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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, 16TH NOVEMBER, 2023 AT 7.30 PM

MINUTES

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

In Attendance:

Peter Bull (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Kerrie Munro (Locum Planning Lawyer), Tom Rea (Senior Planning Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)

Also Present:

At the commencement of the meeting 14 members of the public including registered speakers were present.

Councillor David Barnard was also present.

134 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 17 seconds

Apologies for absence were received from Councillors Nigel Mason, Terry Tyler and Ian Moody.

Having given due notice, Councillor Ian Mantle substituted for Councillor Mason and Councillor Michael Muir substituted for Councillor Moody.

N.B Councillor Philip Weeder entered the Council Chamber at 19:31.

135 MINUTES - 12 OCTOBER 2023

Audio Recording – 1 minute 51 seconds

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

RESOLVED: That the Minutes of the Meeting of the Committee held on 12 October 2023 be approved as a true record of the proceedings and be signed by the Chair.

136 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 24 seconds

There was no other business notified.

137 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 50 seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) 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.

138 PUBLIC PARTICIPATION

Audio recording – 4 minutes 6 seconds

The Chair confirmed the registered speakers were in attendance.

139 17/04017/FP LAND AT MILKSEY LANE, GRAVELEY

Audio recording – 4 minutes 34 seconds

The Senior Planning Officer provided the following updates that:

- There was an updated location and site plan that clarified the boundary lines of the conservation area.
- A geophysical survey report had been forwarded to a Historic Environment Officer at Hertfordshire County Council (HCC) for comments.
- The Lead Local Flood Authority (LLFA) had undertaken a further consultation.
- There was a typographical error at 4.3 of the report, the percentage should read 85%.

The Senior Planning Officer presented the report in respect of application 17/04017/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor Michael Muir

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

- The geophysical report did not show any significant features and had been produced using the magnetic survey method.
- There had been three revisions of the flood risk assessment. The LLFA had looked at all matters raised, and tests included a CCT survey of the foul and surface water sewers in the high street. There was a drainage strategy and full maintenance schedule for the sustainable urban drainage system.
- There had been some changes made to the access point of the site and the geometry of the access was now in accordance with the Highways requests. The details of the changes had been sent to Highways for comments and confirmation.
- The vehicle access detailed in Condition 4 was required prior to the construction of the development.

- The proposed garages would be three metres wide and eight metres deep and comply with the car parking standards document.

Councillor Tom Tyson commented that this was an application for ten dwellings that had Section 106 (S106) contributions and was supported by the Parish Council.

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

That application 17/04017/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

140 22/02942/OP LAND AT HEATH ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8PL

Audio recording – 20 minutes 21 seconds

The Senior Planning Officer provided the following updates that:

- The applicant had queried the necessity and relevance of Condition 7 after a financial arrangement of £68,260 had been agreed with HCC Highways. Condition 7 should therefore be deleted.
- Changes were proposed to the wording of Condition 9 as the footpath would be a permissive right of way rather than a formal right of way and further details of this pathway would be included in the application for full planning permission.

The Senior Planning Officer presented the report in respect of application 22/02942/OP supported by a visual presentation consisting of photographs and plans.

In response to a declaration of interest query from Councillor Simon Bloxham, the Locum Planning Lawyer confirmed that there was no conflict of interest in this matter.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Ian Mantle
- Councillor Louise Peace

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

- The site was not under the Luton Airport Flight path, but some noise was audible.
- There was an hourly bus service past the site and the applicant had a sustainable transport contribution as part of the S106 agreement and this would be used to encourage non car usage.
- The dwellings would be set back and of an orientation that would mitigate the noise from aircrafts as stated in paragraph 5.11 of the report, they would also have thermal double glazing and trickle vents.
- The dwellings had been reduced to 10 and the application would only use 75% of the allocated land, the applicant had a garden lease with local residents on the remaining land.

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

- The site had been allocated on the Local Plan, and was on a sustainable location with the benefits of a school, public house, village hall and church.
- Some of the land had been leased under a garden license, for local residents to increase their back gardens, so the number of dwellings on the application site had been reduced.
- The application site only occupied 75% of the original site and would accommodate three and four bedroomed dwellings.
- The proposed site met with all 5 criteria of the Local Plan including noise mitigation measures with a scheme of noise mitigation measures forming a condition of the application.
- The site was formally used for allotments and new allotments sites had been provided for all holders that decided to relocate, with two plots remaining vacant.
- The siting of the properties was sensitive to the surrounding area especially the nearby listed buildings and the closest new dwelling was 12 metres from the access frontage.
- The western boundary would be reinforced to screen the view of the site, and would retain the hedgerows, more details would be provided when the applicant applied for full planning permission.
- The application had no objections from the Parish Council, and comments regarding the footpath had led to the applicant agreeing to a wider footpath corridor.
- A tracking plan was used to confirm that a refuse vehicle would be able to enter, turn and leave the site using forward gear.
- The main access road to the site would be 5.5 metres wide and would provide visibility splays, this had been accepted by Highways.
- The drainage strategy had been approved by the LLFA and would include piping excess water to a wet pond at the southeast of the development site. The area around the wet pond would be planted to encourage wildlife.
- There would be a net gain of 11.7 habitat units and 23.7 hedgerow units.
- The applicant had agreed to the scheduled S106 contributions.

