

Location: **Morrisons Superstore
Broadway
Letchworth Garden City
Hertfordshire
SG6 3TS**

Applicant: N/A

Proposal: **Installation of floodlights.**

Ref. No: 26/00853/FP

Officer: **Henry Thomas**

Date of expiry of statutory period: 10/06/2026

Extension of statutory period: 02/10/2026

Reason for Delay: Awaiting additional supporting documents from the applicant and an available committee meeting.

Reason for Referral to Committee: The application has been called in by the DM Manager due to wider public interest in the site.

1.0 Site History

- 1.1 26/01178/FP - Installation of CCTV pole cameras and installation of valeting air/vac unit following removal of no.2 parking spaces.

Concurrent Application.

- 1.2 25/00466/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.

Conditional Permission.

- 1.3 24/01035/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works (amended plans received 17.06.2024).

Refused.

- 1.4 24/00736/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.

Withdrawn.

- 1.5 19/00227/FP - Glazed screens and sliding doors to existing open lobby and replacing existing carpark trolley corrals with enclosed trolley shelters.

Conditional Permission.

- 1.6 18/03180/FP - Installation of glazed screens in lieu of existing open metal panels to existing garden centre.

Conditional Permission.

- 1.7 18/02047/FP - Change of use of 9 parking spaces to hand car wash and valeting operation including the installation of a cabin and erection of a canopy.

Refused.

- 1.8 17/00601/1 - Retention of all equipment and signage related to the implementation of a car park management system (as amplified by drawing C-15448-002B received 27/04/2017).

Unconditional Permission.

- 1.9 06/00719/1 - Replacement of existing trolley bays with trolley shelters in supermarket car park

Conditional Permission.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Development Management Policies

Policy ETC3: New retail, leisure and other main town centre uses

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.2 **Supplementary Planning Documents**

Design SPD

Sustainability SPD

2.3 **National Planning Policy Framework (2026)**

Section 4: Achieving sustainable development

- Policy S3: Presumption in favour of sustainable development
- Policy S4: Principle of Development within Settlements

Section 5: Meeting the challenge of climate change

- Policy CC2: Mitigation of climate change

Section 8: Ensuring the vitality of town centres

- Policy TC2: Development in town centres

Section 14: Achieving well-designed places

- Policy DP3: Key principles for well-designed places
- Section 15: Promoting sustainable transport
- Policy T3: Locating development in sustainable locations
 - Policy T4: Street design, access and parking
- Section 16: Promoting Healthy Communities
- Policy HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- Section 17: Pollution, public protection and security
- Policy P3: Living conditions and pollution
 - Policy P5: Maintaining public safety and security
- Section 20: Conserving and enhancing the historic environment
- Policy HE4: Securing the conservation of heritage assets
 - Policy HE5: Assessing effect on heritage assets
 - Policy HE9: Conservation Areas.

3.0 **Representations**

3.1 **Site Notice and Neighbour Notification** – 7 representations have been received in objection. Their comments are summarised as:

- Cumulative lighting impact.
- Failure to demonstrate compliance with planning policy and lighting standards
- Over illumination and light spill.
- Intrusive light during anti-social hours.
- Lack of justification.
- Existing floodlights with shields are inadequate.

3.2 **Environmental Health (Noise and Other Nuisances)** – No comments to make.

3.3 **Letchworth Garden City Heritage Foundation** – None received.

3.4 **NHC Conservation** – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Morrisons Superstore is a large supermarket and car park located between Station Way and Broadway within the Letchworth Town Centre. The site has vehicle access onto both roads. The site is within the Letchworth Conservation Area.

