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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, 6TH MARCH, 2025 AT 7.00 PM

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson and Martin Prescott.*

In Attendance: *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), Tom Rea (Senior Planning Officer), Sonia Sharp (Senior Planning Solicitor (Locum)) and Vicki Wood (Planning Officer).*

Also Present: *At the commencement of the meeting approximately 6 members of the public, including registered speakers.*

133 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 26 seconds

Apologies for absence were received from Councillors Ruth Brown and Sadie Billing.

134 MINUTES 30 JANUARY 2025

Audio Recording – 1 minute 46 seconds

The Chair advised that the Minutes from the 30 January 2025 were added to the Agenda in error and had been approved at the Planning Control Committee meeting on 25 February 2025.

135 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 10 seconds

There was no other business notified.

136 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 12 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.

137 PUBLIC PARTICIPATION

Audio recording – 4 minutes 23 seconds

The Chair confirmed that the registered speakers were in attendance.

138 TPO/0215 Land on the North Side of Baldock Road, Royston, Herts, SG8 9NT

Audio Recording – 4 minutes 43 seconds

N.B. Councillor Bryony May declared an interest due to a friendship with the Objector and left the chamber.

The Planning officer presented the report of the Tree Preservation Order (TPO) - TPO/0215 supported by a visual presentation consisting of photographs and plans.

In response to a point of clarification from Councillor Louise Peace, the Planning Officer advised:

- The responsibility for maintaining the trees was with the landowner.
- The TPO was brought to the Planning Control Committee due to the receipt of an objection during the public consultation.

The Chair thanked the Planning Officer and invited the Objector, Mrs Paula Davies, to speak against the TPO. Mrs Davies thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The TPO ran across the full boundary of her property resulting in additional work for her when maintaining her garden.
- She does welcome the TPO as when trees had been removed previously by the landowner they had not been replaced.
- The TPO did not include the definition of a tree, and she was unsure what she would be able to prune without requesting permission from the Council. Due to personal health circumstances, it would not be possible for her to complete paperwork when doing gardening.
- The only other land affected by the TPO would be a community plot.
- She had not received any notice of the TPO and she only found out about it 5 days after it was enforced.
- She requested the boundaries of the TPO be changed to allow 1m grace between her property edge and the area covered by the TPO.

The following Members asked for points of clarification:

- Councillor Emma Fernandes
- Councillor Martin Prescott
- Councillor Tom Tyson
- Councillor Louise Peace
- Councillor Nigel Mason

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

- All trees were considered equal in a TPO.
- Provisional TPO's needed to be confirmed within 6 months of serving.

- The purpose of the TPO was to protect green infrastructure network and create a barrier between residential and commercial properties, Therfield Heath and the highway. and the highway.

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

- A change to the boundaries was possible if a new TPO was drawn up with altered boundaries.
- The Conditions under a planning permission normally require any tree that dies to be replaced within 5 years
- This Provisional TPO would expire at the end of May if not confirmed by Members today.
- If a new TPO is put in place, and there were no objections received it would not come back to this Committee but would be decided by officers under delegated powers.

In response to a point of clarification, Mrs Davies advised she would not have an objection to a future TPO in the area if the boundaries were changed.

In response to a point of clarification, the Senior Planning Solicitor advised:

- The law that covered TPOs was wide-ranging and the current TPO met the government guidance.
- It was common for no advanced notice to be given when issuing a TPO as the main purpose of the order was to protect trees.
- There was no lawful way to give special dispensation to one member of the public so they could prune trees without obtaining consent.
- It could be an option that, prior to the objector doing works, the landowner could make the application.
- Members could confirm this order or, as an alternative, require a new TPO to be issued to accommodate the issues raised by the objector.

Councillor Martin Prescott proposed to defer decision on this TPO and instruct the Development and Conservation Manager to provide a revised TPO and this was seconded by Councillor Tom Tyson.

The following Members took part in the debate:

- Councillor Nigel Mason
- Councillor Elizabeth Dennis

Points raised during the debate included:

- The priority should be the wellbeing of the trees, Members must be sure no harm will come to the trees before the new TPO was put in place.
- Members trusted officers and can be sure that the new TPO will be put in place before May when the current one runs out.

As part of the debate the Development and Conservation Manager suggested that officers meet the Objector on site to try to make sure the new TPO met both her needs as well as ensuring the protection of the group of trees.

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

RESOLVED: That a decision on the confirmation of TPO/00215 be **DEFERRED** to allow for a new provisional Tree Preservation Order to be issued with an amended plan that provided for a revision in the extent of the land covered by a TPO.

