

<b>ITEM NO:</b>	<u>Location:</u>	<b>Ickleford Manor, Turnpike Lane, Ickleford, Hitchin, SG5 3XE</b>
	<u>Applicant:</u>	<b>Jarvis Homes Ltd</b>
	<u>Proposal:</u>	<b>Development of 19 residential dwellings together with associated vehicular access and parking (APPEARANCE RESERVED) following demolition of existing commercial buildings. As amended by plan nos. 16097/TK04. B, 1079-PL100-PL3, PL-101-PL3, PL110-PL3, PL-120-PL3, PL-600-PL1, PL-620-PL2 )</b>
	<u>Ref. No:</u>	<b>16/02012/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 16 November 2016

### **Reason for Delay**

Negotiations seeking amendments to the scheme and discussions over viability and Section 106 matters. Extension to the statutory period of the application agreed by applicant to 20th May 2017.

### **Reason for Referral to Committee**

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee. Councillor Spencer-Smith has also requested that the application be considered by the Committee in the wider public interest.

### **1.0 Relevant History**

- 1.1 16/00124/1PRE – Residential development of 19 dwellings with associated access road, parking and amenity space following demolition of existing buildings
- 1.2 A number of minor applications for various storage buildings and containers have been approved at the site over a number of years. In addition planning permission was granted in 1997 for the change of use to provide storage and maintenance of vehicles (97/01338/1).

### **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)**  
Policy 2 - Green Belt.  
Policy 26 - Housing proposals.  
Policy 51 - Development Effects and Planning Gain.  
Policy 55 - Car Parking Standards.  
Policy 57 - Residential Guidelines and Standards.

#### **Supplementary Planning Documents.**

Design SPD  
Planning Obligations SPD  
Vehicle Parking Provision at New Development SPD.

## 2.2 **National Planning Policy Framework**

- Section 1 - Building a strong, competitive economy.
- Section 3 - Supporting a prosperous rural economy.
- Section 4 - Promoting sustainable transport.
- Section 6 - Delivering a wide choice of high quality homes.
- Section 7 - Requiring good design.
- Section 9 - Protecting Green Belt land
- Section 11 - Conserving and enhancing the natural environment.

## 2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

- Policy SP1 'Sustainable Development in North Hertfordshire'
- Policy SP7 'Infrastructure requirements and developer contributions'
- Policy SP8 'Housing'
- Policy T1 'Assessment of transport matters'
- Policy T2 'Parking'
- Policy HS2 'Affordable Housing'
- Policy HS3 'Housing Mix'
- Policy D1 'Design and Sustainability'
- Policy D3 'Protecting Living Conditions'
- Policy NE7 'Reducing Flood Risk'
- Policy NE8 'Sustainable Drainage Systems'

Public consultation on The Proposed Submission Draft Local Plan has been completed and the consultation responses published. A meeting of Full Council is set for 11 April 2017 at which Members will decide whether to agree to submit the Local Plan to the Secretary of State for Examination in Public (EiP). At the time of writing this meeting had not taken place.

## 2.4 **Ickleford Neighbourhood Plan**

The Ickleford Neighbourhood Plan Area was designated in September 2014. The Neighbourhood Plan Area Map includes the application site. At present the Plan is at Stage 2 i.e. the preparation of a draft plan or Order prior to its submission for publicity and consultation.

## 2.5 **National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

## **3.0 Representations**

### 3.1 **Ickleford Parish Council:**

Raises objections on the following grounds –

- Development would intrude into the Green Belt separating Hitchin and Ickleford
- Considers that the development will have a greater impact on openness than the existing use
- Considers the proposals contrary to fundamental aims of Green Belt policy
- Contrary to Policy 5 of the local plan ('Excluded Villages')
- An overdevelopment of the site as insufficient parking to meet Policy 55 standards
- Request if permission is granted that the conditions required by the Lead Local Flood Authority are attached to any residential development
- The Parish Council would like to request a condition be placed on any residential development of this site noting that it should not be connected to the public foul sewerage network via manhole 0301 at NGR TL1801831378 on Turnpike Lane as there is insufficient capacity. Furthermore, that the alternative proposal indicated by Anglian Water to connect via a pumped solution to manhole 8900 at NGR TL1783430944 on Bedford Road (subject to site layout) with the construction of an intermediate manhole no closer

than 5 metres from the final connecting manhole, be noted as a condition as well.

