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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNON ROAD, LETCHWORTH, SG6 3JF
ON THURSDAY, 1ST OCTOBER, 2026 AT 7.00 PM

MINUTES

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

In Attendance: *Luca Benedito (Trainee Committee, Member and Scrutiny Officer), Robert Filby (Committee, Member and Scrutiny Officer), Thomas Howe (Planning Officer), Sarah Kasparian (Principal Planning Officer (Major Projects)), Anne McDonald (Principal Planning Officer (Development Management)), Naomi Reynard (Senior Planning Officer) and Nazneen Roy (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 15 members of the public, including registered speakers.*

65 APOLOGIES FOR ABSENCE

Audio recording – 01 minutes 08 seconds

There were no apologies for absence received.

66 MINUTES - 3 SEPTEMBER 2026

Audio Recording – 01 minutes 17 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 3 September 2026 be approved as a true record of the proceedings and be signed by the Chair.

67 NOTIFICATION OF OTHER BUSINESS

Audio recording – 02 minutes 01 seconds

There was no other business notified.

68 CHAIR'S ANNOUNCEMENTS

Audio recording – 02 minutes 06 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.

69 PUBLIC PARTICIPATION

Audio recording – 04 minutes 26 seconds

The Chair confirmed that the registered speakers were in attendance.

70 24/02889/FP LAND AT ROUNDWOOD, BACK LANE, GRAVELEY, HERTFORDSHIRE

Audio recording – 05 minutes 36 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02889/FP and advised that:

- A written update on the application had been published with the supplementary documents, including an update on the decrease of the five-year housing land supply of the Council, which strengthened the recommendation to grant permission.
- The NHS had been reconsulted but had not yet provided a response, and it would be worth checking with them whether they wished to amend their back up projects to allow flexibility, given the passage of time on this application.
- Due to the above, recommendation C) should be amended to provide delegated powers to the Development and Conservation Manager to decide on projects for NHS contributions rather than outdoor sports contributions.

The Senior Planning Officer then presented the report in respect of Application 24/02889/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Dave Winstanley
- Councillor Clare Billing
- Councillor Martin Prescott
- Councillor Emma Fernandes
- Councillor Louise Peace
- Councillor Nigel Mason

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

- Although the affordable housing had been halved since the last application, the mix would be kept the same with 65% being allocated for rent.
- Following the independent review of the viability report from Dixon Searle, professionally, it would not have been appropriate to ask the Applicant to increase affordable housing at the expense of financial contributions that would address the impact of the development on infrastructure.
- Despite disagreeing with Dixon Searle on the viability position, the Applicant had agreed to increase financial contributions to create a reasonable compromise.
- A viability review mechanism would form part of the legal agreement and would mean that the Council could clawback any uplift if the viability of the development improved, and this would be split between affordable housing provision offsite and developer contributions.
- Onsite affordable housing could not be increased at a later stage as the contract with the affordable housing provider would be on the commencement of development or earlier.
- Any increase or decrease in viability would be measured against the viability report completed in April 2026, but a decrease would not affect financial contributions or affordable housing provision.
- There had been no change to the number of dwellings in this application since it had been considered by the Committee last July. The change in economic circumstances had been set out in the report of the Applicant, and they were satisfied that this complied with Policy DM5 of the National Planning Policy Framework (NPPF).
- Triggers for the bus service and other provisions had not yet been agreed, but they would seek advice from the NHS and Hertfordshire County Council (HCC), who were keen for infrastructure to be put in before it was needed such as sustainable transport.
- Strand 2 contributions would go towards cycle and pedestrian links, although this had been reduced on the basis that the monitor and manage mechanism and Public Rights of Way improvements would have a wider benefit beyond the residents.
- It had not been considered reasonable to ask the Applicant to revise their Transport Assessment at this stage to account for the GA2 site as this had been accounted for by officers when the application was originally considered, and the Transport Assessment for GA2 had also accounted for this development. Furthermore, HCC had not raised an objection.
- Officers wanted to include the viability review mechanism in the application so that benefits could be captured from any uplift, but the proposed, compromised position had been considered and, assessing that in the balance, if provided, approval was recommended.
- Dixon Searle had provided their informal advice rather than recommendations on how decisions should be taken, and this had been used to determine the best solution for the district.
- Future applications with viability issues would have to submit a viability assessment and could not rely on this application to justify a reduction in affordable housing.
- If the viability position of the application had been misjudged, any uplift would be captured by the viability review mechanism, and any downturn would not affect it.
- The Local Plan set 40% affordable housing as a target subject to viability. Therefore, the application was policy compliant.
- The decrease in the five-year housing land supply of the Council had not impacted the percentage of affordable housing.

N.B. Councillor Tom Tyson entered the Council Chamber at 19:47 and did not participate in the discussion or vote on the item.

In response to questions, the Locum Planning Lawyer advised that:

- Some financial contributions had been reduced, and some had been maintained since the application had last been considered to prioritise the infrastructure required.
- While the application should be determined in accordance with the Local Plan, it should also be determined considering other material planning considerations such as the new NPPF, and the change in five-year housing land supply since the publication of the report.

