies for absence were received from Councillors Simon Bloxham and Daniel Allen.

Having given due notice, Councillor Michael Muir substituted for Councillor Simon Bloxham and Councillor Dave Winstanley substituted for Councillor Daniel Allen.

103 MINUTES - 6 JULY 2023, 11 JULY 2023 AND 27 JULY 2023

Audio Recording – 2 minute 45 seconds

Councillor Val Bryant, as Chair, proposed and Councillor Mick Debenham seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meetings of the Committee held on 6 July 2023, 11 July 2023 and 27 July 2023 be approved as a true record of the proceedings and be signed by the Chair.

104 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minute 41 seconds

There was no other business notified.

105 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minute 45 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 and advised that 10 minutes had been allowed for each group on Agenda item 7.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) The Chair advised that Item 8 on the agenda had been deferred to a later meeting, as the Planning Officer is waiting on a response from the Environmental Health consultee and to allow time to review comments received relating to Air Quality.

106 PUBLIC PARTICIPATION

Audio recording – 5 minute 31 seconds

The Chair confirmed the registered speakers were in attendance.

107 23/00666/FP DIXIES MEADOW, HIGH STREET, ASHWELL, HERTFORDSHIRE, SG7 5NS

Audio recording - 6 minute 43 seconds

The Chair advised that Councillor Tyson 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 Tom Tyson moved to the public gallery at 19:42

The Area Planning Officer provided an update from Ashwell Parish Council, who had noted, that:

- They agreed with the Planning Officers recommendation to refuse planning permission in this application.
- Should the application be approved, or the matter was overturned at appeal stage, Ashwell Parish Council would request a £22K payment towards the Ashwell Pavilion Project, the applicant had agreed to this payment.

The Area Planning Officer presented the report in respect of Application 23/00666/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Clive Self and Mr Harry Jenkinson to speak against the application.

Mr Self thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The application site was not an allocated site, and was located just outside of Ashwell, part of the site falls within a conservation area.
- The application site was bordered by two listed buildings and was on open countryside and sheep meadows.
- The National Planning Policy Framework (NPPF) required that applications were of a high quality design and respected the setting of listed buildings and conservation areas.

- The generic cul de sac application did not respect the character of Ashwell with the site lying perpendicular to the main roads.
- The proposed site would prevent the public view of open countryside and falls within a conservation area.
- The application cannot be described as an infill development as it extends further north than the nearest properties.
- The loss of countryside would cause harm to the conservation area and the nearby listed buildings.
- The application was of poor quality and design, and there were concerns regarding the flood level.
- The Parish Council agreed with the report of the Planning Officer and that this application would cause irreparable harm to the assets of Ashwell.

Mr Jenkinson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The application would cause harm to the area and had a holding objection from the Lead Local Flood Authority (LLFA) regarding flood risks.
- There was no agreed s106 money.
- The application would cause damage to the village and the open countryside.
- There were 165 detailed objections from resident to this application.
- The development was neither sustainable, affordable, or practical.

There were no points of clarification from Members.

The Chair thanked Mr Self and Mr Jenkinson for their presentations and invited Councillor Tom Tyson to speak against the application. Councillor Tyson thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- This planning application was the least policy compliant application that he had ever seen.
- The site of the application was outside the settlement boundary of Ashwell.
- The application was primarily for larger dwellings, and this did not meet the needs of the neighbourhood plan.
- The application would cause harm to the conservation area of Ashwell and the listed buildings.
- The application would have a negative impact on the High Street, and the rural character of Ashwell.
- There was no s106 money generated by this application.
- The report of the Planning Officer concluded that this application would cause clear and identified harm to the heritage assets of Ashwell.

There were no points of clarification from Members.

The Chair thanked Councillor Tyson for his presentation.

N.B Councillor Tom Tyson left the Council Chamber at 19:50

Councillor David Levett proposed that the application be refused, and Councillor Sean Nolan seconded and, following a vote, it was:

RESOLVED: That application 23/00666/FP be **REFUSED** planning permission due to the reasons outlined in the report of the Development and Conservation Manager.

