

# Public Document Pack

## 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, 3RD APRIL, 2025 AT 7.00 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, Louise Peace, Tom Tyson and Martin Prescott.*

**In Attendance:** *Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Arhamna Jafri (Locum Planning Lawyer), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Development Management Team Leader) and Christella Menson (Principal Planning Officer).*

**Also Present:** *At the commencement of the meeting approximately 4 members of the public, including registered speakers.*

#### 147 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 21 seconds*

There were no apologies for absence.

#### 148 MINUTES - 25 FEBRUARY AND 06 MARCH 2025

*Audio Recording – 1 minute 30 seconds*

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Martin Prescott seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meetings of the Committee held on 25 February and 6 March 2025 be approved as a true record of the proceedings and be signed by the Chair.

#### 149 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 31 seconds*

There was no other business notified.

#### 150 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3 minutes 00 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.

## 151 PUBLIC PARTICIPATION

*Audio recording – 5 minutes 44 seconds*

The Chair confirmed that the registered speakers were in attendance.

## 152 24/02606/FP Land West Of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

*Audio recording – 6 minutes 09 seconds*

The Area Planning Officer presented the report and supplementary document and advised that:

- An update to the report had been published as a supplementary document and four conditions relating to Biodiversity Net Gain (BNG) had been included.
- An additional map had been provided in the supplementary document, which was attached to the original s106, which had been located and provided for further clarification regarding existing landscaping conditions.
- Condition 10 in the report required an amendment and instead of 'Prior to the occupation of the development hereby permitted vehicle to vehicle inter-visibility splays...', the condition should read 'No dwelling hereby permitted shall be occupied until the vehicle to vehicle inter-visibility splays...'.

The Area Planning Officer presented the report in respect of Application 24/02606/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Martin Prescott
- Councillor Louise Peace

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

- There had been no indication from County Highways that the 30mph zone would be extended and no objection or suggested conditions had been received.
- There was no objection from the Inspector to the site being outside of the settlement boundary. The objection was related specifically to the size of plot 3.
- There would be a connection point to existing rights of way, but this would be agreed at a later stage by condition.

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

- Applications for this site had previously been rejected by this Committee.
- There had been a similar application for a site in Barkway recently, which was outside of the village settlement, and the Officer recommendation in that case was to refuse due to the weight which should be placed on this consideration.
- There were modest benefits to the scheme, but these did not outweigh the harm done.
- The site was on a 60mph road with no provision for pedestrians.

- A recent application for Tussocks in Therfield was deemed to be unacceptable within the village boundary without the provision of a pavement. This should be applied in this case.
- This site had been specifically rejected from the adopted Local Plan.
- There was already a significant level of development in Therfield and the village could not support further luxury housing outside of the settlement boundary.

In response to a point of clarification from Councillor Ruth Brown, Ms Bogie advised that the site referenced in Barkway was a greenfield site.

The Chair thanked Ms Bogie for her contribution and invited Mr Simon Warner to speak as the agent to the applicant in support of this application. Mr Warner thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This application represented a positive contribution on a brownfield site and was policy compliant.
- Any negatives from the site would need to demonstrably harm the location in order to refuse the application.
- Following the update to the NPPF in December 2024, this site was now considered brownfield, and the framework outlined that decisions should promote effective use of land which had previously been developed.
- The previous application had been rejected on appeal due to design, and the Inspector had outlined that this was an eminently suitable location for housing.
- This proposal reduced the size, both in height and area, of plot 3, which addressed the concerns raised by the Inspector.
- The proposals would pose no harm to the countryside, would provide a BNG and would reduce the hardstanding area with new landscaping and drainage.
- There would be a connection to the site from existing rights of way.
- There had been no objections received from statutory consultees, including the conservation and ecological officers.
- A review of this application had been conducted by an active planning barrister, who had advised that the changes made would make this application suitable for approval.

The following Members asked points of clarification:

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

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

- There would be a connection to existing rights of way which would link with a network of footpaths through the village.
- There had been no requests from Herts County Council for S106 contributions for footpath improvements.
- The site was currently vacant.
- The site had previously been used for a haulage and distribution company.

Councillor Amy Allen proposed to grant permission, with the amended Condition 10 and additional conditions in the supplementary document. This was seconded by Councillor Louise Peace.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Tom Tyson
- Councillor Ian Mantle
- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Ruth Brown
- Councillor Amy Allen
- Councillor Emma Fernandes

The following points were raised as part of the debate:

- The site was not within the settlement boundary and should be refused because of this.
- This development of 3 houses would not help to meet the 5-year land supply requirements.
- The site was unsightly and discordant, as outlined by the Inspector, and it was a brownfield site with previous use as a depot for industry. Therefore, the visual enhancements to the site were clear.
- The Inspector had agreed the site was eminently suitable for 3 houses and the issues identified at the appeal had been addressed in this application.
- The prevention of development outside of boundaries was intended to prevent uncontrollable spread of settlements, but this was not the case here.
- This site was developed and now derelict and it did not make sense to be considered outside of the village, as the facility had existed for years.
- It was important that this did not set a precedent for other applications on village boundaries, but in this specific case the site was not greenfield. Therefore, any application outside of a boundary which was on greenfield would be considered differently to this application.
- This application was better than for the site to be used again for haulage.
- The design of the 3 properties was good and fitted with the rural landscape and neighbouring properties, with high quality and sustainable design.
- A concern was the footpath connection to the site, which let down the sustainable credentials of the application.
- Further consideration should also be given to reduction of the 60mph road speed.
- This development would increase the 'green' on site from its current usage, with a new landscaping plan.
- The site would provide lots of greenspace and would make a positive BNG contribution.

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

**RESOLVED:** That application 24/02606/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 amendment to Condition 10 and the addition of Conditions 20 to 23 as follows:

'Condition 10:

*No dwelling hereby permitted shall be occupied until the vehicle to vehicle inter-visibility splays of 2.4 metres by x 57 metres to the eastern direction and 2.4 metres by x 59 metres to the western direction shall be provided and permanently maintained as shown on the drawing (Ref-196661-001), Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.*

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.*

Condition 20:

*No development shall take place (including any ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall be informed by the November 2024 Ecological Assessment Report and include the following:*

- a) Review of site potential and constraints.*
- b) Details of any necessary working methods to prevent harm to wildlife.*
- c) Type and source of materials to be used where appropriate.*
- d) Persons responsible for implementing the works.*

*The Method Statement must include a timetable for the delivery of measure on site and any agreed measures are to remain on site thereafter.*

Condition 21:

*No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, as informed by the November 2024 Ecological Assessment Report, has been submitted to and approved in writing by the local planning authority. The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.*

Condition 22:

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:*

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Herts Council.*

*There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.*

*Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.*

Condition 23:

*No development shall take place until the details of the boundary treatment for the habitat protection area and access to this area, are submitted to, and agreed in writing by, the LPA and these details shall be implemented on site before the first occupation of the first dwelling hereby approved and thereafter shall remain on site.'*

**153 TPO/216 Land at 30 and 32 to 37 (inclusive) Garden Fields, and Land Adjacent 37, Garden Fields, Offley, Hertfordshire, SG5 3DF**

*Audio recording – 39 minutes 38 seconds*

The Planning Officer presented the report and advised that:

- Some sections of the report had been incorrectly carried over from a previous report and therefore these needed to be updated.
- At Paragraph 6.1, reference was made to trees needing work or in decline, but this was incorrect and should instead include reference to the requirement to provide evidence for emergency works to the trees covered by the TPO.
- Paragraph 9.2 of the report could be disregarded.
- Paragraph 9.3 of the report referred to trees not being protected, but this was incorrect as most of the trees were covered by an existing TPO.
- This TPO was seeking to remove 2 of those trees, one from eastern end and one from 31 Garden Fields, and add a new tree, adjacent to the parking area at the western end.
- The reason for the addition of the new tree was following a request to complete works to the tree at the western end, at which point the tree was identified as one which required protection.

The Planning Officer presented the report in respect of TPO/216 supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Emma Fernandes

In response to questions, the Planning Officer advised that:

- A management company was responsible for the tree proposed to be included in this TPO.
- It was not proposed to fell any of the trees, but to remove them from the TPO, and therefore a condition could not be added for a replacement.

The Chair invited Ms Claire McNulty to speak as an objector to the application. Ms McNulty thanked the Chair for the opportunity and advised that:

- She and neighbours had previously made objections to this when notified in July and November 2024.
- The proposed TPO was unnecessary and would hinder the management of the tree, as it was on land managed by a management company and they were responsible for consideration of any works required.
- The proposed new tree to be included was not neglected or at risk and was already well looked after by residents.
- There were trees already covered in the existing TPO which posed a risk to children playing in gardens.

The Chair thanked Ms McNulty for her presentation.

The following Members asked points of clarification:

- Councillor Sadie Billing
- Councillor Martin Prescott
- Councillor Nigel Mason
- Councillor Amy Allen
- Councillor Ruth Brown
- Councillor Caroline McDonnell

In response to points of clarification, Ms McNulty advised that:

- The current process was that requests for works went to the directors of the management company to consider. The directors were happy to see the gardens maintained and, once works were approved, they would arrange a company to conduct the works.
- There was some confusion with residents unsure which trees were covered by the TPO and what was proposed in this new TPO. Therefore, some comments related to trees already covered by the existing TPO.
- It would have been beneficial for the directors of the management company to have been notified of this meeting, though she was unsure whether this had been sent and missed.

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

- The purpose of the TPO was to give the Council control of works proposed to trees before the work is completed.
- Requests to conduct work to trees covered by a TPO can be made through a simple and straightforward application process.
- In the case of emergency works, this was allowed, and photos should be taken as evidence of the required works and provided to the authority after. It was not the purpose of a TPO to leave dangerous branches in place where danger was imminent.
- In most cases where an application is made to a TPO, it would be approved.
- The TPO allowed the Council to control trees, with the main benefit being the prevention of unnecessary felling of trees which made a positive contribution to an area.
- There would be no change with this new TPO to the existing covered trees, it would only remove the 2 trees and include the additional tree referred to in the report.

Councillor Martin Prescott proposed to confirm TPO/216 and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

- Councillor Amy Allen
- Councillor Louise Peace

Points raised during the Debate included that:

- The TPO would supersede the directors of the management company and therefore any issues which needed urgent resolution could be done, with retrospective permission sought. This should not extend the current timeframe for action.
- It would be worthwhile for a letter to be sent to residents to confirm which trees were included in the TPO and explain the situation, as it had been apparent that some confusion existed.

In response to a point raised in the Debate, the Chair advised that neighbouring properties could be contacted to advise of the TPO.

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

**RESOLVED:** That TPO/00216 was **CONFIRMED**.

**154 PLANNING ENFORCEMENT QUARTERLY REPORT - PART 1**

*Audio recording – 1 hour 12 minutes 57 seconds*

The Principal Planning Officer (Conservation and Enforcement) presented the Information Note entitled 'Planning Enforcement Quarterly Report – Part 1' and advised that:

- This was a short summary of work undertaken in 2024.
- Details of work to promote publicly S106 contributions were included at paragraph 6.2 of the report.
- The Infrastructure Funding Statement had been developed and was going through internal review before it would be added to the website.
- There were 2 Enforcement Notices served in 2024 – to The Cabinet, Reed and High Street, Graveley – and both of these had been appealed.

In response to a question from Councillor Ian Mantle, the Principal Planning Officer (Conservation and Enforcement) advised that:

- A lot of work to date had been picking up on work already taken place and bringing together, and reviewing, processes to ensure these worked effectively. It was important that a clear understanding of the issues was held by the whole team to ensure consistency.
- Currently the team was sufficiently resourced, but the situation could change in the future.
- Established procedure guides and best practice were being developed to ensure consistency in case of any changes to the team.

**155 EXCLUSION OF PRESS AND PUBLIC**

*Audio recording – 1 hour 16 minutes 38 seconds*

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

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

**156 PLANNING ENFORCEMENT QUARTERLY REPORT - PART 2**

*N.B. This item was considered in restricted session and therefore no recordings are available.*

The Principal Planning Officer (Conservation and Enforcement) presented the Information Note entitled 'Planning Enforcement Quarterly Report – Part 2'.

The meeting closed at 9.07 pm

Chair