

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNOH ROAD, LETCHWORTH, SG6 3JF
ON THURSDAY, 2ND JULY, 2026 AT 7.00 PM

MINUTES

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

In Attendance: *Liz Anderson (Senior Ecologist), Luca Benedito (Trainee Committee, Member and Scrutiny Officer), Jamie Graham (Democratic Services Apprentice), Shaun Greaves (Development and Conservation Manager), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 27 members of the public, including registered speakers.*

Councillor Ralph Muncer was in attendance as Member Advocate Objector.

20 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 23 seconds

Apologies for absence were received from Councillors Claire Winchester and Ruth Brown.

The Chair advised that no substitutes were appointed, as the application under consideration was deferred from the previous meeting.

21 MINUTES - 4 JUNE 2026

Audio Recording – 1 minute 47 seconds

Councillor Nigel Mason, as Chair, proposed and Councillor Clare Billing seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 4 June 2026 be approved as a true record of the proceedings and be signed by the Chair.

22 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 36 seconds

There was no other business notified.

23 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 41 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.

24 PUBLIC PARTICIPATION

Audio recording – 5 minutes 22 seconds

The Chair confirmed that the registered speakers were in attendance.

25 25/01766/OP LAND ON THE SOUTH SIDE OF, COWARDS LANE, CODICOTE, HERTFORDSHIRE

Audio recording – 5 minutes 52 seconds

The Development and Conservation Manager provided a verbal update on matters relating to Application 25/01766 and advised that:

- A further objection was received from a resident of the Riddy concerning foul water capacity and historic surcharging, and this was published on the Council's website as a public comment.
- The objection stated the foul sewer has a history of surcharging, causing sewage to escape into The Riddy and neighbouring bungalows. And the objector wished to know where the assessment was demonstrating sufficient hydraulic capacity for pumped foul flows from 30 dwellings.
- The objector highlighted that there are no surface water drains in the locality, meaning heavy rainfall causes the sewer to surcharge.
- Several incidents were referenced, including a severe event in September 2024 where gardens were flooded and water ingress into buildings was narrowly avoided.
- The objection also referenced climate change potentially worsening the issue.
- The applicant's agent, acting for Hawridge Strategic Land, responded that photographs showed The Riddy was a private unadopted road with no gullies or drainage, so water had nowhere to go.
- The applicant's agent stated Thames Water did respond to consultation on 23 July and raised no objection to wastewater or treatment capacity, correcting the objector's claim of no response.
- The applicant's agent highlighted that Thames Water recommended an informative requiring a groundwater risk management permit, and that any discharge without such a permit would be deemed illegal and result in prosecution under the Water Industry Act.
- The applicant was not proposing to discharge surface water into the foul sewer and would use a Sustainable Urban Drainage System (SUDS).
- Drainage matters were addressed in the Flood Risk Assessment at paragraph 4.37–4.44.

- Slides were presented showing the red line boundary, parameter plan, illustrative layout, access drawings, and site photographs, noting that Members had already visited the site and were familiar with it.
- Members were reminded that the application had been deferred on 4 June for a site visit and further consideration of the tilted balance.
- It was confirmed that the recommendation to grant permission remained unchanged, and Appendix A contained the original report recommending approval.

The Development and Conservation Manager presented the report in respect of Application 25/01766/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Clare Billing
- Councillor Val Bryant
- Councillor Nigel Mason

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

- There had been no change in planning law regarding the titled balance: the revised recommendation followed legal advice.
- There was no minimum standard for public green space on developments of this scale, judgement was based on the site and proposed layout.
- The open space, local equipped area for play landscaping and sustainable urban drainage system areas were considered sufficient to meet the relevant golden rule.
- The proposed Biodiversity Net Gain of 15% exceeded the statutory requirement of 10%.
- Infrastructure contributions included education, libraries, youth services, recycling, Fire and Rescue, highways, and a public footpath via Section 278.
- The Local Wildlife Site designation remained in place despite grazing; species such as Meadow Buttercup and Common Knapweed were still present.
- On-site mitigation was not possible as neighbouring landowners were unwilling to engage; therefore, compensation would be required.
- Biodiversity Net Gain was separate from compensation for the Local Wildlife Site.
- Compensation would be secured through a Section 106 agreement rather than a planning condition.
- Compensation within the Local Nature Recovery Strategy area could be acceptable if mitigation could not be achieved.
- If Committee required mitigation and that could not be achieved, the matter would be referred back to the Committee.
- Compensation required a scheme to be submitted rather than a fixed financial contribution; the Local Wildlife Site did not have a numerical unit value.
- Parish Councils and residents would be able to comment when the compensation scheme was publicised as part of the Section 106 discharge.
- The Local Nature Recovery Strategy was in its delivery phase, guided by the Hertfordshire Nature Recovery Partnership, which did not normally comment on individual planning applications.