In response to a point of clarification from Councillor David Levett, Ms Partridge advised that the applicant intended to retain the remaining land as garden licenses and had no development plans.

The Chair thanked Ms Partridge for her presentation.

The Senior Planning Officer highlighted that condition 3 confirmed the recommendations regarding the drainage system.

In response to a point of clarification from Councillor David Levett, the Development and Conservation Manager advised that any future development of the remaining land would be subject to an element of affordable housing.

Councillor Ian Mantle proposed the application with the deletion of Condition 7 and the amendment to Condition 9, and Councillor Michael Muir seconded, and following a vote it was:

RESOLVED: That application 22/02942/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the deletion of Condition 7 and the re numbering of Conditions 8 to 17 to Conditions 7 to 16 with the following amendment to the new Condition 8.

“Condition 8

Prior to the commencement of the relevant phase of works, full details of the proposed green corridor link through the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the green corridor link permanently retained as part of the approved development.

Reason: To ensure construction of a satisfactory development in the interests of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018). To also comply with Policy KW1 of the North Herts Local Plan 2011 – 2031”.

141 23/01807/FP COKER COTTAGE, ASHWELL ROAD, BALDOCK, HERTFORDSHIRE, SG7 5JX

Audio recording – 45 minutes 8 seconds

The Senior Planning Officer provided an update that there was a typographical error and that Condition 10 should state driveway instead of car park.

The Senior Planning Officer presented the report in respect of application 23/01807/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson

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

- Highways had requested that the applicant show vehicle/pedestrian visibility splays at the access point and that the footpath on the site's frontage was widened from 1.4 metres to 2.4 metres.
- The vehicle/pedestrian visibility splays requested by Highways had been secured by the proposed amended Condition 9.
- The application site was located in a rural area, where the width of footpaths were 1.4 metres. It was felt that the request from Highways to extend this to 2.4 metres in front of the application site was unreasonable.

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

- The key issue related to a recommendation from HCC Highways regarding the width of the footpath.
- All the consultees supported the application however, HCC Highways had imposed a condition beyond the bounds of reasonableness or appropriateness.
- The footpaths were a constant 1.4 metres wide in this area, including the 15 metres applicable to this application.
- Under the proposed Highways condition the 15 metres in question would be expanded to 2.4 metres, however the remaining stretches of footpaths in Ashwell Road would remain at 1.4 metre wide.
- There were four dwellings in the area and no incidents had occurred on the footpaths, it was occasionally used by dogwalkers as there were no amenities in walking distance, so most journeys were made by car.
- The visual displays would provide a gradual widening of the access area.
- There had been concerns from the Conservation Officer regarding the loss of hedgerows and wildlife habitat.
- HCC Highways had not imposed a similar footpath request for a nearby dwelling that currently had no footpath and the footpaths on Walsworth Road, one of the busiest roads in the district were on average 1.4 metres wide.
- The application was fully compliant with HCC Highways request, for vehicle and pedestrian visibility displays ensuring pedestrian safety.

The Chair thanked Mr Eades for his presentation.

Councillor Sean Nolan commented that this was an easy decision for Members and that the Committee should follow the recommendation of the Senior Planning Officer regarding the pavement width.

Councillor Tom Tyson and Councillor Daniel Allen seconded, and following a vote, it was:

RESOLVED: That application 23/01807/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

142 22/00709/FP LAND TO THE SOUTH OF WYMONDLEY SUBSTATION AND SOUTH OF SPERBERRY HILL, ST IPPOLYTS, HERTFORDSHIRE

Audio recording – 1 hour 19 seconds

The Senior Planning Officer provided an update that there had been a further response from the LLFA stating that they objected to the application as there was no surface water drainage on the western parcel of the site.

The Senior Planning Officer presented the report in respect of application 22/00709/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Ian Mantle
- Councillor Tom Tyson

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

- The application was for temporary use of the land for 40 years, whilst this was a considerable length of time it was noted that this was not unusual for this type of application.
- The study area highlighted in blue, and commissioned by the applicant, showed the different impacts of planning matters, such as Heritage assets and residential properties, the study identified potential areas that may be impacted, and these were then addressed in the report.

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

- They supported renewable energy, but this application was in the wrong location.
- They supported the report and recommendations of the Senior Planning Officer.
- The application site was crossed by well used footpaths including the Hertfordshire Way which offered picturesque views, this application would cause significant harm to the landscape and visual impact of these footpaths and to the openness of the green belt land.
- The HCC Conservation Officer objected to the application due to the great harm to nearby Heritage assets located at Almshoe Bury, the Wyck and the Redcoat Farmhouse.
- There were 409 comments received about the application, 236 of the comments were objections, with the majority of objectors living close to the site.
- There had been over a thousand signatures on a petition opposing the application, but supporting renewable energy options.
- People of Hitchin wanted renewable energy but felt that this was not the right site.
- North Herts currently generates 11 megawatts of electricity from two small solar projects.