The Chair invited the first Public Objector, Weston Parish Councillor Tim Moody to speak against the application. Parish Councillor Moody thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Parish Council welcomed new housing, but they were appalled that affordable housing would be halved as this was desperately needed in the area, and they were more shocked to learn that the drop had been unchallenged.
- The new NPPF stated that land being taken from the Green Belt would retain 40% affordable housing, and it was disingenuous to say the land had already been taken away from the Green Belt when the Local Plan had been adopted.
- If the Council accepted 20% affordable housing on this application, developers proceeding with other major sites would see this as an opportunity to build with the same or a lower level of affordable housing.
- The Council were asked to refuse planning permission for this application and renegotiate the affordable housing provision.

The Chair thanked Parish Councillor Moody for their presentation and invited the second Public Objector, Great Ashby Community Councillor Beryl Brown, to speak against the application. Community Councillor Brown thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- GA1 was part of the Local Plan Review consultation, and determining this application would not account for community views expressed in this.
- The Committee report contradicted the Local Plan as the land had countryside status and was outside the built-up area, rather than being a settlement adjoining Great Ashby.
- Having countryside status meant that Policy S5 in the NPPF would apply rather than Policy S4, and a Green Belt reassessment would be required for this site.
- The transport modelling had not reflected the environment in Great Ashby as the cumulative impact of other developments had not been robustly assessed and this conflicted with Policies TR3, TR6 or SP3 in the NPPF and the Local Plan.
- Alternative parking locations resulting from displacement had not been appropriately considered as private courtyard spaces had been suggested, which residents were not permitted to park in.

The Chair thanked Community Councillor Brown for their presentation and invited the Member Advocate Objector, Councillor Vijaiya Poopalasingham to speak against the application. Councillor Poopalasingham thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Committee were being asked to give up 56 affordable homes, which were homes and opportunities that local people would lose.
- The independent review of the viability report did not agree that 20% affordable housing was the maximum that this development could support as it was believed that the negative viability position had been overstated, and the adjusted appraisal put the residual land value £1.65M higher than the benchmark land value.
- Evidence had not clearly and overwhelmingly establish the viability ceiling for 20% affordable housing, and paragraph 4.61 of the Committee report confirmed this.

- If an enforceable viability review mechanism was not agreed with the Applicant, this application could be reconsidered by the Committee in the future as it could potentially breach multiple policies, and even if one was agreed, it would not restore the affordable housing that they had surrendered in this application.
- Fear of an appeal should not influence judgement on this application.
- Accessing a home was harder than ever before, and the risks that commercial development brought were not for this Committee to bare.

In response to a point of clarification from Councillor Emma Fernandes, Councillor Vijaiya Poopalasingham advised that:

- Paragraphs 4.1.5 – 4.1.8 of the independent viability review described the key findings, including their difficulty to understand why 40% affordable housing was no longer viable, and their belief that the negative swing had been overstated in supportable outcomes.
- The Applicant had only agreed to the principal of a viability review mechanism, rather than the conditions and terms of one itself.

The Chair thanked Councillor Poopalasingham for their presentation and invited the Representatives for the Applicant, Mr Richard Kelly and Mr Julian Clarke to speak against the application. They thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This site was allocated for residential development as GA1 in the Local Plan and was expected to be developed accordingly to meeting housing needs.
- Deteriorating market conditions meant that they were no longer able to commit to the S106 contributions and affordable housing that the application previously had.
- Policy HS2 in the Local Plan acknowledged that lower levels of affordable housing were possible when viability issues arose, and Policy SP7 in the Local Plan allowed S106 contributions to be reviewed where viability issues had been identified.
- The independent review had deemed the previous scheme to be unviable.
- 20% affordable housing and over £8.6M in S106 contributions struck the right balance while allowing the application to proceed despite viability issues.
- Top up payments would be made towards affordable housing and infrastructure if market conditions improved while the development was being built.
- An appropriate affordable housing mix would be secured, some of which would be wheelchair adaptable to meet the need identified by Housing Officers.
- There had been no changes to the landscaping, proposed number of dwellings or associated works since the application had been considered in July 2025.
- The development included well designed open space, which would enhance and preserve ecology, and protect the adjoining ancient woodland.
- Infrastructure delivered by the development was deemed to be acceptable.
- There were no outstanding objections from any of the statutory consultees.

The following Members asked points of clarification:

- Councillor Nigel Mason
- Councillor Martin Prescott
- Councillor Claire Winchester
- Councillor Val Bryant
- Councillor Clare Billing

In response to points of clarification, Mr Richard Kelly advised that:

- Withdrawn offers from affordable housing providers, wider market conditions, plateauing sale prices and significant bill cost inflation had all contributed to the worsened viability position.