The Chair invited the first Public Objector, Mr Martin Newman to speak against the application. Mr Newman thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Codicote had already taken substantial growth, and the cumulative impact was significant.
- Infrastructure such as roads, GP services and school capacity was under strain.
- The site was one of the last pockets of wild green space in the village.
- Cowards Lane was a narrow rural lane with no pedestrian infrastructure and a blind bend.
- Increased traffic from this and other developments would worsen safety risks.
- The development did not provide meaningful local mitigation through the Section 106 agreement.
- Biodiversity loss could not be replaced remotely and the site contributed to the Local Nature Recovery Strategy.
- The harms significantly and demonstrably outweighed the benefits.

There were no points of clarification from Members.

The Chair thanked Mr Newman for their presentation and invited the second Public Objector, Mr Ian White to speak against the application. Mr White thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Section 106 contributions were not targeted at the specific infrastructure needs in Codicote.
- The village had experienced 30% growth without corresponding GP expansion.
- The site performed a natural drainage function and was regularly waterlogged.
- Development would permanently remove this drainage capacity.
- The site sat within a grass and health focus area of the Local Nature Recovery Strategy.
- Loss of ecological potential should be given significant weight.

In response to a point of clarification from Councillor Val Bryant, Mr Black advised that the Welwyn GP surgery had not undergone structural expansion.

The Chair thanked Ms Black for their presentation and invited the third Public Objector, Mr Ian White to speak against the application. Mr White thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Most vehicle movements from the development would travel east, towards Weaver's Gate and the school.
- Cowards Lane had no pavement yet was used by families and children.
- Pavement parking on the High Street made alternative routes unsafe.
- The NPPF required refusal where harms outweighed benefits.
- Golden Rules two and three had not been met, relating to infrastructure and protection of green space.
- Biodiversity offsetting many miles away did not compensate for local loss.
- The harms were evidenced, cumulative and insufficiently mitigated.

There were no points of clarification from Members.

The Chair thanked Mr White for their presentation and invited the Member Advocate Objector, Councillor Ralph Muncer to speak against the application. Councillor Muncer thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The titled balance was subjective and required careful interpretation.
- The Local Plan allocated over 400 homes to Codicote, but not this site.
- Policies should have been afforded significant weight despite the titled balance.
- Case law supported refusal where cumulative harm was evident.
- Codicote was already under strain from approved developments.
- Cowards Lane was unsafe for school children and residents.
- Biodiversity loss could not be mitigated locally and off-site compensation was inadequate.
- The KC's advice indicated low risk of costs if refused.

In response to points of clarification from Councillor Val Bryant, Councillor Ralph Muncer advised that there was a distinction between the Local Plan and the Codicote Neighbourhood Plan.

The Chair thanked Councillor Muncer for their presentation and invited the Public Supporter, Ms Rebecca Rose to speak in support of the application. Ms Rose thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Children from Weaver's Gate did not need to walk along Cowards Lane; a safe alternative route existed via the High Street and Recreation Ground.
- Elderly residents of Ponders Meadow did not use Cowards Lane.
- The field was private land, not public open space.
- The development would provide a new play area and retain the footpath.
- Cowards Lane was not heavily trafficked.
- The school had capacity following expansion.
- Most residents had not objected, and many supported housing for young people.

In response to points of clarification from Councillor Martin Prescott, Mrs Rose advised that she was the landowner.

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

- Highways had raised no objection, and safe walking routes were achievable.
- The Local Wildlife Site designation was not currently met due to long-term grazing.
- Without development, the site would not be restored to met LWS criteria.
- Compensation could be secured through Section 106, as supported by KC advice.
- The site was in Flood Zone 1, and LLFA and EA had raised no objection.
- Hertfordshire County Council confirmed school capacity.
- The development would deliver affordable housing and ecological benefits.

In response to points of clarification from Councillor Val Bryant, Mrs Ventham advised that the capacity of the school has doubled.

The Development and Conservation Manager responded to matters raised during the public speaking and advised that:

- Paragraph 14 of the NPPF can tilt the balance in favour of a neighbourhood plan, but only where the plan contains housing policies and housing allocations.
- The Codicote Neighbourhood Plan contained neither, therefore paragraph 14 was not engaged.
- As a result, the titled balance under paragraph 11 remained applicable.
- No neighbourhood plans in North Hertfordshire contain housing policies and allocations, so Codicote was not unique.
- The report therefore correctly applied the titled balance and explained why the neighbourhood plan cannot outweigh national policy.