108 22/00741/FP LAND WEST OF ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE, SG7 5EB

Audio Recording: 22 minute and 8 second

N.B Councillor Tom Tyson returned to the Council Chamber at 19:53

Councillor Tom Tyson announced to the Chair that he had a Non-Registerable Interest, and an Other Registerable Interest in this item and would not take part in the debate or vote and would leave the Chamber for the duration of the item.

N.B Councillor Tom Tyson left the Council Chamber at 19:54

The Chair read an email received from the Secretary of State regarding application 22/00741/FP which stated that:

- Under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State hereby directed the Council not to grant permission on this application without specific authorisation.
- This direction was issued to enable the Secretary of State to consider whether they should direct under Section 77 of the Town and Country Planning Act 1990 that this application should be referred to the Secretary of State for determination.
- This direction did not, of course, prevent the Committee from considering the application, forming a view as to its merits or, refusing permission.
- This letter was for procedural purposes and should not be taken as any indication of the attitude of the Secretary of State towards this application.

The Chair advised that the application could still be considered.

The Development and Conservation Manager stated that the email from the Secretary of State prevented the Committee from granting planning permission this evening, the application could still be refused or deferred but could not be granted.

The Senior Planning Officer provided an update regarding the supplementary document which had some amendments and corrections to the report and an update from the Applicant and Bygrave Parish Council, and highlighted that:

- Hertfordshire Fire and Rescue had been consulted but had not responded to the application.
- The date for achieving zero carbon emission was 2040 and not 2030 as stated at paragraph 4.6.1
- There was an amendment to paragraph 4.6.14 regarding the anaerobic digester at Bygrave Lodge.
- Further information had been received from the applicant regarding their grid connection, which could be delivered as soon as the development was approved and would be constructed in phases.
- An update from Bygrave Parish Council requesting some amendments to the planning conditions.

The Senior Planning Officer presented the report in respect of Application 22/00741/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Mick Debenham
- Councillor Nigel Mason

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

- The Knoll would have a direct line of sight to the Solar Farm.

- The distance to the nearest property from the Solar Farm was approximately 120-130 metres.

The Chair invited Mr James Colegrave and Ms Julie Stothard to speak against the application.

Mr Colegrave thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Bygrave Action Group supported the need to reduce fossil fuels, but such applications needed to be sited in the right locations, Bygrave already had the Biogen anaerobic digester and would support a solar farm or wind turbines in an appropriate location.
- This application would dominate the North Baldock Chalk Uplands and was too large and too exposed in a sensitive area.
- The planned site was listed as grade 2 agricultural land and would be lost for the next 40 years.
- The proposed route for construction traffic was unsafe and the compromise from Highways did little to reduce the risks.
- There would be additional noise whilst construction occurred and when the solar farm was operational it would produce a resonating humming noise as heard at sites in Royston and Reed, an independent acoustic report should be commissioned.
- The applicant claimed the grid point is ready to go, but the connection route would need to go around Baldock and under the A1 and the East Coast trainline.
- They believed this would be the first solar farm for the applicant.

Ms Stothard thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Too little weight had been attached to the landscape and visual impact issue, this area would be decimated by the development and many properties backed on to the site.
- The proposed site was in an area designated as rural beyond green belt and local policy SP5 considered the area to contain some of the highest quality countryside in this District.
- The Planner Officer had used biodiversity net gains to justify the loss of agricultural land for 40 years.
- There were properties that backed on to the proposed site and they would have a loss of amenities.
- The noise report commissioned by the applicant was flawed and did not consider 3.1 of the NPPF, to identify and protect tranquil areas, which was exactly what this site was.
- There would be risks from construction traffic and this should be given significant weight.
- There would be a risk from fire.
- There was not an urgent local need for renewable energy, and this should be deleted from the table and should not count towards the weighting of this application.
- Weight had been given to the availability of the grid connection and the immediate delivery of this site.
- There were concerns that the biodiversity net gain had been overinflated.
- There was very little information relating to the economic benefits of the application.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Michael Muir
- Councillor Nigel Mason

In response to the points of clarification Mr Colegrave advised that:

- The Bygrave Action Group was set up to oppose this application.
- Originally there were 10 members of the action group, with all members living in Bygrave.

- They supported renewable energy but had serious concerns about the proposed site.

