

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, SG6 3JF
ON TUESDAY, 24TH FEBRUARY, 2026 AT 7.00 PM**

MINUTES

Present: *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley.*

In Attendance: *Faith Churchill (PA - Director Governance), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Sarah Kasparian (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 30 members of the public, including registered speakers.*

129 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 24 seconds

Apologies for absence were received from Councillors Bryony May and Caroline McDonnell.

130 MINUTES - 22 JANUARY 2026

Audio Recording – 1 minute 35 seconds

Councillor Nigel Mason, as Chair, proposed and Councillor Emma Fernandes seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 22 January be approved as a true record of the proceedings and be signed by the Chair.

131 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 19 seconds

There was no other business notified.

132 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 24 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 confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair confirmed the cut off procedure should the meeting proceed at length.

133 PUBLIC PARTICIPATION

Audio recording – 4 minutes 40 seconds

The Chair confirmed that the registered speakers were in attendance.

134 25/01708/OP LAND OPPOSITE HEATH FARM, BRIARY LANE, ROYSTON, HERTFORDSHIRE

Audio recording – 4 minutes 59 seconds

The Senior Planning Officer advised that written updates on matters relating to application 25/01708/OP had been published as a supplementary document.

The Senior Planning Officer then presented the report in respect of Application 25/01708/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Tom Tyson
- Councillor Nigel Mason

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

- This application was similar, but not identical to the previous applications submitted at this site in 2019 and 2021.
- Policy changes since the previous applications included the adoption of a new Local Plan, alterations to the National Planning Policy Framework (NPPF), and the failure to demonstrate a five-year housing land supply.
- The Local Lead Flood Authority (LLFA) had assessed the application independently and felt that it did not alleviate their concerns on flood risk elsewhere. Their response had been considered as part of the application.
- The titled balance was engaged due to the delivery of housing from the application. However, the harms identified in the application outweighed the benefits of this.

In response to questions, the Development and Conservation Manager advised that the harms arising from the development would significantly and demonstrably outweigh any benefits delivered by the development as detailed in the report.

The Chair invited the Public Objector, Claire Swarbrick to speak against the application. Ms Swarbrick thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They represented over 250 households and residents who had made objections to the proposed development.

- Residents of Echo Hill, specifically those living at numbers 23 and 25 would be significantly affected by the proposed access, and the prospect of this had caused uncertainty and stress to nearby residents.
- They supported the reasons for refusal as detailed in the report of the Senior Planning Officer.
- The site was situated in a valuable landscape, and the application would significantly harm its rural character, public footpaths, the local nature reserve and the adjacent Site of Special Scientific Interest (SSSI), Therfield Heath.
- Existing homes at low elevations would be negatively affected by the proposed dwellings as they would be built at higher elevations.
- Their Landscape Consultant Report confirmed that development would cause substantial harms and recommended refusal based on the visual and landscape impact.
- The developer was recently refused planning permission for a similar development in Leicestershire, which the Planning Inspectorate had upheld after an appeal.
- The developer had formally written to residents at numbers 23 and 25 of Echo Hill in 2020 to acknowledge the impacts that the development would have on them during construction and after completion.
- Proposed access roads around the site would be unsuitable as technical data from their consultant proved that they would not meet safe access standards.
- The Highways Authority had rejected the application due to poor access and its unsustainable location.
- The site failed to conform to the Flood Risk Policy in the NPPF, and they supported the response provided by the LLFA.
- They were concerned that Natural England would not put the necessary measures in place to protect the SSSI.
- The proposed mitigation was not adequate for a site within 60 metres of an SSSI and the 400-metre rule for special protection areas should apply.
- A site adjacent to an SSSI which failed to deliver on-site Biodiversity Net Gain should be refused.
- The Conservators of Therfield Heath and Greens had objected to the application and more weight should be given to their response.
- Their Ecologist had raised concerns on the surveys undertaken and stated that the application was situated in the worst possible location with regards to impacting the SSSI.
- The Council should ensure the protection of the SSSI in the future.
- It was disappointing to be discussing another application at this site.

There were no points of clarification from Members.

Councillor Nigel Mason proposed to refuse permission and this was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

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

The following points were made as part of the debate:

- There were more objections on this application than the last application considered in 2021, despite policy changes since then. Therefore, the recommendation to refuse permission should be supported.
- Despite the tilted balance, there was a comprehensive report which evidenced why the application should be refused permission.