4.2.2 The proposed development would be sited to the northwest corner of the site and is adjacent to Station Way. The site is currently in use as an existing commercial car park for the Morrisons superstore. The car park is separated by a footpath from residential dwellings to the East. The closest of which sits approximately 5.8m away.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the installation of 7 floodlights (development commenced).
- 4.2.2 The proposed floodlights are proposed in 3 designs. All 5m tall. Types A and B are single arm floodlights with back plate shields and are located around the outskirts of the site plan. Type C is a three-arm floodlight located within a central position in the site.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the proposed development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.
- The impact that the proposed development would have on the character and appearance of the Conservation Area.

Planning History

- 4.3.2 NPPF Policy DM8 states that “in cases of unauthorised development where consideration is being given to an application for retrospective planning permission... if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.”
- 4.3.3 This proposal is a retrospective consent for floodlights in association with the EV charging units approved under ref: 25/00466/FP to allow for their use outside of daylight hours. The applicant confirmed that lighting was not required during the 25/00466/FP application and the erection of floodlights were subsequently commenced unlawfully. As such, this is a material consideration which is given substantial weight against the proposal.

Principle of the Proposed Development

- 4.3.4 NPPF Policy S3 applies a presumption in favour of sustainable development. This is further supported by Policy S4 states that “development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects”.
- 4.3.5 NPPF policy TC2 states that:

“In considering proposals for development in town centres, substantial weight should be given to the benefits of:

- a. *Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations); and*
 - b. *Improving or retaining access to local shops and other facilities which provide day-to-day services for the local community."*
- 4.3.6 Policy ECT3 provides support for main town centre uses which are "appropriate to the area in terms of use, size, scale, function, catchment area, historic and architectural character"
- 4.3.7 The proposed floodlights and the supporting use of the EV chargers are not considered to be out of character for a town centre location, the merits of the design and impact upon historic character are considered later within this report. Therefore, the proposed development is considered to be acceptable in principle in this town centre location.

Sustainability and Economic Benefits

- 4.3.8 The NPPF sets out in paragraph 15 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 17 confirms that there are three overarching objectives to sustainable development: economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. Section 15 of the NPPF supports development to enable the charging of plug-in and other ultra-low emission vehicles within sustainable locations.
- 4.3.9 Policy SP11 supports proposals for renewable and low carbon energy development in appropriate locations, stating that *"to assist in securing radical reductions in greenhouse gas emissions, the Council is required to help increase the use and supply of renewable and low carbon energy. Proposals for renewable and low carbon energy will be favourably considered subject to consideration of the impacts."*
- 4.3.10 Policy SP6 supports development which promotes the use of sustainable transport modes stating that we will "seek the earliest reasonable opportunity to implement sustainable travel infrastructure on Strategic Housing Sites and other development sites in order to influence the behaviour of occupiers or users"
- 4.3.11 The floodlights are required for the general security and safety of the site and to support the existing EV charging units. Whilst the EV chargers make a valuable contribution to the promotion of sustainable transport within the area had the floodlighting been essential to the operation of the EV chargers they should have been included as part of the original application. Furthermore, the EV chargers are currently in operation without the floodlights, and no justification statement has been submitted with the application. Therefore, the sustainable and economic benefit they provide is given limited weight.

Design, Appearance and impact on Heritage Assets:

- 4.3.12 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Chapter 14 – Achieving well-designed places). Policy DP3 of the NPPF states that *"Development proposals should respond to their context (the history, character and*

features of their site and its setting), so that they integrate with and enhance their surroundings". In this regard, Policy D1 of the North Hertfordshire Local Plan are consistent with the objectives set out within the NPPF.

- 4.3.13 The existing character is that of an open car park with low-lying development with floodlights, trolley hutches and two CCTV poles. A verdant tree line provides a clear separation between the commercial site and the residential character of Broadwater Avenue. There are a number of trees within the parking area which emphasize the verdant character. As such, I consider the existing site to have a light-industrial character.
- 4.3.14 The proposed floodlights are of a design which is conventional for a carpark setting. Although they would have some minor departure in terms of design from the existing floodlights, I do not consider this to be visually harmful. They would also benefit from some degree of screening from the highways by the trees along the northern boundary of the site. Given the presence of floodlights across the wider site, consider that they are not out of context in this location.
- 4.3.15 North Herts Council's Senior Conservation Officer has been consulted on the scheme and considers that the proposal would have a neutral impact on the character of the site from a Heritage standpoint and therefore would not harm the conservation area.
- 4.3.16 As such, I consider that the proposal would comply with policy D1, NE2 and HE1 of the Local Plan and Sections 4 and 20 of the NPPF.