In response to the points of clarification Ms Stothard advised that:

- The biodiversity net gain had been overstated and an independent assessment should be carried out especially as the DEFRA spreadsheet model had come under recent criticism.
- The biodiversity report listed the solar farm field as poor, the report was supplied by PACE, and an independent report would be preferred.
- A solar farm at the Old Swan in Liverpool had a battery fire with a special enquiry highlighting a failure in the battery's thermal runaway. The fire took 59 hours to extinguish, and hazmat suits had to be used.
- The noise assessment was commissioned by PACE and used a statistical model that assumed that the ground was soft, therefore absorbing more sounds. This would not be the reality on this site at the height of summer.

In response to the points of clarification the Development and Conservation Manager advised that, the batteries used in the Liverpool site were no longer manufactured.

The Chair thanked Mr Colegrove and Ms Stothard for their presentations and invited Councillor Lisa Nash to speak against the application. Councillor Nash thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The report of the Planning Officer had misinterpreted the Climate Strategy of the Council and an aspiration of the district to become carbon neutral by 2040.
- There was no Council policy in favour of building solar farms on private land.
- The Local Plan stated that applications of this matter should be decided based on national criteria.
- The report described an urgent local need for solar energy yet the amount of green energy that North Herts received from nuclear power and offsite wind is greater than the amount this solar farm could ever produce.
- The proposed solar farm would only make a tiny contribution to carbon savings, the emissions savings of 11300 tonnes a year would equate to 1.7% of the net total carbon emission of North Herts.
- The urgent need had been overstated and was unjustified with no evidence.
- In a 2011 landscape study this land was designated as the valuable North Baldock Chalk Uplands with long distance views, a rarity in this district.
- The proposal would have a significant impact on these views, would not be in keeping with the rural character of the area, and the site would not be concealed by the proposed hedges.
- The NPPF stated that large scale solar farms can have a negative impact on the rural environment.
- Planning policies and decisions should contribute to and enhance the natural environment as stated at paragraph 174 of the NPPF.
- The public right of way was significant, two sides of the site were used by walkers, cyclists and horses riders, many coming from outside of the district, and these amenities would be spoilt by the sound of the solar farm.
- This proposal would destroy a significant local environment in an attempt to protect the global one, when there were other suitable areas nearby.
- There would be a loss of grade 2 land as stated in the NPPF which should be used for food.
- The report of the Planning Officer suggested that this grade 2 land was worth sacrificing, but there is a need for both food and green energy.
- The noise assessment report commissioned by the applicant stated that it was feasible in principle to have acceptable average construction noise levels without specifying how the averages were derived, the consideration of operating noise in the report was derived from modelling, and an independent Council assessment had not occurred.

- Highways had concerns regarding the Baldock junction which would need to be enlarged to cater for the low loaders, articulated and heavy good vehicles needed for this project. These would then have to negotiate quiet rural lanes, which were inappropriate for heavy trucks even with the imposed condition of 2 articulated vehicles per day.
- No restriction had been placed on non-articulated vehicles.
- The site was 4.5 miles from the Letchworth sub station as the crow flies and much greater in reality.
- The applicant had not been able to show the cabling route despite repeated requests.
- The Committee should defer the matter until the Great Wymondley inquiry had been completed.

The Chair clarified that assumptions could not be made about the outcome of the Public Inquiry.

There were no points of clarification from Members.

The Chair thanked Councillor Nash for her presentation and invited Mr Rob Shaw, Mr Edward Wainright-Lee and Mr Stewart Reddaway to speak in support of the application.

Mr Shaw thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The project would reduce the dependency on fossil fuels with a priority to reverse the loss of biodiversity and assist with the cost of living crisis.
- The solar farm would produce low-cost energy and contribute to the 2040 net zero target.
- The project was not subject to any grid connection delays, the benefits could be delivered as soon as the project was completed.
- PACE had worked closely with the Planning Officer and engaged with the local community and that feedback had been incorporated into this proposal.
- The topography minimised the visibility of the site.
- The footpath, cycleways and bridleways would have hedgerows and trees shielding the solar farm from view.
- Construction would take into consideration other road users and horses, with an HGV restriction and temporary access.
- The British Horse Society had been consulted about the fencing and construction of the site.
- As other solar farms had shown, there would be a biodiversity net gain, important species would be protected, and the habitat used for wildlife.
- A management plan had been developed for the duration of the project.
- This site was well located and designed and had attracted local support.
- This application complied with the Local Plan and all technical matters had been addressed.

Mr Wainright-Lee thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The land had been owned and farmed by his family for over 400 years.
- The woods had been planted and tended throughout that time and the family now had sustainability concerns for future generations.
- Farming was at the core of their business but had been affected by the removal of landowner subsidies.
- The land had 50 acres set aside for wildlife which had led to an increase in wildlife.
- There was a need to diversify income streams to continue the longevity of the business.
- The solar farm would provide the family business with a certain long-term income.
- The land was reasonable, grade two and grew good crops, and sheep would still graze in the area.

- The land would eventually be returned to cropping.
- This project would enhance the sustainability objectives of the area.

Mr Reddaway thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- On balance the application was supported but acknowledged that no solar farm site was perfect.
- The site was north facing and would generate less kilowatts.
- The impact of construction vehicles to the site would last months, not years, and would be tolerable.
- The solar farm would have limited visibility from Arbury banks and the solar panels would be positioned on ground that falls away, which would limit any spoiling of views. This would also limit any noise impact from the site.
- Generating renewable electricity would reduce climate change and therefore it was not only PACE and the landowner who would profit.
- Solar panels should ideally be located on warehouse roofs but this was not always easy or practical, this solar farm was an alternative.
- The land would be reinstated to farmland after the term of the project.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Nigel Mason
- Councillor Louise Peace

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

- On a day-to-day basis the solar farm would be remotely operated, with periodic attendance by employees for cleaning and maintenance.
- The landowner would undertake land management.
- The energy produced on this solar farm could go anywhere in the country but generally it tends to go to the closest point.
- An extensive site search was undertaken, 90% of the land was green belt. PACE then identified and investigated suitable sites, this site was suitable, and the landowner was willing.
- A management plan would be in place to ensure that traffic restriction did not affect the proposed duration of the project, especially with a redistribution of deliveries.

In response to a point of clarification, Mr Wainright-Lee stated that there were 950 sheep that ran across this land and other farms.

The Chair thanked Mr Shaw, Mr Wainright-Lee and Mr Reddaway for their presentations.

Councillor David Levett requested for a recorded vote on this item .

The following Members took part in debate:

- Councillor David Levett
- Councillor Sean Nolan
- Councillor Mick Debenham
- Councillor Nigel Mason
- Councillor Michael Muir
- Councillor Louise Peace
- Councillor Dave Winstanley

The following points were raised during the debate:

- Whether the email received from the Secretary of State had an impact on the decision included in the report of the Planning Officer.
- Whether weighting should be applied to the email in consideration of this item.
- A lot of questions remained of the application, including noise impact of the installation.
- The applicant claimed to have a grid connection, but the details of the proposed route had not been disclosed.
- How could the amendments suggested by the Bygrave Parish Council be incorporated into the decision conditions.

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

- The email from the Secretary of State arrived 40 minutes before this meeting.
- A resolution could be passed to grant planning permission, but the a decision notice could not be issued, until the called in matter was resolved.
- The application could be deferred, subject to substantiated reasons, however the email from the Secretary of State was not a substantive reason for deferral.
- It took the Secretary of State five and a half months to call in the Great Wymondley solar farm.

In response to points raised in the debate the Legal Regulatory Team Leader advised that:

- A reason for deferral was required to be provided to the applicant.
- The impact of the Secretary of State's email would only come into effect if the Committee followed the recommendations of the Planning Officer to grant approval of this application.
- Applications were required to be called in within 21 days.
- If the item was deferred, the impact of the email from the Secretary of State was unknown, but the applicant would have guidelines.