- After due consideration on the harms and benefits, the application should be refused permission.
- It was clear from the consultee responses that the application should be refused permission, and it was sad to see the time that had been spent by those that had considered this application.

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

RESOLVED: That application 25/01708/OP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation manager.

135 24/02656/S73 LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE

Audio recording – 30 minutes 48 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02656/S73 and advised that:

- It had been confirmed that VAT should not be added to the developer contributions, which meant that the contribution in the Deed of Variation should be £6,006, as detailed at paragraph 3.6.5 of the report.
- The date for the agreement of the Open Space Scheme and Open Space Programme and Management Plan in paragraph 1.4 should read 7 December 2018.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Ruth Brown
- Councillor Nigel Mason
- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Tom Tyson

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

- The developer had already paid £73K towards the restoration of the chalk grassland. However, the Green Space Team had obtained another quote to account for the steepness which came to £80K minus VAT, therefore, the £6,006 included in the report would cover this difference.
- The Local Lead Flood Authority (LLFA) and Highways Authority had no objections to the slope, and the developer had provided a ground stability report.
- The increase in material would be near the top of the hill and distributed evenly.
- The Estates Team would conduct due diligence when adopting the land.
- The slope may have been less steep before, but the steep section at the base of the slope was not part of this application.
- The quality of the material deposited would be secured through the Landscape and Ecological Management Plan, which formed part of the recommendations.
- The site would be used as a community open space, which would complement Therfield Heath in terms of natural environment.
- A footpath would go round the Meridian Gate site perimeter, and stairs and a level footpath would lead up to the chalk grassland. However, the open space had not been designed as a recreational space due to the gradients, and to preserve the ecological benefits of the chalk grasslands.

- There was an obligation for a footpath to go through Newmarket Road Recreation Ground in the original application for outline planning permission, which they had received developer contributions towards.
- There would be gated access to the community open space from Newmarket Road and the Green Space Team would use this to maintain the land.
- After assessment by Green Space, their contractor would be able to maintain the area for 15 years if cut twice a year, and 20+ years if cut annually, based on the funding available.
- The retaining wall had been agreed in a non-material amendment application.

In response to questions, the Development and Conservation Manager advised that:

- 6,500 HGV movements would be saved by keeping the material on-site.
- If the application was refused, the material would have to be moved elsewhere.

The Chair invited the Agent to the Applicant, Claire Newbury to speak in support of the application. Ms Newbury thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application was a combination of work over the last 7 years to deliver 314 homes, including 103 affordable houses and a care home.
- The site would be complete by mid-2026.
- Phase 3, which was the final phase of the development, included complex proposals for ground remodelling for the deposit of chalk material within the site.
- The open space would exceed the 80m contour line to mitigate the impact on the wider landscape and would form part of the circular walk around the site perimeter, providing leisure and dog walking opportunities, and local habitat for biodiversity.
- The slope gradient at the interface with nearby homes remained unchanged from a previous application, and the ground level at the highest point of the slope also remained unchanged from pre-development levels.
- Detailed sections of the slope profile were shown in the plans submitted with the application.
- A level walkway would be introduced at the base of the slope to improve accessibility with the wider walking route and the recreation ground.
- The application demonstrated that no harm would come to the ecology on-site, a stable slope structure would be provided, and that there would be no long-term visual landscape changes.
- Delivery of the site had been delayed due to more detailed design proposals, and public access had not been feasible during the live construction of the site.
- The application had complied with all the conditions and obligations, and all developer contributions had been paid.
- They had continually engaged with local ward councillors to address queries from residents, and it was noted that no objections had been received.
- A strategy for the landscape management and maintenance of the space had been agreed with Green Space, and it would be handed over to the Council soon.
- The overall site would make a valuable contribution towards the Council housing stock.
- Satisfactory responses from new homeowners had been received.

There were no points of clarification from Members.

Councillor Nigel Mason proposed to grant permission subject to the conditions set out in the report of the Development and Conservation Manager, and this was seconded by Councillor Ruth Brown.

As part of the debate, Councillor Clare Billing highlighted that she would be happy to support the retainment of greenspace as part of the application.