N.B. At the end of the item Councillor Bryony May returned to the chamber at 19:49.

139 24/02343/FP Church Wood, Three Houses Lane, Codicote, Hertfordshire

Audio Recording – 45 minutes 58 seconds

The Senior Planning Officer presented the report of Application 24/02343/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked for points of clarification:

- Councillor Nigel Mason
- Councillor Martin Prescott
- Councillor Caroline McDonnell

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

- Although it did not look like the site was being used for agricultural purposes he understood that it was until 2018.
- This was a retrospective application for the change of use from agricultural to a Class B8 for storage and distribution purposes.
- There was an enforcement investigation on this site.
- There was nothing in the application about manufacturing

The Chair thanked the Senior Planning Officer and invited Mr Tim Wise to speak against this application. Mr Wise thanked the chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He represented 30 objectors who all lived in Codicote and surrounding areas.
- This site has been brought to the attention of the Council several times over the last 14 months.
- During that time, the use of the site had changed and the road leading to the site entrance had been destroyed by HGVs, which used the road almost daily.
- There had been instances of HGVs reversing blind from a country road onto the 60MPH highway, which was unsafe for other road users.
- Hertfordshire Highways had advised that the road was unusable for HGVs.
- Church Wood and Crouch Green Wood had suffered environmentally due to non-native plants being planted around the site boundary.
- The current site use was unsustainable especially considering it is Green Belt land.

In response to points of clarification from Councillor Nigel Mason, Mr Wise advised that:

- The lane that was being inappropriately used was the one opposite the dinosaurs and permanently has a flood sign on it.
- Turning either way coming out of the lane would cause a HGV to cross over onto the other side of the carriageway.

The Chair thanked Mr Wise for his contribution and invited Mr Simon Warner to speak in support of the application. Mr Warner thanked the Chair for the opportunity and provided the committee with a verbal presentation, including that:

- The site was classified as grey belt, not Green Belt.
- The applicant had tried to negate any damages done during site transition, including the replacement of fences and clearing ditches.
- Similar sites had been converted into housing, instead the applicant has tried to make the site something with benefit to the local area.
- He also wished to add equestrian area to the site which could add to the community.

- The current permission allows for the site to be used for agricultural purposes without restriction, the applicant was happy to work within any restrictions laid down by the Council under a new permission.
- The HGVs did use the site, but if it returned to agricultural usage then the lane would be used by large agricultural vehicles.
- The applicant would also be willing to plant trees and reintroduce native species to the surrounding woods.
- The applicant wished to add to the local economy with this site.
- He requested the decision be deferred until the applicant could resolve some of the issues raised in the report.

The following Members asked for points of clarification:

- Councillor Emma Fernandes
- Councillor Nigel Mason
- Councillor Martin Prescott
- Councillor Amy Allen

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

- The officers had clarified the land was grey belt and the only discrepancy between the view of officers and the view of the applicant was the perceived need for such a business in the local area.
- Grey Belt land is partially decided on the previous activities at the site, but as the photos in the presentation showed, there is an increase to hard standing area which may mean the whole site could now be seen as grey belt.
- In terms of vehicle access, during its time as an agricultural premises, he understood that large agricultural vehicles used it which would have been similar to the HGVs. the applicant is also willing to commit to using smaller transit sized vehicles to protect the integrity of the site if Members were minded to condition this.

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

- Grey Belt classification was relatively new and came into place when the National Planning Policy Framework was updated in December 2024. 'Grey belt' was defined as land in the Green Belt comprising previously developed land.
- In the opinion of officers, the application was not sustainable and there was no need for the business therefore it did not meet the requirements to recommend approval.

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

- For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in NPPF paragraph 143.
- In this case, the Senior Planning Officer had advised that, in their opinion, the proposal did not comply with criteria b and c of NPPF paragraph 155 and therefore should be regarded as inappropriate development within the Green Belt .

In response to points of clarification the Chair confirmed the definition of Grey Belt from the Government website.

Councillor Amy Allen proposed to refuse permission, and this was seconded by Councillor Martin Prescott.

The following members took part in the debate:

- Councillor Louise Peace
- Councillor Ian Mantle
- Councillor Nigel Mason
- Councillor Caroline McDonnel

Points raised in the debate included:

- The application was not a sustainable proposal, and it was not appropriate for this area.
- The recommendation by Highways was crucial and an important reason for refusal.
- The access to the site was unsafe and this was enough reason to refuse the proposal.

RESOLVED: That application 24/02343/FPP be **REFUSED** subject to the reasons set out in the report of the Development and Conservation Manager and supplementary document.

The meeting closed at 8.46 pm

Chair