Councillor Nigel Mason, as Chair, proposed to grant permission with an amendment to read that permission should be granted subject to The completion of a satisfactory legal agreement that delivers the obligations set out in the agreed Heads of Terms at Table 1 and secure appropriate mitigation measures in respect of impacts on the Local Wildlife site, and where it is demonstrated that residual harm cannot be adequately mitigated, secure the provision of a compensation scheme as a measure of last resort. This was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Caroline McDonnell
- Councillor Val Bryant
- Councillor Emma Fernandes
- Councillor Louise Peace
- Councillor Nigel Mason

The following points were made as part of the debate:

- The site visit was highly influential, helping Members understand the likely pedestrian routes and the physical context.
- Cowards Lane was considered unlikely to be the preferred route for school children, though some Members felt it remained the most direct path.
- The site was described as not resembling the lush meadow implied by its Local Wildlife Site designation, though others felt it could recover naturally if grazing ceased.
- Concerns were raised about cumulative development in Codicote, with uncertainty over impacts on the infrastructure, schools, and health services.
- Several Members highlighted pavement parking and high street congestion as wider issues affecting pedestrian safety.
- Some Members felt biodiversity compensation far from Codicote was not acceptable, while others were reassured by the legal mechanism securing mitigation and compensation.
- The delivery of 15 affordable homes was considered a significant benefit.
- Some Members maintained there were grounds to refuse, arguing harm to the Local Wildlife Site was significant, not moderate.
- Others emphasised the need to consider the application before the Committee, noting the land would remain a private horse field if refused.
- The legal advice and the KC's assessment were noted as important factors in the planning balance.

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

RESOLVED: That application 25/01776/OP be **GRANTED** planning permission subject to:

- A) The completion of a satisfactory legal agreement that delivers the obligations set out in the agreed Heads of Terms at Table 1 and secure appropriate mitigation measures in respect of impacts on the Local Wildlife site, and where it is demonstrated that residual harm cannot be adequately mitigated, secure the provision of a compensation scheme as a measure of last resort.
- B) The Applicant agreeing to extend the statutory period to complete the agreement, if required.
- C) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required.
- D) The conditions and informatives as set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20:48.

26 INFORMATION NOTE - NATIONAL SCHEME OF DELEGATION

Audio recording – 1 hour 45 minutes 35 seconds

The Development and Conservation Manager presented the Information Note entitled 'National Scheme of Delegation,' and advised that:

- The National Scheme of Delegation will come into effect 31 October 2026.
- The constitution would need to be amended to comply with the national scheme.
- Householder, minor commercial, and minor residential applications below 10 units would fall under Schedule 1 and could be brought to Planning Control Committee.
- Larger applications would fall under Schedule 2, subject to a triage process by a designated officer and designated member.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Tom Tyson
- Councillor Caroline McDonnell
- Councillor Val Bryant
- Councillor Louise Peace
- Councillor Nigel Mason

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

- Ward members may still request that Schedule 2 applications be considered for committee, citing significant environmental, social, or economic impacts.
- The Constitution would need to clearly set out the triage process.
- Workshops would be held to discuss constitutional changes.
- Reserved Matters applications for schemes over 500 homes may still come to committee. However Reserved Matters applications under 500 homes may not automatically come to committee.
- Outline applications for schemes under 500 homes can still be considered for committee via the triage process.

- Any application undetermined after 31 October 2026 would fall under the new procedure.
- A reduction in applications coming to committee was expected, but meeting frequency would not be reduced at this stage.
- Further analysis would be undertaken to understand which applications would have come to committee under the new scheme.

RESOLVED: That the Information Note 'National Scheme of Delegation,' was noted.

27 INFORMATION NOTE - SECRETARY OF STATE DIRECTION

Audio recording – 1 hour 59 minutes 30 seconds

The Development and Conservation Manager presented the Information Note entitled 'Secretary of State Direction,' and advised that:

- Any application of 150 dwellings or more, where the Council is minded refuse, must be referred to the Secretary of State before a decision can be taken.
- The Secretary of State has 21 days to decide whether to call in the application, with the ability to extend this period.
- If called in, an Inspector would determine the application.

The following Members' asked questions:

- Councillor Dave Winstanley
- Councillor Clare Billing

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

- If committee resolved to refuse an application, the Council must notify the Secretary of State and cannot issue a decision notice until the call-in period expired.
- Costs could be awarded if the reasons for refusal were deemed unreasonable.
- A Secretary of State refusal was final, and the applicant cannot appeal but could pursue Judicial Review.
- A Planning Inspector acted on behalf of the Secretary of State when determining called-in applications.

RESOLVED: That the Information Note 'Secretary of State Direction,' was noted.

28 APPEALS

Audio recording – 2 hours 5 minutes 17 seconds

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

- There had been 3 appeals lodged, all through written procedure.
- No appeal decisions had been received since the last meeting.

There were no questions asked by Members.

The meeting closed at 9.09 pm