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

RESOLVED: That application 24/02656/S73 be **GRANTED** planning permission subject to:

- A) The completion of a satisfactory deed of variation to the original s106 agreement or similar legal mechanism to ensure delivery of the agreed Heads of Terms; and
- B) The applicant agreeing to extend the statutory period in order to complete the Deed if required; and
- C) Granting delegation of authority to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and
- D) Conditions from planning permission reference 21/02194/S73, as set out in the report of the Development and Conservation Manager.

136 25/02998/FP LAND BETWEEN SHANGRI-LA AND TODDS CORNER, STEVENAGE ROAD, TODDS GREEN, HERTFORDSHIRE, SG1 2JE

Audio recording – 57 minutes 48 seconds

The Senior Planning Officer gave a verbal update on matters relating to application 25/02998/FP and advised that the comment from Todds Corner at paragraph 3.1 of the report was an objection rather than a neutral comment.

The Senior Planning Officer then presented the report in respect of application 25/02998/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Val Bryant
- Councillor Martin Prescott

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

- The application had been assessed against the Grey Belt rather than Green Belt as Todds Green was not a village under Policy SP2 of the Local Plan, therefore, it did not constitute infilling in the Green Belt.
- The in-depth development would impact the character of the landscape and the area, but the delivery of housing was deemed to outweigh the perceived harms of this.
- Changes made to plots 1 and 2 from the last application had been summarised in the report, but the plots were similar in scale and form.
- The last application at this site had also been assessed against the Grey Belt.
- Despite the loss of an on-site 10% Biodiversity Net Gain (BNG) from the last application, the application was still subject to the mandatory 10% BNG condition, and this would likely be delivered off-site.
- Harm resulting from the view lost between plots 1 and 2 had been considered and more on this was detailed at paragraph 4.3.57.
- They were unaware why the Applicant had decided to submit this application with two extra dwellings compared to the previous application.
- The proposed road within the site would lead to the neighbouring paddock.

In response to questions, the Development and Conservation Manager advised that:

- It would not be reasonable to impose a condition relating to development that would require planning permission.
- If a separate application was submitted, it would be considered on its own merits.
- Conditions only came into effect once development on the site began.

The Chair informed Members that the Member Advocate Objector, Councillor Caroline McDonnell had given their apologies and was unable to attend the Committee meeting to provide a verbal presentation. The Chair then read out a written statement on their behalf, and highlighted the following:

- The application should be refused permission because of the effect it would have on the nature of Todds Green.
- Although each application should be determined on its own merits, several Members had raised concerns over the gap between the two dwellings in the last application.
- Wymondley Parish Council had objected to both this application and the previous one.
- This land represented the last remaining open space in Todds green that provided views of the countryside.
- On-site BNG in the form of a hedge between plots 1 and 2 had been removed.
- Provision had been made for refuse and emergency vehicle access, resulting in further loss of the Green Belt.
- Double stacking had been introduced in this application, which would disrupt the views and openness of the site, and impact the immediate neighbour.
- It was disingenuous not to categorise Todds Green as a village.
- Members should be mindful of the harm this development would have on the Green Belt, which played a significant role in the prevention of urban sprawl.
- It contradicted the NPPF, Local Plan and Wymondley Neighbourhood Plan.
- Provision of two additional 5-bed dwellings was not the answer to address the five-year housing land supply.
- The land was Green Belt and the application had not demonstrated any very special circumstances to allow development.
- The built form would not be in keeping with the linear layout of Todds Green.

The Chair then invited the Agent to the Applicant, Mr Kevin McBride to speak in support of the application. Mr McBride thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- This application presented an important opportunity to deliver homes in a sustainable, well-designed way while complementing the rural setting of Todds Green.
- The proposal represented a carefully considered, proportionate and sustainable development which respected both local need and planning policy.
- This site was between two existing dwellings and met the definition of Grey Belt. Therefore, the application would be compliant with paragraph 155 of the NPPF.
- The maximum amount of land allowed for a minor application had been used in this application to integrate it with rest of Todds Green, as highlighted in the plans.
- The Edwardian character of the proposed dwellings would match the rest of the housing in the immediate surrounding vicinity.
- Site access had been designed to consider residents at Todds Corner as it would the gap between their home and the proposed dwellings.
- Significant pressure on the Council to deliver new housing would be addressed by these well-scaled dwellings that would respect the locality.
- The application was a modest, sensible and sustainable development that would be appropriate, even in the Green Belt.