- They had agreed to increase S106 contributions by the £2.989M surplus detailed in the independent review by Dixon Searle.
- While Dixon Searle had not agreed that build costs had substantially increased, they acknowledged that the previous S106 contributions and 40% affordable housing would not be viable.
- Another developer would not want to purchase the land to deliver 40% affordable housing as the residual land value for that option would be -£2.85M, as detailed by Dixon Searle.
- The viability review mechanism would be based upon mechanisms used elsewhere in the district, where actual build costs and revenues would be compared to those set out in the viability assessment.
- There was no incentive to sell properties at a lower price to avoid uplift in the viability review mechanism as they would receive a split of the extra revenue if conditions improved.
- The appetite and ability of the affordable housing sector to pay for the housing they built had changed, and the amounts that they had been offered meant that they would lose significant amounts on each affordable house built.

In response to points made during the verbal presentations, the Principal Planning Officer (Development Management) advised that the viability review mechanism would form part of the S106 agreement and would have to be signed by the Applicant, otherwise planning permission would not be issued, and the application might be reconsidered by the Committee with a different recommendation.

In response to points made during the verbal presentations, the Senior Planning Officer advised that:

- Policy S4 in the NPPF had been applied as the site had been allocated in the Local Plan and was now within a settlement.
- Increasing affordable housing had not been explored as, professionally, it would not be appropriate to increase the amount of affordable housing at the expense of developer contributions to address the impact of the development on infrastructure.
- If the application was deferred to revisit the viability, there was a risk that affordable housing and financial contributions would be decreased further as the Applicant did not agree with the position of the independent review but had agreed to proceed with a compromised position.
- Policies HS2 and S7 in the Local Plan allowed the Council to consider viability, so this application was compliant as this had been considered.
- Future applications with viability issues would have to undertake the same rigorous approach that this one had, including a viability assessment and independent review.

In response to an additional question from Councillor Martin Prescott, the Senior Planning Officer advised that Policy HS2 sets a target of 40% affordable housing for major sites, and while it had been achievable on other sites, it had not been achievable here.

Councillor Nigel Mason proposed the recommendations in the report, including the amendment to recommendation C) as mentioned in the verbal update of the Senior Planning Officer, and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Emma Fernandes
- Councillor Nigel Mason

- Councillor Claire Winchester
- Councillor Ian Mantle
- Councillor Louise Peace

The following points were made as part of the debate:

- It was not believable that the viability had changed so much in 14 months.
- The independent review did not agree with the viability position of the Applicant.
- It was worrying that granting permission for 20% affordable housing would set a precedent for future applications.
- 56 affordable homes were better than none, but it was far fewer than the last time the application was considered.
- Frustrations about the affordable housing percentage were acknowledged.
- The housing land supply of the Council would continue to worsen if they deferred or refused applications.
- Officers had worked hard to come up with this compromised position, and they were inclined to support the proposal to grant permission.
- 20% affordable housing was very low, and they should work with developers who were looking to improve the nation rather than benefit from profit.
- If this application was not viable in an area where house prices were relatively high, it would not be viable in many other places.
- There was concern that they had not explored all the possible options for this application, and going from 40% from 20% was almost unexplainable.
- If the application was deferred, they should seek affordable housing partners willing to work with them, which would be a positive step towards getting the best out of the situation.
- The viability position had not worsened enough to justify a 50% reduction in affordable housing.
- This application had put the Committee in an impossible position, making them decide whether sub-standard development was better than no development.
- Granting permission for the application was not wanted, but the situation would only get worse if they did not do so.
- 281 homes would be put towards their housing land supply if granted.

In response to points made during the debate, the Principal Planning Officer (Development Management) advised that:

- The Applicant had agreed to the 20% affordable housing and financial contributions despite disagreeing with the figures in the independent review.
- Another application at Rhee Spring had been overturned after an appeal and been granted planning permission with 4.7% affordable housing.

In response to points made during the debate, the Senior Planning Officer advised that:

- Any future application with viability concerns would need to submit a viability assessment and would not be determined by the decision on this application.
- The Applicant could appeal a decision to refuse or defer the application on non-determination, and the professional opinion of officers was that the prospects for the Council at an appeal would be poor as it was a policy compliant scheme.
- If the application went to an appeal, the Applicant could also revert to their original position, and affordable housing and contributions could be decreased further.
- The prospect of an appeal was not a material planning consideration weighed in the planning balance. However, it is the environment in which the decision was being made.

In response to points made during the debate, the Locum Planning Lawyer advised that:

- The independent viability review confirmed that the original scheme was not deliverable, but to a different degree than was stated by the Applicant.
- If the application was deferred, they did not know when it would be reconsidered by the Committee and the viability position could get worse in that time.
- The viability could also worsen if the application was called in by the Government as it was an application for more than 150 dwellings.
- Members should consider whether the adverse effects of accepting 20% affordable housing and reduced financial contributions outweighed the benefits delivered by 281 dwellings.