Councillor Sean Nolan proposed to defer the application to allow Members of the Committee to consider the late submissions relating to biodiversity and the proposed effect upon traffic and access and the Officers advise on these, visit a solar farm of comparable size, consider the proposals of the Bygrave Action Group and the impact of the email from the Secretary of State. This was seconded by Councillor David Levett and following a vote, it was:

The results of the recorded vote were as follows:

YES	: 10
ABSTAIN	: 0
NO	: 0
TOTAL	: 10

The individual votes were as follows:

Cllr Val Bryant	
Cllr Dave Winstanley	YES
Cllr David Levett	YES
Cllr Ian Moody	YES
Cllr Louise Peace	YES
Cllr Michael Muir	YES
Cllr Mick Debenham	YES
Cllr Nigel Mason	YES
Cllr Philip Weeder	YES
Cllr Sean Nolan	YES

Cllr Terry Tyler
Cllr Tom Tyson

YES

RESOLVED: That application 22/00741/FP be **DEFERRED** planning permission for the following reasons:

1. For officers to advise upon and for Members to consider late submissions relating to biodiversity.
2. For officers to advise upon and Members to consider late submissions relating to the effect of the proposal upon traffic and access.
3. Members would like to visit a comparable and operating solar farm to understand likely noise impacts arising from the proposal.
4. For officers to advise upon and for Members to consider proposed conditions by Bygrave Parish Council.
5. Members are minded to await the decision of the Secretary of State for Levelling Up, Housing and Communities as to whether or not they will be calling-in the application for his determination before making a decision on the application.

N.B Following the conclusion of this item there was a short break in proceedings until 21:34

109 22/03092/FP LAND TO THE EAST OF FOXHOLES AND GAINSFORD HOUSE AND ON THE WEST SIDE OF CROW FURLONG, HITCHIN, HERTFORDSHIRE

Audio recording – 2 hour 4 minute 10 seconds

N.B Councillor Tom Tyson returned to the Council Chamber at 21:34.

This item was deferred from this Committee to a later meeting, as the Planning Officer is waiting on a response from the Environmental Health consultee and to allow time to review comments received relating to Air Quality.

110 20/02412/FP LAND BETWEEN 53 AND 81 AND LAND REAR OF 7-53 WATERDELL LANE, ST IPPOLYTS, HERTFORDSHIRE

Audio recording – 2 hour 4 minute 24 seconds

The Area Planning Officer provided an update on this matter which included that:

- An email of supplementary documents had been sent to the Committee and published on the website which corrected some minor typographical errors.
- There was an update to Paragraph 3.24 of the report and the requested upgrade of two bus stops which the applicant had agreed and this was added to the s106 heads of terms.
- In response to further clarification from County, the Highways department advised that the s106 money had been allocated to the upgrading of two existing bus stops and a cycle footpath which they felt was sustainable and reasonable.
- The Area Planning Officer proposed that the amendment to 6.1 of the report be revoked and that the original paragraph 6.1 be reinstated.

The Area Planning Officer presented the report in respect of Application 20/02412/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor David Levett
- Councillor Dave Winstanley
- Councillor Ian Moody
- Councillor Sean Nolan
- Councillor Michael Muir

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

- The speed limit would remain at 40 miles per hour.
- EV parking would be per house and shared for the flats.
- The ice house would be repaired and protected as detailed in conditions 13 to 16 of the report and the footpath was adjacent to the ice house.
- The boundary fences would be 1.8 metres high around the proposed gardens. The existing neighbours had rear gardens of approximately 40m long, which combined with the existing trees on the boundaries and the proposed rear garden means that there are no anticipated privacy issues.
- The fences did not replace the existing hedgerows on the existing rear boundaries of the existing neighbours. The proposed fences were shown on the plans to be set inside the site.
- All of the development would be within the proposed site which was no longer considered green belt.
- There would be additional and enhanced biodiversity.
- Electric charging points were highlighted in condition 23.

The Chair invited Parish Councillor Robert Moore and Ms Lorna Else to speak in objection of the application.

Parish Councillor Moore thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- In the last three years the applicant and the Parish Council steering group had undertaken a great deal of collaborative work.
- On balance the Parish Council were in favour of this application but requested s106 money to be spent on a new footpath along Hitchin Road, Gosmore.
- The proposed footpath was not mentioned in paragraph 3.2 on page 198 of the report.
- The applicant was making contributions in excess of £1.2M towards s106 money.
- The current proposed footpath was impractical, most pedestrians walked along Waterdell Lane and through the village of Gosmore using the footbridge which was safer and more visually stimulating.
- The payment allocated to priory school would be better spent between secondary education and St Ippolyts Parish.

Ms Else thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The foreword of the Local plan talked about the importance of sustainable developments with considerations of the natural environment to deliver housing growth in the right place, now and in the future.
- There was an opportunity to build housing to meet these goals, a housing estate of the right character and quality.
- The development needed more than EV Charging points and bat boxes to achieve the goals of the Local Plan and would be required to meet green standards with sustainable building construction and to meet the 2025 future home standards.
- The development relied on adjacent greenbelt fields to provide much needed green spaces.

- The application failed to meet the Local Plan in almost every way.
- The St Ippolyts residents deserved a better application for their village, and their objections to this application had been registered on the Planning website.

The following Members asked points of clarification:

- Councillor Sean Nolan
- Councillor David Levett
- Councillor Nigel Mason

In response to a point of clarification Parish Councillor Moore stated that, Hertfordshire County Council (HCC) would receive £1.2M of s106 money from the applicant, at least 15% should be shared and spent in St Ippolyts.

In response to a point of clarification the Area Planning Officer advised that 4.3.62 of the report summarised the applicants draft s106 obligation.

In response to a point of clarification the Chair advised that, the s106 money would be budgeted and spent on educational areas and not on named sites.

The Chair thanked Parish Councillor Moore and Ms Else for their presentations and invited Councillor Claire Strong to speak against the application. Councillor Strong thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She was here to support the request from St Ippolyts Parish Council for a footpath to be included in the application.
- HCC had been asked to reconsider this footpath request.
- The Local Plan highlighted sustainable travel and this path would allow the residents of Gosmore a safe pathway through their village.
- The area already had bus stops, therefore upgrades would be a maintenance matter and not a s106 matter.
- The s106 money was the only opportunity for money to be given to the village for improvements and this pathway was a desired improvement.
- It was disappointing that condition 6.1 placed on the supplementary document had now been revoked.
- On the Local Plan the site was allocated for 40 dwellings, this application was now for 52, the Parish should benefit from these additional dwellings.
- Had the Council implemented the Community Infrastructure Levy (CIL), the applicant would have paid more money and St Ippolyts Parish Council would have had more say in the improvements.
- The amended condition 6.1 should be reinstated and consideration made for the residents to have a safer and quieter footpath, instead of subjecting the residents to a footpath along London Road, an area known for poor air quality.

There were no points of clarification from Members.

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

- The application was on a Local Plan adopted site, and careful consideration over a significant period of time had been taken to get to this point.
- No objections had been received from any technical consultees and the comments from St Ippolyts Parish Councils had been welcomed.
- The proposal had been amended to 52 dwellings, which had a density of 16.3 dwelling per hectare, and in line with the prevailing dwellings in the area.

- The public right of way to the ice house had been preserved and would be subject to improvements and a detailed management maintenance plan.
- The proposal provided the benefit of affordable housing and 0.6 hectares of public open space including a play area for children.
- An enhancement to the wildflower meadow area would lead to a biodiversity net gain.
- The Gosmore recreation area would receive a financial contribution towards play equipment.
- A three metre wide footpath and cycle-way would be provided, along with two safe crossing points and bus stop improvements.

In response to a point of clarification from Councillor Dave Winstanley, Mr Fletcher confirmed that an energy statement was a condition of the planning permission.

The Chair thanked Mr Fletcher for his presentation.

The following Members asked questions:

- Councillor David Levett
- Councillor Sean Nolan

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

- Herts County Council Highways Officer stated in the report that the bus stop upgrade formed part of the s106 payment.
- The Transport Officer Planning Policy NHDC had asked for the bus stop upgrade as a s278 matter.
- The supplementary update clarified that the bus stop upgrade should be from s106 money.
- A request had been made to HCC for details of how they would decide if a new footpath was needed and funded. HCC had not yet responded to the email.
- Councillor Strong had also requested information from HCC regarding sustainable transport, a response to which was presented at the start of this item.
- The recommendation to revoke condition 6.1 was based on the reply from HCC to Councillor Strong.
- The amended recommendation on condition 6.1 could be put back into the application and investigated further.
- It was outside the remit of the Committee to impose a condition on when County spent the s106 money.

Councillor David Levett proposed the application with the amended condition 6.1, and Councillor Nigel Mason seconded, and following a vote it was:

RESOLVED: That application 20/02412/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 amended recommendation:

"Recommendation 6.1:

- A. Clarification from HCC Highways regarding local sustainable transport. The response will be shared with the applicant; Parish Council and Chair of Planning Control Committee. If this results in a change to the sustainable transport S106 Contribution for this to be agreed by the Chair of Planning Control Committee;
- B. The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and

- C. Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above; and
- D. Conditions and Informatives as set out below.”

111 23/00549/OP BELL FARM INDUSTRIAL PARK, BELL LANE, NUTHAMPSTEAD, SG8 8ND

Audio recording – 2 hour 55 minute 4 seconds

- The Senior Planning Officer presented the report in respect of Application 23/00549/OP supported by a visual presentation consisting of photographs and plans, including that there was a typological error at 4.3.12 and 4.3.13 of the report, which should read ‘due west’ and ‘eastern’ respectively. They also advised that a supplementary document had been published regarding Condition 8.

The following Member asked points of clarification:

- Councillor Sean Nolan
- Councillor Dave Winstanley

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

- The differences between Highways and the Planning Officers opinions of the proposed access were highlighted in paragraphs 4.3.32 to 4.3.37 of the report.
- The planning statement made it clear that the two access points had good visibility onto a 30 mile per hour road.
- Highways had noted the road as a 40 miles per hour.
- It was acknowledged that this was a rural area with no footpaths and not a suburban area as stated by Highways, the proposed change from an industrial park to housing, would positively impact on the volume of vehicles using the road.
- It was acknowledged as stated by Highways that this was not a sustainable location for housing, but the considerations in favour of this application outweighed the conflicts.
- Hedgerows would be retained, as would two large trees, and a detailed landscaping scheme would be required for full planning permission.

The Chair invited Mr James Gran, Dr Julia McGill and Mr Phil Burchell to speak in support of the application.

Mr Gran thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The Highways authority considered the access to be acceptable.
- The frontage trees would be retained, and the dwellings would be set back from the road.
- Previously at least 50 employee vehicles and daily heavy good vehicles would use these narrow lanes, just 1 employee was now occasionally onsite.
- Since 2021 other commercial usage for the land had been investigated.
- The development of this site was appropriate and would make a positive impact on the village.
- The proposal was for nine detached dwellings with spacious gardens and with no harm to the rural area.
- There would be fewer trips compared to the current and previous industrial use of this site and associated noises and odours would be reduced.
- Biodiversity net gains would be achieved in accordance with Condition 8.
- There would be social and economic benefits to the village.
- There was no identified harm which would outweigh the benefits of the proposal.

Dr McGill thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This development would enhance the setting of all the nearby listed buildings and was strongly supported.
- There had previously been disruption from speeding vehicles, noise and air pollution on this site.
- The site had attracted unlawful and anti-social behaviour.
- There would be a net environmental gain with the reduction of traffic volume.
- The report from Highways had numerous errors and did not include any environmental and safety gains from the change of use to dwellings.

Mr Burchell thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that the Nuthampstead Parish meeting was consulted on the proposed usage options for the industrial park site and it was unanimously agreed that the site be used for residential dwellings.

There were no points of clarification from Members.

The Chair thanked Mr Gran, Dr McGill and Mr Burchell for their presentations.

Councillor Tom Tyson proposed the application with an amendment to condition 8, and Councillor Dave Winstanley seconded and after a vote, it was:

RESOLVED: That application 23/00549/OP 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 8:

“Condition 8:

As part of the details at Reserved Matters stage, a Biodiversity Net Gain Plan shall be submitted and approved by the Local Planning Authority, using the Defra Biodiversity Metric to demonstrate how a minimum of 10% Biodiversity Net Gain (BNG) will be fulfilled by this development”

Reason: To achieve a BNG of at least 10%, in accordance with Policy NE4 of the Local Plan.

112 APPEALS REPORT

Audio recording – 3 hour 10 minute 32 seconds

The Development and Conservation Manager advised the Committee that there had been five new planning appeals in the last monitoring period.

Four decisions had been made all of which had been dismissed by the Inspector.

RESOLVED: That the Committee noted the report.

The meeting closed at 10.42 pm

Chair

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