Impact on Neighbouring Amenity:

- 4.3.17 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.18 The application site is neighboured by No. 49 Station Way to the west of the site who has raised an objection to the proposed development. The dwelling is set at a lower ground level, sits approximately 5.3m from the car park and is separated by a footpath and a tree line / hedging. Although there is an existing floodlight along this boundary, this has been switched off to protect neighbouring amenity.
- 4.3.19 Due to this proximity, the applicant has submitted a Lighting Assessment which states that lux levels would fall below 0.5 before reaching any neighbouring occupiers. On this basis, Environmental Health have not objected to the scheme. I have recommended a condition for the hours of operation to be restricted from 7am to 10pm on any given day, in line with the operating hours of the EV charging units and the supermarket itself.
- 4.3.20 Given the above, the proposed development would not give rise to any significantly harmful impact upon the neighbouring dwellings.

Impact on Parking and Highways:

- 4.3.21 The proposed development would not impact the approved parking provision under ref: 25/00466/FP or the parking provision to be considered under concurrent application ref: 26/01178/FP.
- 4.3.22 The site and proposal are outside of the public highway network and will not be considered to affect it. The proposal will not obstruct vehicle circulation in the car park. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Security

- 4.3.23 The proposed development is required to ensure the safe use and security of the EV charging units. They would have the wider public benefit of discouraging anti-social behaviour within this area of the car park. Moderate benefit is given to this benefit.

Environmental Matters

- 4.3.24 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 19 of the NPPF.

Biodiversity Net Gain

- 4.3.25 The existing site is a car park with limited existing habitat space, as such the proposed development is 'de minimis' and would not exceed the threshold of 25 sqm of on-site habitat, or and/ less than 5 meters of linear habitats. This application is therefore exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4.4 Conclusion

- 4.4.1 The benefits and harms of the scheme are summarised within the following:

Consideration	Weight
Sustainability and Economic Benefits	Limited benefit
Public safety and security	Moderate benefit
Character and appearance	Neutral
Residential amenity	Neutral (subject to condition)
Intentional Unauthorised Development	Substantial harm

- 4.4.2 The development supports the use of the EV chargers outside of daylight hours. Limited weight is given to the economic benefits of the proposed development.
- 4.4.3 The scheme is located within a town centre location where sustainable development is supported in principle. The design of the floodlights is not considered to have an adverse effect upon the character and appearance of the site and the conservation area as whole. The lighting assessment does not identify an impact upon neighbouring amenity. No impacts to vehicle circulation, parking or highway safety have been identified.
- 4.4.4 The application is retrospective and officers consider that as the developers should have been aware that planning permission was required for floodlights therefore it is likely that this is intentional unauthorised development. Substantial weight is therefore applied against the proposal under policy DM8 of the NPPF. However, in the absence of other harms it is considered that this matter alone does not justify the refusal of planning permission.
- 4.4.5 In the absence of any significant harm to the local character or neighbouring amenity, it is considered that the benefits of the scheme would outweigh Policy DM8. The proposed development is therefore considered acceptable and is considered to comply with the relevant provisions of the Local Plan policies and the National Planning Policy Framework and that planning permission should be granted subject to conditions.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

5.0 **Recommendation**

- 5.1 That planning permission resolved to be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

2. The use hereby permitted (floodlights) shall not be in operation outside the following times:
07.00hrs to 22.00hrs on any given day.

Reason: To protect the amenity of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BNG Statement

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition