

# Minutes



To: All Members of the  
Development Control  
Committee, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Lisa Heaton  
Ext: 25456

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## **DEVELOPMENT CONTROL COMMITTEE 25 JANUARY 2017**

### **ATTENDANCE**

#### **MEMBERS OF THE COMMITTEE**

D J Barnard, G R Churchard, D S Drury, E.M Gordon, J Lloyd, M D M Muir, S Quilty,  
I M Reay (Chairman), P A Ruffles, A D Williams

#### **OTHER MEMBERS ALSO IN ATTENDANCE**

D A Ashley, P M Zukowskyj

Upon consideration of the agenda for the Development Control Committee meeting on 25 January 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

*Note: No declarations of interest were made at this meeting.*

#### **CHAIRMAN'S ANNOUNCEMENTS**

- (i) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the meeting.

#### **PART I ('OPEN') BUSINESS**

##### **MINUTES**

##### **PUBLIC PETITIONS**

Sally Nissen on behalf of the Ellenbrook Area Residents' Association presented a petition as per Item 1 below and addressed the Committee on the subject of the petition which can be viewed using the following link: [Petitions](#)

#### **ACTION**

Craig Tallents on behalf of the Smallford Residents' Association presented a petition as per Item 1 below and addressed the Committee on the subject of the petition which can be viewed using the following link: [Petitions](#)

**1. APPLICATION FOR THE ESTABLISHMENT OF A NEW QUARRY ON LAND AT THE FORMER HATFIELD AERODROME, INCLUDING A NEW ACCESS ONTO THE A1057, AGGREGATE PROCESSING PLANT, CONCRETE BATCHING PLANT AND OTHER ANCILLARY FACILITIES, TOGETHER WITH THE IMPORTATION OF INERT FILL MATERIALS FOR THE RESTORATION OF THE MINERALS WORKING AT LAND AT HATFIELD AERODROME, OFF HATFIELD ROAD REFERENCE 5/0394-16**

[Officer Contact: Chay Dempster Tel: 01992 556211]

- 1.1 The Committee considered planning application reference number 5/0394–16 for the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working at land at Hatfield Aerodrome, off Hatfield Road
- 1.2 The Committee were informed that the site was located between Hatfield and Smallford to the west of Ellenbrook. The total area of the site is 87.1 hectares and is situated within the Metropolitan Green Belt. The nearest listed buildings are Popefield Farm and barns, and the Three Horseshoes Public House.
- 1.3 Members were informed that the application sought permission for the extraction of 8 million tonnes of sand and gravel in 7 phases over a 30 year period with progressive restoration to a Country Park. The proposed restoration involves the use of on-site materials (overburden, interburden and rejected materials) plus the importation of up to 2 million cubic metres of inert waste material at a rate of 155,000 tons per annum over 32 years in order to restore the land close to original levels.

Members were advised of the proposed hours of operation for the quarry being 7am - 6pm Monday to Friday, 7am - 1pm on Saturday, and the proposed traffic generation of 174 HGV movements daily, which represented less than 5% of the total traffic volume using the A1057.

Members' attention was drawn to the proposed new access from the A1057. Drawing 14H002 Revision 4 was presented showing

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the proposed new access including a ghost island with right turn lane. Members were informed that the new access arrangements had been through a Stage 1 safety audit which demonstrated that the junction could operate safely. The Highway Authority raised no objections to the application including the proposed access.

- 1.4 Members were presented with drawing HQ 3/6 (Initial Site Preparation) forming part of the planning application and attention was drawn to the location of a high pressure gas main on the western boundary of the site. Members were informed of the consultation response from National Grid.
- 1.5 The Committee were informed of the statutory consultation that had been undertaken including individual letters sent to over 1000 properties in the vicinity of the site, as well as press notices published in both the Welwyn Hatfield Times and St Albans Review and 6 no. site notices placed in prominent locations around the site. In response there had been over 250 individual objections received, as well as the two petitions before the Committee comprising 900 and 265 signatures from Ellenbrook and Smallford Residents Associations respectively.
- 1.6 Members were informed of the Hatfield Aerodrome Supplementary Planning Guidance (SPG) as a material consideration in the decision before them, and attention was drawn to the planning permission granted in December 2000 for the re-development of the former Hatfield Aerodrome site, including the section 106 legal obligation which requires the provision of a public park (Ellenbrook Park) on land extending to 418 acres to the west of Hatfield Business Park, to be held under a 125 year lease from the landowner (Arlington Business Parks Ltd), and the formation of Ellenbrook Park Trust. The legal obligation includes a financial contribution of £1.36M (index linked) to be paid by the landowner for the future management and maintenance of the Park.
- 1.7 The Committee were advised that the landowner had not complied with the obligation to formally establish the Park and the Trust and the financial contribution had not been made. Members were advised that the mineral working would require the establishment of Trust and the formal establishment of Ellenbrook Park within 12 months of any resolution to grant permission, as provided for in the recommendation. The requirement to provide the financial contribution can still be enforced via the original obligation.

The application site forms approximately 50% of the whole Ellenbrook Park area defined in the legal obligation. Public access continued to be available to those areas outside of the mineral working area, including areas within the application site yet to be worked, and to parcels of land handed back after restoration every

four years.

- 1.8 Attention was drawn to the Inset Map no.6 of the Hertfordshire Minerals Local Plan at Appendix 2 of the report, which shows the proportion of site which falls within the preferred area boundary. Members were advised that the Hatfield Aerodrome SPG supported the principle of mineral working within the Ellenbrook Park area and listed the criteria against which proposals for future mineral working would be considered in order to balance the need to avoid unnecessary sterilisation of resources balanced with the need to provide acceptable standards of amenity and public access (as set out in 10.32 of the officer report).
- 1.9 Members were advised that the principle of mineral extraction in the Green Belt was not inappropriate development, however some elements of the proposed development should be regarded as inappropriate, specifically, the bunds and processing plant. It was noted that these features were a normal and essential part of most mineral workings, moreover these features would be temporary, and any harm to the openness of the Green Belt would be mitigated as far as possible through screening and planting and by limiting the height of any plant by condition.
- 1.10 Members were informed that an independent noise assessment had been commissioned in line with British Standards measured against industrial noise (in relation to the plant site) and construction noise at open sites such as quarries. The noise reports concluded that noise levels would not exceed the maximum 55 decibels prescribed in the NPPG for all but three locations: St Albans Road, The Lodge and Ellenbrook Meadows. It was further noted that further mitigation would be considered including the construction of perimeter bunds around working areas. The condition required ongoing noise monitoring at the site boundary and further mitigation would be applied as necessary to ensure that the 55dB maximum limit was not exceeded.
- 1.11 The Committee were advised on air quality and dust emissions. Members heard that these matters were capable of mitigation through planning conditions and the use of best management practice on site. The concern that the increase in traffic would generate exhaust emissions was acknowledged, although this would represent a very small proportion of overall traffic using the A1057. The recommended condition required air quality monitoring equipment to be installed at the site entrance and at the edges of working areas for at least 6 months prior to the commencement of mineral extraction and for the duration of the development. The data would be provided to the Welwyn Hatfield Borough Council Environmental Health Unit.
- 1.11 With regard to the legal duty and consideration of the impact upon

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heritage assets, specifically the impact upon the setting of Grade II listed Popefield Farm (and barns), Members were advised that although there would be a moderate adverse visual impact, it would be mitigated as far as possible by provision of a 75m buffer distance between the edge of mineral extraction area and the boundary of Popefield Farm, and further mitigation would be provided by the perimeter bunds and extensive woodland planting in the spaces between the mineral working area and Popefield Farm. The proposed restoration to a country park would provide a beneficial enhancement for Popefield Farm in the long term.

- 1.12 It was noted that the proposed development would provide an acceptable buffer to adjoining land uses, maintaining a minimum 60m distance as recommended in the Hatfield Aerodrome SPG in all but two locations opposite 403 St Albans Road and adjacent to Notcutts Nursery. The construction of perimeter bunds prior to mineral extraction would minimise the adverse impacts of the mineral workings affecting these locations.
- 1.13 Members were advised that the adverse cumulative impacts of mineral operations at the adjoining Hatfield Quarry site, together with the application before them, would be limited and would not result in any significant adverse impacts in terms of traffic, landscape, and public amenity.
- 1.14 The Committee were advised of the existence of a medium sized population of Great Crested Newts within the application site meaning that a Habitats Licence would be required from Natural England. Members' were reminded of, the 3 tests set out in the Habitat's Directive and the likelihood of a licence being granted for the activity. Specifically: -
1. That there are no feasible alternative solutions to the plan or project which are less damaging;
  2. That there are imperative reasons of overriding public interest for the plan or project to proceed; and
  3. That compensatory measures are secured to ensure the maintenance of a coherence of the network of European sites

In addressing these points Members were advised that:

- (a) there were no feasible alternative sites that were available and would be capable of delivering the same quantity of mineral; the site was largely within Preferred Area 1 in the current Hertfordshire Minerals Local Plan representing one of the most suitable sites for mineral working in the County;
- (b) the maintenance of an adequate landbank in the medium and longer term plus the benefits of mineral extraction, including the economy, represented the wider public interest; and

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- (c) compensatory habitats could be provided on adjoining land (under the control of the same landowner) prior to commencement of development to enable GCN to be translocated to a suitable habitat within the locality in order to maintain the favourable conservation status of the species.

The recommended conditions required measures to be put in place to safeguard populations of GCN through the use of protective fencing and translocation on a phased basis to a suitable habitat on the adjoining land at Home Covert and submission of a Habitat Management Plan with proposals to demonstrate how European Protected Species would be protected.

- 1.15 Prior to questions and debate the Committee were addressed in opposition to the application by local residents David Jackson (Popefield Farm), Darlene Beavis and Duncan Bell (Welwyn Hatfield Borough Councillor for Hatfield Villages).

In support of the application the Committee were addressed by Chris Lowden and John Bunnnett speaking on behalf of Brett Aggregates.

The Local Member for Hatfield South, Paul Zukowskyj, spoke in opposition to the application.

## **CONCLUSION**

- 1.16 The Chief Executive and Director of Environment be authorised to grant planning permission, subject to:
- i) the provisions set out in a - d below; and
  - ii) the application being referred to the Secretary of State, and,
  - iii) that planning permission will not be issued until the legal agreements set out in b and c below have been sealed:
    - a) the conditions set out in Appendix III to this report;
    - b) the mineral operator and landowner has entered into a new s106 legal agreement in relation to the mineral development, as set out in the draft Heads of Terms set out in Annex IV of this report;
    - c) the landowner has entered into a deed of variation to the original s106 between the County Council, Welwyn Hatfield, and St Albans, with the effect that the Ellenbrook Park is formally established in accordance with the principles of the Hatfield Aerodrome SPG prior to the commencement of mineral workings; and
    - d) That the deed of variation be completed within 12 months of the resolution to grant planning permission, otherwise the matter be referred back to this committee for a decision

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how to proceed.

Councillors Dreda Gordon and Geoff Churchard voted against the resolution and requested that their opposition be recorded in the minutes.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

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