- There is a lorry ban in force in Ickleford which prohibits heavy commercial vehicles having a gross weight in excess of 7.5 tonnes from travelling through the village. We would therefore like to request a condition be placed on any residential development of this site that construction traffic must access the site via Bedford Road rather than through the village (i.e. via Arlesey Road in both directions)

- 3.2 **Highway Authority** - Does not wish to restrict the grant of permission, subject to the imposition of conditions including construction traffic management plan and construction method statement, highway informatives and a section 106 payment towards upgrading Bedford Road bus stops to DDA standard
- 3.3 **Herts Ecology** – Recommends an outline mitigation strategy condition and informative and biodiversity enhancements e.g. bat boxes.
- 3.4 **Lead Local Flood Authority (LLFA)** – Advises ‘no objection’ on flood risk grounds. Recommends conditions and an Informative.
- 3.5 **Landscape and Urban Design Officer** – States that residential development on this site is generally acceptable in landscape terms and urban design terms.
- 3.6 **Housing Supply Officer** – Considers that a contribution in lieu of on-site affordable housing in accordance with Planning Obligations SPD formula is appropriate.
- 3.7 **NHDC Environmental protection officer** – Acknowledges the applicants Phase I Environmental Assessment. Recommends contaminated land condition and Electric vehicle recharging infrastructure condition and informatives.
- 3.8 **Environmental Health (Noise):** - Recommends a sound insulation / noise control measures conditions and informatives concerning construction phase and asbestos survey.
- 3.9 **NHDC Waste Manager** – No objections.
- 3.10 **Affinity Water:** Any comments received will be reported
- 3.11 **Herts County Council (Planning Obligations)** – Requests financial contributions towards primary and secondary education, library and youth services and fire hydrants provision on site.
- 3.12 **Anglian Water** – Requests a planning condition requiring a foul water strategy to be submitted to and approved by the Local Planning Authority.
- 3.13 **Site Notice/ Neighbour consultation:** Letter received from Brekun House, Westmill Lane, Ickleford making the following comments in support of the application:
- Proposed development would improve the scruffy appearance of the site
  - Will reduce the pressure to release less appropriate sites in the village for housing in the emerging local plan.
  - Boundaries should be well maintained and landscaped, trees maintained and uniform boundary fencing retained in perpetuity

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site is located adjacent to the south west corner of the settlement of Ickleford at the junction of Turnpike Lane and Bedford Road. The development site which forms part of the Ickleford Manor estate, is 1.48 acres (0.60 hectares) in area and comprises a mixture of office, light industrial uses and car sales involving external showroom area and associated buildings. The site also includes a significant amount of hardstanding around the buildings with the exception of the landscape buffer along the northern boundary. The northern boundary of the site adjoining Turnpike Lane comprises a deep belt of trees covered by a woodland tree preservation order (TPO 009/W1). The full extent of the TPO covers a band of trees stretching from the Bedford Road on the south side of Turnpike Lane to the existing buildings opposite Walnut Way to the east. Immediately to the east of the site and sharing the same access off Turnpike Lane is Ickleford Manor, a two storey building currently used as offices.
- 4.1.2 The south and south eastern perimeters of the site comprise agricultural fields and paddocks/ stabling. Directly to the north of the site are several terraced houses and to the west and north west further residential properties in Westmill Lane comprising semi-detached and detached properties. The A600 Bedford Road runs in a north south direction along the western boundary of the site leading to the built up urban area of Hitchin to the south and Turnpike Lane serves the village of Ickleford connecting with Arlesey Road and the village centre to the east. The Green Belt designation as shown in the current local plan Proposals Map washes over the whole of the application site.