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

RESOLVED: That application 24/02889/FP be ***GRANTED*** planning permission subject to:

A) The completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager to resolve any outstanding matters and the Applicant agreeing the extend the statutory period in order to complete the agreement if required;

B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required;

C) Providing delegated powers to the Development and Conservation Manager to decide on the projects for NHS contributions; and

D) The conditions and informatives as set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of the item there was a break in proceedings at 21:15 and the meeting reconvened at 21:27.

71 26/01178/FP MORRISONS SUPERSTORE, BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS

Audio recording – 02 hours 20 minutes 31 seconds

The Principal Planning Officer (Development Management) presented the report in respect of Application 26/01178/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Claire Winchester
- Councillor Emma Fernandes

In response to questions, the Principal Planning Officer (Development Management) advised that:

- Some works had been undertaken before planning permission had been granted.
- Existing CCTV cameras were not for consideration on this application, only the new cameras as outlined in the proposed plans.
- The application had been submitted by Morrisons and the CCTV cameras were to protect the air/vac units that would complement the EV chargers.

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

- There was concern over the cumulative impact of the commercial infrastructure that would cause an intensification of the industrial character of the site.
- CCTV cameras would violate privacy, and floodlights would light up their garden as per the lighting report.
- The new assessment had not considered the cumulative noise impact of all the proposed development across various applications.
- A response from the Environmental Health Team had still not been received.
- The site had progressively changed over the last 7 years, and this had caused uncertainty and stress, which had affected their mental health.

In response to a point of clarification from Councillor Emma Fernandes, Ms Fox advised that a floodlight had been switched off after the Store Manager had visited their home, as level of their home meant that they saw and heard everything in the adjacent car park.

The Chair thanked Ms Fox for their presentation and invited the second Public Objector, Ms Jackie Sayers, to speak against the application. Ms Sayers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- A similar application had been refused as seen at paragraph 1.7 of the report and living conditions had worsened for immediate neighbours since the EV charging points had been installed.
- The cumulative industrial intensification of the area would have a major effect, rather than a minor effect as detailed in the report.
- The noise impact assessment had not mentioned all the other noises that would arise from the car park such as car stereos and shouting above noise, and the cumulative effect of all noise should have been accounted for.
- Two applications on this site, which had been refused earlier in the year, had not been detailed in the report and this application should be refused for the same reasons.
- Paragraph 4.3.21 of the report mentioned that the CCTV cameras would face neighbouring dwellings, and the trees that screened them would soon be bare.
- Concerns had been expressed by the Letchworth Garden City Heritage Foundation on the impact to adjacent properties, contrary to the report, which stated that they had made no comments.

The following Members asked points of clarification:

- Councillor Claire Winchester
- Councillor Louise Peace

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

- Existing floodlights had not been switched off in all areas of the car park.
- They were planning to provide a verbal presentation on 26/00853/FP separately.

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

- Motor Fuel Group owned the car park rather than Morrisons.
- The report acknowledged that the air/vac units and CCTV cameras, alongside EV chargers would lead to an intensification of the industrial character of the site.

- This site was within the Letchworth Garden City conservation area.
- The cumulative effect did not assess the combined noise of all the equipment, and granting permission was conditional on the response from Environmental Health.
- A temporary stop notice had been issued at the site for the erection of floodlight poles, and more development would have taken place if this had not been issued.
- An Inspector on a similar application held controls to prevent unacceptable noise and disturbance, and that site had not even been within a conservation area.
- Members should account for Policy P3 in the revised National Planning Policy Framework (NPPF), which referenced cumulative effects on living conditions, and Policy D3 in the Local Plan, which required protection for residential harm to amenity, which provided the basis to refuse permission for this application.

The following Members asked questions:

- Councillor Martin Prescott
- Councillor Claire Winchester

In response to questions, the Principal Planning Officer (Development Management) advised that:

- Motor Fuel Group Limited were the Applicant.
- A revised noise assessment had been submitted on 21 September, and granting permission would be subject to receiving no objection from Environmental Health on this.
- The application would not be reconsidered by the Committee if it was deferred due to the implementation of the National Scheme of Delegation later in October, and the decision would be made by the Case Officer instead.

The Chair thanked Ms Gray for their presentation and invited the Member Advocate Objector, Councillor David Chalmers, to speak against the application. Councillor Chalmers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- There was a big question around how much more development they would allow to this car park before its character was completely changed.
- This application could not be considered in isolation.
- Substantial EV charging infrastructure, CCTV poles, air/vac facilities and floodlights represented a significant industrialisation of this car park within a conservation area.
- There was concern over privacy as there was no field of view provided for the CCTV cameras, and the Committee could not properly assess this without more information.
- The tree line screening the nearby homes from cameras was bare for many months of the year, and residents were entitled to know whether the cameras would overlook their properties.
- Air/vac facilities were not appropriate here as there would be engines running, radios playing, and conversations from people using these that would generate noise.
- There was a need for a CCTV field review and a cumulative noise assessment, and the Committee should refuse the application.