The following Members made points of clarification:

- Councillor Louise Peace
- Councillor Dave Winstanley
- Councillor Emma Fernandes

In response to points of clarification, the Agent to the Applicant advised that:

- It would have been possible to achieve 10% BNG on-site, however, they had responded to the comments from Wymondley Parish Council by removing trees to maintain a countryside view.
- There was no reason to keep the delivery of BNG exclusively on-site.
- There would be a better countryside view from the existing road with the 4 proposed dwellings rather than 2.
- Plots 1 and 2 would be more set back from the existing road.
- Dual development was present elsewhere in Todds Green.

In response to points raised in the verbal presentations, the Senior Planning Officer advised that plot 1 in this application was set back 15.6 metres from the red line boundary compared to 12 metres in the last application.

Councillor Nigel Mason proposed to grant permission subject to the conditions and informatives set out in the report of the Development and Conservation Manager, the receipt of an Impact Assessment and Conservation Payment Certificate (IACPC) and no objection from the North Herts Ecologist, and the agreement to extend the statutory determination date to allow for the IACPC to be completed. This was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Martin Prescott
- Councillor Ian Mantle
- Councillor Emma Fernandes
- Councillor Tom Tyson
- Councillor Clare Billing
- Councillor Nigel Mason
- Councillor Louise Peace

The following points were made as part of the debate:

- Todds Green had a linear built form, and the application deviated from this.
- The justifications for the last application had been removed from this one.
- The special character and setting of Todds Green would not be preserved.
- Encroachment into the countryside would result from this application and it would not assist with the development of previously developed urban land as stated in the report.
- It was under the Grey Belt classification, and they were reluctant to support it, but permission should be granted.
- This was inappropriate back land development, and they could not support it.
- The Council could not demonstrate a five-year housing land supply, and this was a high-quality, well-designed development.
- It would be hard to refuse permission if looking at planning policy alone.
- They had to be mindful of the tilted balance and whether the harms outweighed the benefits that would be delivered.

- There was no legal reason to refuse permission, therefore, it should be granted.
- The application felt like linear development, however, this was not a material planning consideration.
- Even with the tilted balance, the benefits and harms were finely balanced.
- The Ecologist had not objected to the application.
- They wished that the Urban Design Code had been implemented ahead of this application, and they were looking forward to this being in place in the future.

In response to points raised during the debate, the Locum Planning Lawyer advised that developers could deliver a mix of on-site and off-site BNG, such as through the purchase of BNG units.

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

RESOLVED: That application 25/02998/FP be **GRANTED** planning permission subject to:

- A) The receipt of the Impact Assessment and Conservation Payment Certificate (IACPC) following an application to Natural England under the GCN District Level Licensing (DLL) and a response of no objection from the North Herts Ecologist; and
- B) The agreement to an extension of time to the statutory determination date to allow time for (A) to occur; and
- C) The conditions and informatives as set out in the report of the Development and Conservation Manager.

137 PLANNING APPEALS

Audio recording – 1 hour 48 minutes 51 seconds

The Development and Conservation Manager provided an update on Planning Appeals and advised that:

- One appeal relating to uPVC windows on a listed cottage had been dismissed, which was the second appeal for this type of development dismissed at this site.
- There were new appeals to report, including an appeal relating to the 280-dwelling development on Barkway Road, Royston.
- The appeal would involve a 6-day Public Inquiry commencing on 12 May 2026 and The Conservators of Therfield Heath and Greens had registered as a Rule 6 Party.
- The Appellant was challenging the five-year housing land supply of the Council and Officers may need to give evidence on this.
- A Planning Consultant and Barrister had been appointed to represent the Council at the inquiry, and a Highways Consultant would also be appointed soon.
- Members who voted against the officer recommendation were recommended to attend the Public Inquiry to set out their concerns with the application to the Inspector.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Martin Prescott

In response to questions, the Development and Conservation Manager advised that:

- Royston Town Council was a statutory consultee for the application and could make written submissions and attend the inquiry to speak.
- Members could also attend and speak at the inquiry.

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- The inquiry would be held in the Council Chamber.
- The Inspector would give greater weight to evidence that had been subject to cross-examination from a barrister. However, it was uncommon for non-expert witnesses to be cross-examined in depth at an inquiry.
- The Inspector appointed to oversee the inquiry was Rekha Sabu.

The meeting closed at 9.01 pm

Chair