### **4.2 Proposal**

- 4.2.1 The proposal seeks outline planning permission for the demolition of the existing buildings and redevelopment of the site for 19 dwellings. The application includes details of siting, means of access, scale and landscaping. The appearance of the development is reserved for future consideration.
- 4.2.2 The proposals involve the following detail:
1. 19 dwellings in total comprising 2 x 2 bed maisonettes, 12 x 3 bed houses and 5 x 4 bed houses
  2. Development concentrated on central area of the site with landscaping and gardens fronting all site boundaries
  3. Demolition of 1633 sqm of light industrial buildings and erection of 1401 sqm of residential buildings (16% decrease in footprint)
  4. All dwellings will be two storey (maximum height between 8.0m and 9.0m)
  5. Provision of 36 car parking spaces (plus 8 visitor spaces)
  6. Main vehicular access from Turnpike Lane (remodelling existing access)
  7. Two pedestrian links (to Turnpike Lane and Bedford Road)
  8. Full landscaping scheme including management of TPO woodland area on northern boundary
  9. Agreed Heads of Terms for Section 106 including affordable housing payment and community infrastructure payments
- 4.2.3 The application is supported by the following documents:
- Design and Access statement
  - Planning Statement
  - Flood Risk and Drainage Strategy Assessment
  - Tree report and Survey
  - Transport statement
  - Preliminary Ecological Appraisal

- Bat Mitigation Strategy
- Noise Assessment
- Environmental site assessment
- Viability assessment

#### 4.3 Key Issues

4.3.1 The key areas for discussion are as follows:

- Principle of the development
- Impact on the character and appearance of the area
- Highway, access, parking refuse collection and sustainable transport issues
- Landscape and amenity
- Environmental matters (including flooding, sewage, ecology, noise, contamination and air quality)
- Affordable Housing
- Planning Obligations including affordable housing and local infrastructure
- Sustainability

#### 4.3.2 Principle of the development

4.3.3 Policy 2 ('Green Belt') of the local plan states that the Council will aim to keep land open in character and only allow development that is appropriate in the Green Belt and which would not result in significant visual impact. The policy sets out the five purposes of Green Belts as set out in the now replaced PPG 2 (January 1998) which are very similar to the five purposes set out in the NPPF. The policy refers to potential other development that may be appropriate in very special circumstances but does not set out any criteria and therefore is only partly in conformity with the NPPF. The NPPF therefore is the key up to date policy guidance.

4.3.4 Paragraph 89 of the NPPF states that a local planning authority must regard the construction of new buildings as inappropriate development in the Green Belt and goes on to provide a number of exceptions to inappropriate development including the following:

***'Limited in-filling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'***

4.3.5 In Annex 2 of the NPPF previously developed land is defined as the following:

***'Land which is or was occupied by a permanent structure, including the curtilage of the land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.....'***

4.3.6 I consider that the application site can, in the main, be classified as previously developed land as it is covered in buildings and hardsurfacing with the exception of the tree band along the northern boundary. Apart from the retention of the majority of the tree band the proposal is for the complete redevelopment of application site and the test therefore to determine whether the proposal amounts to inappropriate development in the Green Belt is whether the development would have a greater impact on the openness of the Green Belt and the purposes of including land within it than existing development.

4.3.7 In assessing this issue the following factors are relevant:

- The extent of existing development compared to the proposed development
- Volume and massing of the development
- The extent of retained and new landscaping
- The extent of hardsurfacing

4.3.8 In this case the proposed footprint of new buildings (including garages) is less than the existing commercial footprint (1401 sqm compared to 1633 sqm) equivalent to a 16 % reduction. The amount of hard standing would be considerably reduced and soft landscaping increased. The development would be concentrated in the centre of the site with the majority of new buildings built over the existing footprint of buildings with the remainder on existing hardsurfacing. The mass of buildings would increase due to the development increasing in height although this would be offset by the reduction in hard standing.