The following Members asked additional questions:

- Councillor Claire Winchester
- Councillor Martin Prescott
- Councillor Emma Fernandes
- Councillor Ian Mantle
- Councillor Ruth Brown
- Councillor Martin Prescott

In response to additional questions, the Principal Planning Officer (Development Management) advised that:

- They could not comment on acceptable noise levels on behalf of Environmental Health, but they would be conducting their assessment within the 7am – 10pm opening hours.
- A view splay would have to be agreed for the CCTV cameras where views outside the car park would not be permitted.
- If Environmental Health objected to the application, permission would not necessarily be granted.
- Clarification would be sought from Environmental Health on whether they would account for the cumulative noise impact of vacuuming, car engines and conversations.
- The application could be refused for different reasons depending on what the Committee agreed, such as being contrary to the character of the locality or adverse impact on the residential amenity.

In response to additional questions, the Locum Planning Lawyer advised that a covenant or transfer of a property document would be a civil matter outside of this application.

Councillor Claire Winchester proposed to refuse permission on the basis that increased development would harm the character of the area and have an adverse effect on the residential amenity of the immediate neighbours, and this was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

- Councillor Emma Fernandes
- Councillor Martin Prescott
- Councillor Claire Winchester

The following points were made as part of the debate:

- They would be minded to support refusal as there was industrialisation of the car park, which was in the middle of a conservation area in Letchworth Garden City.
- Development may be more acceptable in another location such as a service station or petrol forecourt out of town but was not necessary or acceptable here.
- Residents had made it clear that a small problem every day was a detriment to mental health and they had a right to live peacefully, which the application had not properly considered, and had not made an attempt to make better.

In response to points made during the debate, the Principal Planning Officer (Development Management) advised that delegated authority should be granted to the Development and Conservation Manager as they did not know whether there would be an adverse impact to form a second reason for refusal, and to finalise the suggested reasons for refusal, as follows:

A) The proposed CCTV pole cameras and air/vac units would result in an unacceptable adverse intensification and visual impact, appearing out of context and harmful to the locality, failing to comply with the provisions of Policy D1 of the Local Plan and the aims of Policy DP3.1 of the National Planning Policy Framework.

B) The residential amenity if North Herts Environmental Health respond with an objection to the application.

Councillor Claire Winchester, as the proposer, agreed to the suggested reasons for refusal and to grant delegated authority to the Development and Conservation Manager to finalise the reasons, which was also accepted by Councillor Martin Prescott, as the seconder.

In response to a further question by Councillor Ruth Brown, the Principal Planning Officer (Development Management) advised that the Conservation Officer had not objected, which is why the conservation area had not been mentioned in the reasons for refusal.

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

RESOLVED: That application 26/01178/FP be ***REFUSED*** planning permission for the following reasons, with delegated authority granted to the Development and Conservation Manager to finalise the reasons for refusal:

A) The proposed CCTV pole cameras and air/vac units would result in an unacceptable adverse intensification and visual impact, appearing out of context and harmful to the locality, failing to comply with the provisions of Policy D1 of the Local Plan and the aims of Policy DP3.1 of the National Planning Policy Framework.

B) The residential amenity if North Herts Environmental Health respond with an objection to the application.

N.B. Following the conclusion of the item, Councillor Ian Mantle left the Chamber at 22:11 and did not return.

72 26/00853/FP MORRISONS SUPERSTORE , BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS

Audio recording – 03 hours 02 minutes 41 seconds

The Principal Planning Officer (Development Management) provided a verbal update on matters relating to Application 26/00853/FP and advised that an amended plan had been received, which reduced the number of floodlights from 7 to 5, with four by the EV chargers, and one by the zebra crossing.

The Principal Planning Officer (Development Management) then presented the report in respect of Application 26/00853/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Emma Fernandes
- Councillor Claire Winchester
- Councillor Martin Prescott

In response to questions, the Principal Planning Officer (Development Management) advised that:

- The floodlight poles had already been installed, but the floodlights had not.
- A condition could be recommended to have a back shield on the floodlights to stop light from spilling onto nearby houses.
- Floodlights were needed to light a darker corner of the car park during evenings.
- A sign on each EV charger detailed that they could not be used before 7am or after 10pm.

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

- Paragraph 4.3.3 of the report stated that the Applicant had previously confirmed that lighting would not be required for the EV charging units but had proceeded to erect them unlawfully anyway.
- Some of the previous floodlights were switched off almost immediately after installation due to the impact on neighbours, and the proposed floodlights were much stronger.
- Back shields would not prevent spill of lighting onto nearby houses.
- The Committee should refuse the application citing the harmful impact to the living conditions of residents, contrary to the Local Plan and revised National Planning Policy Framework (NPPF).
- Previous flood lighting was completely random in timing.

In response to a point of clarification from Councillor Tom Tyson, Ms Sayers advised that the proposed middle floodlight column would have 3 lights on it and could not imagine that the proposed floodlighting would be any weaker or less intrusive than the previous ones.

The Chair advised that they were approaching the 10.30pm cut as per Section 4.8.24(g) of the Constitution and advised that they would proceed with Agenda Items 9 and 10 and defer Agenda Items 11, 12 and 13 to a future meeting.

The Chair thanked Ms Sayers for their presentation and invited the Member Advocate Objector, Councillor David Chalmers, to speak against the application. Councillor Chalmers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application raised important questions on residential amenity and the integrity of the planning process.
- The Committee were being asked to approve floodlights after being assured that they would not be required.
- Lighting poles had been installed before planning permission had been obtained, and Planning Enforcement Officers had to intervene to stop further works.
- The deciduous tree line would not stop lighting from shining directly into neighbouring gardens during the winter.
- Wildlife in the area, which formed part of its character, would be disturbed by the flood lighting.
- Each application had been presented as a separate planning matter, but neighbours felt the cumulative effect of this as it was becoming an increasingly intensive industrial area, which should not be allowed through incremental applications.
- There was no compelling justification for why additional floodlights were needed.

N.B. Councillor Clare Billing left the Chamber at 22:28.

Councillor Claire Winchester proposed to refuse permission on the grounds of adverse impacts to the character of the area, and residential amenity through unnecessary floodlighting on nearby residential properties and gardens, and this was seconded by Councillor Martin Prescott

The Principal Planning Officer (Development Management) advised that:

- The draft reason for refusal could be that the proposed floodlights and poles would have an unacceptable adverse intensification and visual impact appearing out of context and harmful to the locality as well as causing harm to nearby residential amenity, failing to comply with the provisions of Policies D1 and D3 of the Local Plan and Policy DP3.1 of the National Planning Policy Framework.
- Delegated authority should be granted to the Development and Conservation Manager to finalise the reasons for refusal.

The Principal Planning Officer (Major Sites) advised that another reason for refusal could also be based on Policy DM8.2 of the NPPF if Members deemed that the erection of the floodlight poles prior to the grant of planning permission was unauthorised intentional development, and weight could be given to this.

Councillor Claire Winchester, as the proposer, agreed to the suggested reasons for refusal and to grant delegated authority to the Development and Conservation Manager to finalise the reasons, which was also accepted by Councillor Martin Prescott, as the seconder.

N.B. Councillor Clare Billing returned to the Chamber at 22:32 and did not participate in the debate or vote on this item.

As part of the debate, Councillor Emma Fernandes highlighted that this application was egregious as the Committee had previously been told that floodlighting was not needed.

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

RESOLVED: That application 26/00853/FP be ***REFUSED*** planning permission for the following reasons, with delegated authority granted to the Development and Conservation Manager to finalise the reasons for refusal:

A) The proposed floodlights and poles would have an unacceptable adverse intensification and visual impact appearing out of context and harmful to the locality as well as causing harm to nearby residential amenity, failing to comply with the provisions of Policies D1 and D3 of the Local Plan and Policy DP3.1 of the National Planning Policy Framework.

B) The erection of the floodlight poles prior to the grant of planning permission is unacceptable intentional development and is given substantial weight in accordance with the advice contained in Policy DM8.2 of the NPPF.

73 26/00262/FP LAND AT NEW POUND FARM EAST SIDE OF, OLD HALE WAY, HITCHIN, HERTFORDSHIRE, SG4 0SA

Audio recording – 03 hours 27 minutes 10 seconds

The Senior Planning Officer provided a verbal update on Application 26/00262/FP and advised that the recommendation was to grant permission subject to the receipt of no objection from the Environment Agency as they were being consulted on a revised flood risk assessment submitted by the Applicant.

The Senior Planning Officer then presented the report in respect of Application 26/00262/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Dave Winstanley

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

- It was unknown whether the dwelling would connect to the main sewage system.
- The dwelling would be market housing.
- Permission would not be granted if the Environment Agency upheld their objection.
- The land had been concluded to be Grey Belt using the Grey Belt assessment but was within a wider parcel of the Green Belt.

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

- There were no clear long-term intentions for the land after multiple applications had been submitted on it.
- Ickleford Parish Council had clearly articulated their reasons for objecting.
- The Environment Agency had rejected the flood risk assessment, and the revised version had not covered the questions raised by them on the previous version.
- The recommendation to grant permission should be revised or given more justification as it would go against the advice from the Environment Agency.
- The Inspector for the previous application on this land stated that substantial weight must be given to the harm to the Green Belt as very special circumstances had not been demonstrated, and the conclusion for this application should be the same.
- Harm to the Green Belt would also disengage the presumption in favour of development, as per the National Planning Policy Framework (NPPF).

The Chair invited the Applicant and their Representatives, Mr Bruce Parker, Ms Frances Barry and Mr Mike Jones to speak in support of the application. They thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Planning permission was sought to build a modest dwelling to live in and to support and protect the land.
- The landowner did their utmost to create a landscape that supported biodiversity and ensured public access so that public wellbeing could be maintained.
- The dwelling would have exemplary environmental credentials and this should be encouraged in light of the climate crisis.
- This land formed a vital part of a wildlife corridor with a chalk river.
- The land was well used and appreciated by local people.
- A sensitively designed farm dwelling would reinforce the identity of the rural land, help to preserve its character, and provide security to protect it and secure its long-term future.

The following Members asked points of clarification:

- Councillor Dave Winstanley
- Councillor Louise Peace
- Councillor Val Bryant

In response to points of clarification, Mr Bruce Parker advised that:

- They would live in the dwelling once it was built.
- Pirton sewage system went through the land and it would be possible to connect to this.
- Wildlife in nearby chalk streams was monitored, and their sewage output was kept to a minimum.
- A new track for pedestrian access was being created at the bottom of the site, but the existing track would be made private.

In response to points raised in the verbal presentations, the Senior Planning Officer advised that a Section 73 application would need to be submitted to obtain a connection to the sewage system as the application form had advised that a connection would not be needed.

The following Members asked additional questions:

- Councillor Dave Winstanley

- Councillor Claire Winchster

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

- A self-build dwelling would require the Applicant to enter into a legal agreement, but this application was for market housing.
- The revised flood risk assessment superseded the original assessment.

Councillor Dave Winstanley proposed to refuse planning permission, and this was seconded by Councillor Val Bryant.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Val Bryant
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Ruth Brown
- Councillor Martin Prescott

The following points were made during the debate:

- There would be unjustified harm to the character of the Green Belt and countryside.
- Material impacts identified by the Inspector on the last application had remained the same and had been downplayed in the report.
- There was a conflict at paragraph 4.3.4 of the report as the recent Green Belt Review found the land to be Green Belt rather than Grey Belt, and the development would erode openness, and could contribute to incremental encroachment on this parcel.
- This application would not join two settlements but would create pressure for further development within the wider parcel of land.
- The benefits of this application were modest as one house would barely impact the five-year housing land supply.
- If the concerns from the Environment Agency could not be addressed, the application was not satisfactory.
- The land on which this dwelling sat was not Grey Belt and would impact the Green Belt if granted permission.
- The dwelling would be behind an existing large barn.
- The previous application had only been refused as it had been designed for rural workers with no justification.
- The wider parcel of land had seen previous development, and the application should be approved if it was classed as Grey Belt.
- Building one dwelling would not make a difference to the openness of the area.

In response to points made during the debate, the Principal Planning Officer (Development Management) advised that the Inspector had declared the land as Grey Belt at the appeal and this did not require an assessment of openness as the harm on openness was not a consideration.

In response to further questions raised by Councillors Martin Prescott and Dave Winstanley, the Principal Planning Officer (Development Management) advised that:

- The principal of development would be established by granting permission.
- If the land had a weak or moderate contribution to purposes A, B or D of the Green Belt assessment in the NPPF, then they had to weigh harms and benefits of the application, and one dwelling would present a benefit.

- The appeal decision letter gave a steer on how the Planning Inspectorate classed this land.

Having been proposed and seconded and, following a vote, the motion to refuse planning permission was ***LOST.***

Councillor Ruth Brown proposed to grant planning permission and Councillor Martin Prescott seconded and, following a vote, it was:

RESOLVED: That application 26/00262/FP be ***GRANTED*** planning permission subject to:

A) The receipt of no objection from the Environment Agency and the addition of any recommended conditions.

B) The conditions as set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of the item Councillor Ruth Brown left the Chamber at 23:20 and did not return.

74 26/00021/FP 1 AND 3 PRIORY LANE, LITTLE WYMONDLEY, HITCHIN, HERTFORDSHIRE, SG4 7HE

Audio recording – 04 hours 10 minutes 39 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 26/00021/FP and advised that:

- A late neighbour representation had been received, which raised matters relating to loss of privacy, subsidence and the unresolved objection from the Environment Agency.
- New conditions were recommended to retain and protect the existing trees, and to install a 2.5m high fence along the boundary with no.32 Priory View to retain privacy and mitigate overlooking from the proposed dwellings, which would be implemented by the Development and Conservation Manager under the delegation of authority that would be granted to them if permission was granted.

The Senior Planning Officer then presented the report in respect of Application 26/00021/FP accompanied by a visual presentation consisting of plans and photographs.

The Chair invited the Public Objector, Wymondley Parish Councillor Paul Harding to speak against the application. Parish Councillor Harding thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and advised that:

- Under Section 38 of the 2004 Planning Act, the Committee was bound to determine the application on the material reality at the time the decision was being made.
- There had been a monumental change in circumstances since the application had been submitted as 300 dwellings had been approved on a site nearby, yet the report did not mention this.
- The new development doubled the size of Little Wymondley and created customer catchment in an area that desperately needed local services. Therefore, these commercial units were highly important.
- Unit 1 was a Class E unit that could transition into a grocery shop or pharmacy, and the physical infrastructure and retail layout was intact for both units.
- Granting permission would mean that a flexible community asset would be extinguished forever, which would violate the Neighbourhood Plan and contradict the National Planning Policy Framework (NPPF).

- The Council could not justify approving an application for 300 dwellings, and then removing the units needed to service them and ensure the future sustainability of the village.
- The application would comprise overdevelopment, be overbearing, and would erode structural integrity and quiet enjoyment of the adjoining properties.

In response to a point of clarification from Councillor Claire Winchester, Parish Councillor Harding advised that there were no other commercial units in the village.

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

- The existing neighbouring resident already had one property overlooking their garden and would have their property overlooked by a further two properties if this application was granted permission.
- Their right to privacy would be lost and this would also damage their ability to resell the house.
- There is no other funeral director within an 800-metre radius as referenced in paragraph 4.3.2 of the report, and their business would be a huge loss to the community.
- Paragraph 4.1.6 referenced retail facilities, but there would be none in the village if these units were demolished.
- Priory Lane had a history of flooding and adding homes to this would also impact on the ability to resell the homes.

In response to points made during the verbal presentations, the Senior Planning Officer advised that the application would require a condition to submit a section drawing for the rear gardens as a nearby resident had raised concerns about subsidence.

In response to points made during the verbal presentations, the Principal Planning Officer (Development Management) advised that:

- The 300-dwelling development had not required a shop to be provided.
- There may be more demand for commercial uses in the future, but the application was compliant with Policy ETC7 in the Local Plan as there were other commercial or industrial units within an 800-metre walk of the site.

The following Members asked additional questions:

- Councillor Emma Fernandes
- Councillor Caroline McDonnell
- Councillor Val Bryant

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

- It was approximately 9.8m from the back wall of the house to the fence.
- Permitted development rights for dormer windows had been withdrawn from the proposed dwellings to prevent overlooking from the third storey.
- A 2.5M fence would obscure any first-floor windows.
- This site was to the north of the Plume of Feathers.

Councillor Caroline McDonnelll proposed to refuse permission due to the overlooking and loss of privacy, and the erection of a fence that could enclose the neighbouring resident, which was seconded by Councillor Claire Winchester.

The following Members took part in the debate:

- Councillor Claire Winchster
- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Caroline McDonnell.

The following points were made during the debate:

- A 2.5m fence would not be able to mitigate overlooking from the proposed dwellings, and their design was unsuitable considering the surroundings.
- It would be a shame to lose commercial units in the village and seemed counterintuitive considering the 300-dwelling development that had been granted permission.
- A high fence would be needed to retain privacy as the neighbouring property had dormer windows.
- Loss of employment should be accounted for through the loss of units.

In response to additional points raised by Councillors Caroline McDonnell and Martin Prescott, the Principal Planning Officer (Development Management) advised that:

- A reason for refusal based on the loss of units could be attributed to Policy ETC2 in the Local Plan, which supported the retention of business units where there was potential demand for their need.
- The Committee should delegate authority to the Development and Conservation Manager to finalise the reasons for refusal.

The proposer and seconder agreed to incorporate the additional reasons for refusal and to grant delegated authority to the Development and Conservation Manager to finalise the reasons for refusal and, following a vote, it was:

RESOLVED: That application 26/00021/FP be ***REFUSED*** planning permission for the following reasons, with delegated authority granted to the Development and Conservation Manager to finalise the reasons for refusal:

A) The proposed dwellings would result in unacceptable adverse overlooking and loss of privacy to the immediate neighbour to the west failing to comply with the provisions of Policy D3 of the Local Plan and would result in a form of development failing to respond positively to the site's local context, failing to comply with the provisions of Policy D1 of the Local Plan and Policy DP3.1 of the National Planning Policy Framework.

B) The loss of the commercial / business premises is objected to on the basis that they are occupied by business uses and due to the grant of planning permission for 300 homes in the village, it is anticipated that there will be the demand for local business or shop uses in the village in the long term. As a result, the retention of these commercial uses are protected by the provisions of Policy ETC2 of the Local Plan.

C) Loss of local employment opportunities.

75 EXCLUSION OF PRESS AND PUBLIC

N.B. This item was deferred to a future meeting and therefore no recording was available.

As previously advised by the Chair under Agenda Item 8, this item would be ***DEFERRED*** to a future meeting of the Planning Control Committee in accordance with Section 4.8.24(g) of the Constitution.

76 PART 2 MINUTES - 3 SEPTEMBER 2026

N.B. This item was deferred to a future meeting and therefore no recording was available.

As previously advised by the Chair under Agenda Item 8, this item would be ***DEFERRED*** to a future meeting of the Planning Control Committee in accordance with Section 4.8.24(g) of the Constitution.

77 APPEALS

N.B. This item was deferred to a future meeting and therefore no recording was available.

As previously advised by the Chair under Agenda Item 8, this item would be ***DEFERRED*** to a future meeting of the Planning Control Committee in accordance with Section 4.8.24(g) of the Constitution.

The meeting closed at 11.49 pm

Chair