- This solar farm, and the proposed Bygrave site would be amongst the largest solar farms in the UK with an estimated 50 megawatts capacity each which would equate to 1.34% of all ground mounted solar PV in the UK.
- Should the two applications be successful the sites would equate to 20% of all ground mounted solar capacity installed this year and 10% over the last 12 months.
- In proportion to land mass this application would be five times above the UK national average of ground mounted solar PV.
- The proposed site was on highly valuable green land that was currently enjoyed by local residents.

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

- NHDC declared a climate emergency in May 2019, with the aim to reduce carbon emission by 2030 and to reach net zero by 2040.
- The visual outlook of open countryside and greenbelt would be destroyed for the next 40 years should this application be approved.
- There would be a resonating humming noise from the storage site that would be heard by residents and walkers.
- Research showed that solar panels had an average lifespan of 25 years, and the removal of these panels would be at a great cost.
- Used solar panel were likely to end up in land fill and this could mean that this site would end up as brownfield and have the potential in the future to become commercial or housing developments.
- The land was valuable for produce in the food chain, and if successful there would be more carbon emissions through importations from foreign producers.
- They supported the recommendations of the Senior Planning Officer.

In response to a point of clarification from Councillor Daniel Allen, Councillor Barnard stated that he was unable to currently provide any statistics regarding the operating noise, but had experienced the low-level humming, droning noise that was apparent from solar farms, and that he preferred the noise of sheep and cows in these fields.

The Chair advised that, whilst on a recent site visit to a solar farm in Reed, they had noticed very little noise.

The Chair thanked Councillor Barnard for his presentation and invited Mr Tom Roseblade to speak as a support of the application. Mr Roseblade thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Renewable energy and net zero were not possible without making difficult decision.
- The connection to the grid was committed for 2026, and in the current saturated market there was enough availability at the Wymondley substation to accommodate this development.
- There were arguments for and against this development with benefits and harms, there had been a recent precedent for a solar farm on greenbelt land and this should be reflected in the weight.
- This scheme would generate a deliverable connection contributing to net zero and this should have a greater benefit weight.
- Achieving net zero will inevitably result in some level of landscape and visual harm, this application had been designed to reduce the level of these harms, whilst accepting that some level of landscape and visual harm will remain as there are no alternative locations for this site outside of greenbelt land.
- It was acknowledged that as this application required a difficult decision, objections from local residents were expected.

- The development also had support from North Herts residents, who focused on the benefits of the scheme and securing a better future for the next generation.
- Alternatives to the recommendation of the Senior Planning Officers, should be explored, and a pause for reconsideration could be an option.
- The overall conclusion regarding the benefits and harms as stated in paragraph 4.9 of the report, stated that a different renewable energy project in this location could in very special circumstances be approved.
- The Committee could be mindful and make a deferral, allowing the applicant to make slight amendments, including reducing the number of panels, increasing the landscaping especially the planting and footpath buffers, alternatively the applicant may make these amendments under the Wheatcroft Principal prior to a planning appeal.
- If unsuccessful the application would be appealed, however this may mean that the grid connection was lost.
- Should this application be refused it was likely that further applications would be submitted to use the Wymondley substation, however this site was the best location for a solar farm.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Sean Nolan
- Councillor Val Bryant

In response to the points of clarification Mr Roseblade stated that:

- The business rates were calculated on megawatts and were roughly £2K per megawatt, therefore the capacity at this site would generate around £50K in business rates per year.
- There would be some employment for the maintenance of the panels, periodic cleaning and onsite maintenance of the panels and landscape.
- The employment would be the equivalent to 1.5 full time staff over a year.
- It had been confirmed that the Wymondley Substation had available capacity for this application of 25 megawatts and a further scheme for 50 megawatts, and that there may then still be some further availability.
- The expected lifespan of the solar panels was 25 years before they experienced some performance drop off and replacement of these panel would be on a rolling scheme.

The Chair thanked Mr Roseblade for his presentation.

The following Members took part in debate:

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

Points raised in debate included that:

- £66K in business rates was not a significant amount, and the Council would only retain about £11K per year.
- There would only be minor employment created for the site.
- The energy generated could go anywhere in the country.
- Would a deferral for minor amendments reduce the harms impact, or just be the same scheme.
- Would the surface flooding change if this was deferred for minor amendments.
- There was a clear need for green energy, but the harms are substantial for this site.

- The noise level at the solar farm visited was not intrusive, and that location was not visible until you were very close to the site.
- They were in favour of renewable energy but not to imposing harm to the landscape.
- How many jobs would be lost and what impact would that have, as only 1.5 roles would be created.

The Locum Planning Lawyer advised that the applicant had made a request for a deferral and a decision needed to be made by the Committee as to whether they would honour the deferral request or if the application was going to be determined. In response to this point, Councillor Levett confirmed that he proposed to refuse the application and that, following the debate and vote on his proposal, a further proposal could be made to defer the application.

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

RESOLVED: That application 22/00709/FP be **REFUSED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

143 APPEALS

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that there had been one appeal lodged regarding a stretch tent at the Old George, Arseley Road Ickleford, and this would follow the written representation procedure.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.14 pm

Chair

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