4.3.9 The vehicular access would be retained at the same width but modified to provide a formal access road into the centre of the site with the dwellings either side and to the south of it. As such the access road would be largely hidden from public views outside of the site.

4.3.10 The site boundaries would be largely retained as existing – the northern woodland boundary will be kept open and the close boarded fencing along the western boundary retained as close boarded fencing.

4.3.11 The application site, although designated Green Belt is not in open countryside and is clearly previously developed land. It's northern, eastern and western boundaries face onto existing two storey development (Ickleford Manor and houses in Turnpike Lane and Westmill Lane). It is also flanked on two sides by roads (Bedford Road and Turnpike Lane). The site is also immediately adjacent the village boundary. The development is largely limited to the existing footprint and hardsurfacing is reduced. Although there would be an increase in overall height of the buildings the built development does not spread to the site boundaries but is set in from them. The development in my opinion does not conflict with the five purposes of the Green Belt as there is no sprawl of a built up area, there is no merger of neighbouring towns, the set back from the site boundaries helps to safeguard from encroachment, there is no historic character to consider and the site is not urban land that is derelict.

For all of the above reasons I consider that the proposed housing development is not inappropriate development in the Green Belt in that it would not have a greater impact than existing development on the openness of the Green Belt.

4.3.12 In view of the above characteristics of the site and the layout and scale of the proposed development I consider it would not be contrary to Green Belt policy and therefore there can be no objection in principle.

The site is not an allocated employment site and there are no current local plan policies that would protect the existing use. Employment levels are not high at the site however and the nearby Hitchin employment estate provides access to employment opportunities as well as the large service and commercial market within Hitchin town.

#### 4.3.13 **Impact on the character and appearance of the area**

4.3.14 The existing built development on the application site detracts from the character and appearance of the area given the utilitarian style and poorly maintained buildings, poor quality hardsurfacing and boundary fencing and unmanaged trees and woodland. The development is at odds with the prevailing residential development to the north and west.

- 4.3.15 The proposed development of two storey dwellings would in my view be more compatible and more in context with the adjacent two storey residential properties in Turnpike Lane, Bedford Road and Westmill Lane and smaller overall footprint and blocks of buildings more sympathetic to the grain and pattern of development opposite the site.
- 4.3.16 The density of the development is 32 dwellings per hectare which in my view is not excessive for this edge of village location and strikes a reasonable balance between maximising the development potential of the site and the need to provide adequate amenity space and retain existing landscaping. The layout is such that the access road is within the centre of the site and parking spaces are generally screened by the buildings from views outside of the site. Although a cul-de-sac development the layout provides a good degree of permeability for pedestrians and connectivity to the existing footpath network with linkages through the western boundary to Bedford Road and northern boundary to Turnpike Lane.
- 4.3.17 The retention of the majority of the northern tree belt and improvement with new trees acknowledges the importance of this area in the street scene. The average depth of the tree belt is approximately 10 metres and built development is set back by between 13 and 20 metres from the northern boundary to ensure that this landscaped buffer is retained as a permanent feature of the development. All of the dwellings set back from the northern boundary (Plots 1, 2, 3, 18 and 19) are sited with their principal elevations facing the access road into the site in the same way that dwellings opposite face the road. I consider that this arrangement presents an acceptable 'street scene' to Turnpike Lane and a sense of place and arrival on entering the site.
- 4.3.18 Plots 13, 14, 15, 16 & 17 present their back gardens to the Bedford Road frontage. I consider this is more appropriate for this area of the site as Bedford Road has a number of mature street trees and is heavily landscaped. If these plots were nearer to and facing the road there may be future pressure to thin or remove these trees – far better to have long back gardens running up to this boundary with some supplementary planting along the fence line as shown on the landscape proposals plan.
- 4.3.19 The appearance of the dwellings is a reserved matter. However the applicant has demonstrated in the Design and Access statement indicative building styles and treatments and these include primarily pitched roof buildings of generally traditional form with some contemporary elements and a limited range of materials such as facing bricks and timber cladding and plain tiles. Clearly these details can be controlled at the reserved matters stage but it indicates a direction of travel and they are of a form and detail that would not be out of character in the area.
- 4.3.20 Paragraph 64 of the NPPF states that ***'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'***. In view of the above analysis of the layout of the site I consider that this development has potential to integrate well with the surrounding pattern of development and that its relatively low density and scale would not be out of keeping. In summary I consider that the development will have an acceptable impact on the character and appearance of the locality and would be in compliance with paragraph 64 of the NPPF.
- 4.3.21 **Highway, access, and sustainable transport issues**
- 4.3.22 The vehicular access into the site would be via the existing access off Turnpike Lane and then routed into the site via a 5 metre wide carriageway narrowing to 4 metres in width with footpath. After some negotiation and amendment the highway authority is now satisfied with the with site access road in terms of alignment, width and ability to accommodate refuse and emergency service vehicles.

4.3.23 The submitted transport statement states that vehicular traffic generation from this development will be 10 two way movements in the AM peak hour and 9 two way movements in the PM peak hour with 82 two way movements daily resulting in a reduction of 6 movements overall compared to the existing commercial use. There will also be a significant reduction in the current HGV/light commercial van movements.

4.3.24 Turnpike Lane is a traffic calmed secondary distributor road with a 30mph speed limit. The Highway Authority is satisfied that the vehicular sightlines comply with highways technical specifications as set out Manual for Streets. The Authority considers that the development will not have a significant impact on the local highways network.

The comments of the Ickleford Parish Council with regard to construction traffic only entering the site from Bedford Road are acknowledged and this can be secured through a Construction Traffic Management condition.

4.3.25 In terms of parking 36 dedicated off street spaces are provided. SPD standards require 38 spaces but units 18 and 19 (2 x 2 bed maisonettes) are allocated one space each. I consider this slight shortfall is acceptable. The layout also accommodates 8 visitor parking spaces which is 3 spaces short of the standard. In this relatively sustainable location however such a modest shortfall could be accepted bearing in mind the encouragement in the NPPF for local authorities to take into account the accessibility of development, the availability of public transport and the overall need to reduce the use of high-emission vehicles (paragraph 39).

4.3.26 As mentioned I consider the location of the site is reasonably sustainable. There is a bus stop immediately alongside the western boundary and on the opposite side of Bedford Road to the south. There are good footpath linkages to the centre of Ickleford village and south towards Hitchin. Ickleford Primary school, Smartys Nursery and Priory Secondary school are all within a few minutes walk. The village itself contains a number of community facilities and other services. Oughton Head Common and Nature reserve are also several minutes walk away from the site. Hitchin provides significant employment opportunities that can be reached easily by several modes of transport and by walking. The applicant has agreed a sustainable transport contribution to upgrade local bus stops. Electric vehicle car charging points are also recommended in the dwelling units with garages. All in all I consider the proposals are in step with Government advice to locate development in areas so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (paragraph 37, NPPF).

#### **4.3.27 Landscape and amenity**

4.3.28 The submitted layout shows that the proposed houses have good levels of private amenity space which exceed the standards set out in Policy 57. With access to public open space nearby at Oughton Common and Ickleford Recreation Ground I consider that the occupiers of the new dwellings will have good access to outdoor space. Noise issues are dealt with in the paragraph below concerning environmental matters.

4.3.29 A detailed landscaping scheme is proposed. There is some encroachment into the TPO tree belt along the northern boundary however this area has been neglected. The proposals seeks to remove poor specimen trees but retain the mature trees and supplement them with new large trees and a belt of native tree and shrub mix. A key feature of this development as a whole is that there will be far more soft landscaping and planting on the site than is currently the case. The implementation of the landscape plan can be secured by condition and its future management protected with a clause in the Section 106 agreement.



#### 4.3.30 Environmental Matters

- 4.3.31 It is acknowledged that the Parish Council have raised concerns with regard to flooding and sewage capacity. In this regard the LPA has consulted with the appropriate flood authority and sewage authorities. The LLFA has stated that it has no objection on flood risk grounds. The LLFA has requested the attachment of conditions relating to the development being carried out in accordance with the submitted Flood Risk Assessment and an FRA maintenance plan.
- 4.3.32 Anglian Water have stated that the foul drainage from this development is in the catchment of the Hitchin Water Recycling Centre that will have capacity for flows from this development. They have requested that for connection to the foul sewage network a foul water strategy to be submitted and approved by the Local Planning Authority.
- 4.3.33 The application is accompanied by a preliminary ecological appraisal and bat mitigation strategy. The Council's ecological advisors agree that given the survey seasons a condition should be attached requiring a bat roost and emergence survey prior to the development commencing. Given the submitted reports and the suggested condition I consider that the nature conservation interests of the site have been properly considered and that the Council will have had regard to the Conservation of Habitats and Species Regulations 2010.
- 4.3.34 The site is adjacent to the busy A600 Bedford Road and Turnpike Lane and there is potential for noise disturbance to future residents. There are many residential properties that lie adjacent to the A600 within the vicinity of the site and having regard to this the Council's EHO is satisfied that a noise survey report condition, which will cover issues such as internal noise levels and mitigation measures, will be an acceptable method for dealing with this issue.
- 4.3.35 The site has been used for industrial purposes and as is usually the case with a change of use of such land for residential purposes a preliminary risk assessment will be required and is suggested as a condition. Paragraph 35 of the NPPF encourages the use of sustainable transport modes and requests that developments should where practicable 'incorporate facilities for charging plug-in and other ultra-low emission vehicles'. As such the Council's EHO has requested an electric vehicle infrastructure condition which I consider to be in accordance with the Governments aims to combat climate change.

#### 4.3.36 Affordable Housing

- 4.3.37 The proposed development is below the threshold at which the Council can seek affordable housing on site (Policy 29A of the Local Plan). However the Council is moving towards a revised affordable housing policy with Policy HS2 of the emerging local plan where a development of this size will require 35% of the dwellings to be affordable. The new local plan has yet to be submitted to the Secretary of State and the new policy will, as part of the new plan, have to be the subject of an Examination in Public later in 2017. Added to this is the uncertainty of need in Ickleford itself where there has been no housing needs survey of the parish that could inform housing strategy. Paragraph 216 of the NPPF allows decision makers to give weight to policies in emerging local plans and therefore officers have asked the applicants to make an affordable housing offer in recognition of the advanced stage of the new local plan policy.
- 4.3.38 As well as the affordable housing issue the development will be the subject of other matters and financial contributions towards various infrastructure services. The applicant has expressed concerns that the development may not be viable with affordable housing and other Section 106 contributions and submitted a viability assessment which sought to demonstrate that the development may not be deliverable with planning obligations. The applicants viability evidence has been examined by the Council's independent advisors who advised that *there is not*

sufficient evidence to suggest that the level of S106 and other affordable housing financial contributions being sought on this scheme would render the scheme unviable'. The applicants have disputed this and there is some uncertainty over various assumptions including the benchmark land value, sales values and profit margins. This has led to extended negotiations between the Council and the applicants however a successful outcome has been achieved whereby an off-site affordable housing contribution has been agreed. The NPPG advises that Local Planning Authorities take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

4.3.39 I set below the various Heads of Terms that have been agreed between officers and the applicants should Members be minded to grant permission.

Element	Detail and Justification	Condition/Section 106
Affordable Housing	<p>Off-site financial contribution in lieu of a 20% on site provision.</p> <p><b>Amount : £115,135.29</b></p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Draft Local Plan Policy HS2 'Affordable Housing'</p>	S106 obligation
Primary Education educations	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Ickleford Primary School. Amount before index linking: <b>£49,865.00</b></p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Secondary Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Hitchin Girls Secondary School from 5.5 form entry to 6.5 forms of entry. Amount before index linking: <b>£53,735.00</b> (this element is still under negotiation with HCC as to the legitimacy of seeking a full child yield contribution for an expansion of capacity for only one gender)</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Library Services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the enhancement of the adult fiction area (shelving &amp; stock) at Hitchin library. Amount before index</p>	S106 obligation

	<p>linking: <b>£3,839.00</b></p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	
Youth services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the training kitchen at Bancroft Youth Centre. Amount before index linking <b>£1,036</b></p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Sustainable Transport contributions	<p>Full contribution based on NHDC Planning Obligations SPD. To be spent on upgrading existing bus stops in the vicinity of the site. Amount before index linking: <b>£12,000</b></p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD</p>	S106 obligation
St. Katherines Church	<p>St. Katherines Church Room-for-all community project</p> <p>Contribution <b>£5,000</b></p> <p>North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021</p>	S106 obligation
Waste Collection & Recycling	<p>Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: <b>£1,349</b></p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD</p>	S106 obligation
Open space/Landscape buffer management and maintenance arrangements	<p>Private management company to secure the provision and long term maintenance of the open space/landscape buffer</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD</p>	S106 obligation

Fire Hydrants	Provision within the site in accordance with standard wording  Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit	Section 106 obligation
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#### 4.3.40 Sustainability

4.3.41 In terms of the three dimensions of achieving sustainability as identified in the NPPF I consider that in terms of the economic dimension the development would provide in the short term construction opportunities and thereafter increased activity in the servicing industry. Future occupiers of the dwellings would contribute to the local economy through increased expenditure in local shops, schools and businesses including those in the nearby Ickleford and Hitchin town centre. In terms of the social dimension the housing development would provide a mix of homes to meet the continuing needs of the community for high quality housing in sustainable locations and the development would assist in improving the social cohesion and connectivity of the area through improved footpath/cycleway access. The provision of an affordable housing contribution would also assist in contributing to wards inclusive communities. In relation to the environmental dimension I have set out above the reasons why the proposed development would not harm the character and appearance of the area and that there would be no adverse impact on flooding, ecological or residential amenity.

#### 4.4 Conclusion

4.4.1 Following lengthy negotiations between officers, the applicants and independent consultants I consider that the development proposals are acceptable on the basis that it represents a redevelopment of previously developed land and therefore is not inappropriate development and will not affect the openness of the Green Belt. Although in outline enough details have been submitted to demonstrate that this development will have a sufficiently high standard of environment and meet the sustainable development aspirations as set out in the NPPF. It will also provide much needed homes on a site which is deliverable and in a situation where the Council has still an undersupply of housing land. It will provide a range of house types and sizes and make a visual improvement to the site. The site will integrate well with the surrounding pattern of development and will, because of its location and access to services, promote sustainable transport choices. Overall I consider this development to be in accordance with local plan policies and the Framework as a whole.

### **5.0 Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

### **6.0 Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions and to the applicant entering into the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure and contributions as set out in the above Heads of Terms table (including final resolution of total secondary school contribution) and to the applicant agreeing any necessary extensions to the Statutory period to allow the

## completion of the S106 Obligation

6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of an absence of a completed Section 106 Obligation:

1. Before the development hereby permitted is commenced, approval of the details of the external appearance of the development (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

4. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

5. **Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.**

**Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.**

6. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles has been provided as identified on drawing number 1079-PL-100 revision PL3 within the curtilage of the site. The turning space should be free from any obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interest of highway safety.

7. The development shall not be brought into use until the existing access road has been widened to accommodate waste collection vehicles in current use as identified on drawing number 1079-PL-100 revision PL3.

Reason: In the interest of highway safety and amenity.

8. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

9. The gradient of the access shall not be steeper than 1 in 20 for at least the first 12 metres from the back edge of the footway.

Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

10. The access shall be 5.5 metres wide and the kerb radii shall be 6.0 metres that shall include a pedestrian link to Turnpike Lane complete with tactile feature.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

11. The access shall be constructed in a hard surfacing material for the first 12 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

12. Prior to use the access road shall include a surface water cut off drain at the back edge of the highway boundary.

Reason: To prevent excess water run off entering the highway system.

13. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic

Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

14. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Foundation works that affect traffic movement of existing residents;
- f. Access to electric substation/control building;
- g. Cleaning of site entrance and the adjacent public highways and,
  1. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

15. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A, B, C, D, E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

17. **(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology.
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

**Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.**

18. Prior to occupation, each of the residential properties with a garage or alternative dedicated car parking space immediately adjacent to a property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

19. Prior to the commencement of the development, the developer shall submit a scheme of sound insulation and noise control measures for the Council's written approval based on the findings of the dBx Acoustics Ltd report reference 16037, Ickleford Manor, R02 dated 24th June 2016 (Ickleford Manor Noise Impact Assessment). The approved scheme shall be fully implemented prior to first occupation and once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

**Reason: to protect the amenities of future residents.**

20. Prior to the commencement of the development hereby approved, (including demolition, ground works and vegetation clearance), follow-up roost characterisation surveys (i.e. dawn emergence/dusk re-entry surveys) should be undertaken during May - September (inclusive) to determine whether bats are roosting and should this be the case, the outline mitigation strategy should be modified as appropriate



**based on the results and then be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.**

**Reason: In the interests of wildlife conservation.**

21. **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding**

22. The footpath linkages to Bedford Road and Turnpike Lane, as shown on the submitted plans, shall be provided prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure the accessibility of the site and that the development is carried out in accordance with the submitted plans.

23. The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by PEP Civil and Structures Limited reference 451816 – PEP – 00 – XX – RP – D – 6200, dated 02/08/2016 submitted and the following mitigation measures detailed within the FRA:

- Implement appropriate drainage strategy based on infiltration.
- Undertake the drainage to include permeable paving and cellular crate soakaway as indicated on drawing title Proposed schematic drainage layout, issued 01/07/2016.
- Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

24. **No development shall take place until the Flood Risk Assessment has provided a detailed maintenance plan and evidence of ground conditions/underlying geology and infiltration. A drainage strategy based upon infiltration should provide infiltration tests upfront or provide an alternative scheme.**

**The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall also include:**

- 1. As a minimum the geology to be confirmed with permeability tests to establish at the outset the feasibility of the proposed drainage strategy. Tests should be conducted to BRE Digest 365 Standards and record the levels of ground water. If infiltration is not feasible then an alternate scheme based on attenuation should be provided.**
- 2. Confirmation of maintenance/adoption plan for all the SuDS that will be implemented. The maintenance/management plan should be consistent with the latest edition of the CIRIA SuDS manual, explain and follow the manufacturer's recommendations for maintenance. It should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure.**

**Reason: To ensure the feasibility of the scheme and its efficiency for its lifetime.**

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Planning Informatives:**

#### **Highway Informative:**

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact the HCC website <https://www.hertfordshire.gov.uk> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out. 2. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

## Ecological Informatives (as requested by Hertfordshire Ecology)

If **protected species**, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist.

- For **reptiles and amphibians**, caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Clearance of existing vegetation should be undertaken progressively towards boundaries.
- Trenches should have **escape ramps** to provide an escape opportunity for any animals that may have become trapped.
- Any **external lighting scheme** should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.
- **Soft landscaping** - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

## Environmental Health informatives:

### 3) EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

2) During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.