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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

THURSDAY, 1ST DECEMBER, 2022

ADDENDUM TO REPORT

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No	Item
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| 9. | <u>21/02796/FP 59 - 61 Walsworth Road, Hitchin, Hertfordshire, SG4 9SX</u>
(Pages 3 - 10) |
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REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of mixed use building comprising of 330sq.m commercial floor space at ground floor with 10 no. residential apartments at first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings.

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Department of Environment & Transport
and Sustainable Growth

Peter Bull
North Hertfordshire District Council
Council Offices
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SG6 3JF

Lead Local Flood Authority
Post Point CHN 215
Hertfordshire County Council
County Hall, Pegs Lane
HERTFORD SG13 8DN

Contact Sophie Taylor
Email FRMConsultations@hertfordshire.gov.uk

Date 17 November 2022

Dear Peter

RE: 21/02796/FP - 59-61 Walsworth Road, Hitchin, Hertfordshire, SG4 9SX

Thank you for re-consulting the LLFA on the above application for the Full Planning Permission for erection of mixed-use building comprising of 330sq.m commercial floor space at ground floor with 10 no. residential apartments at first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings at 59-61, Walsworth Road, Hitchin, Hertfordshire, SG4 9SX.

Our previous response dated 5 October 2022 confirmed that there are two remaining points of objection. Point 1 for the lack of a feasible connection into the proposed connection to the Anglian Water sewer in Walsworth Road and Point 5 for clarification of how all other impermeable areas would be managed and treated.

In response to this the applicant has provided an e-mail response to the LPA dated 28 October 2022. Based on the information provided in this e-mail we can confirm we are able to remove our objection to both points 1 and 5 contained in our previous response. Please find more detailed comments below.

Point 1 - viable means of discharge

Based on the CCTV and Manhole survey we are still concerned that connection to the proposed AW sewer which is supposed to be located in Walsworth Road may not be viable. The survey showed that both the existing foul and surface water sewers are not fit for purpose and neither of the surveys could be complete due to the poor condition and amount of debris contained within them. Based on the existing drainage layout drawing the existing sewers seem to flow in the direction to the rear of the site rather than towards Walsworth Road. We also understand from the applicant's e-mail, AW require their sewers to be upgraded prior to any connection from the new development can take place due to capacity issues.

If the applicant can demonstrate that there is no alternative option to connect into a different sewer as previously suggested and can confirm that AW are satisfied that once their sewers have been upgraded they permit a connection into Walsworth Road at 2l/s with a volume of 27m3, we will be in a position to remove our objection on point 1 and recommended a suitable condition ensuring the upgrade works are carried out prior to development taking place.

The applicant has explained that there is currently no access to the final onsite sewer chamber to confirm the existing connection point. The only way access can be gained is post demolition. We will therefore recommend an appropriate condition to ensure our concerns are addressed post demolition but prior to any commencement of new development. This also includes any upgrade required to the existing drainage system and AW sewer as required by AW. We would expect the applicant to still explore other options should the following survey find that the site is currently connected to an existing combined sewer. We will also require confirmation that AW can accept the proposed volumes and discharge rate as stated above. This is something that we would normally insist at planning application stage, however due to the lack of access to confirm the existing connection this is not possible.

Point 5 - impermeable areas

As previously requested in our letter dated 25 August 2022, please can the applicant confirm if the proposed access road and hardstanding to the rear will be levelled to drain into the permeable paving for treatment. If this is not the case, the applicant will need to explore other options to provide a treatment stage prior to discharge from the site. All engineering drawings and supporting calculations may need to be updated because of the above comments and re-submitted to the LPA for our consultation.

The applicant has confirmed that all impermeable areas will be directed to the proposed permeable paving car park areas. We will include this as part of an appropriate condition to ensure its implementation.

Based on our above comments we recommended the following conditions to the LPA should planning permission be granted:

Condition 1 - Compliance

The development permitted by this planning permission shall be carried out in accordance with the following documents;

- E-mail response dated 23 August 2022 from Nolan Associates
- E-mail response dated 28 October 2022 from Nolan Associates
- Drainage Strategy carried out by Nolan Associates dated March 2022 reference 2021-087 (we assume version 4)
- CCTV and Connectivity Survey dated 9 May 2022 carried out by Wrc
- Manhole Survey Report dated 27 May 2022 carried out by Wrc

and the following mitigation measures:

1. Provide minimum surface water attenuation volume of 27m³ 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 (40%) event.
2. Implement drainage strategy based on a tank and permeable paving for attenuation and treatment at a discharge rate of 2l/s into an existing surface water sewer (final details to be confirmed as part of a post demolition condition).
3. Provide water quality treatment using permeable paving on 10 parking bays where all the impermeable areas including the access road will be directed to the permeable paving for treatment prior to discharge.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 2 - Post Demolition/Pre-development

No development shall take place, apart from the demolition of the current building, until the final design of the drainage scheme is completed and is approved by the LPA. The surface water drainage system will be based on the following approved documentation:

- E-mail response dated 23 August 2022 from Nolan Associates
- E-mail response dated 28 October 2022 from Nolan Associates
- Drainage Strategy carried out by Nolan Associates dated March 2022 reference 2021-087 (we assume version 4)
- CCTV and Connectivity Survey dated 9 May 2022 carried out by Wrc
- Manhole Survey Report dated 27 May 2022 carried out by Wrc

The scheme shall also include:

1. Post demolition survey of the existing drainage system to confirm the existing connection into a sewer. Should the survey determine the connection is into an existing combined sewer, the applicant will need to demonstrate that they have considered other options where possible to connect into another surface water sewer.
2. Permission from Anglian Water to connect into their sewer including any required sewer upgrades due to capacity issues at the agreed rate of 2l/s.
3. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
4. Detailed engineered drawings of the tank and permeable paving parking areas. The drawing should also show proposed levels of how the access road and other hardstanding areas will drain into the permeable paved parking bays.

5. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
6. Provision of half drain down times for surface water drainage within 24 hours
7. Silt traps for protection for any residual tanked elements.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

Informative

For further guidance on HCC's SuDS policies, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpages:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>.

Please note if the LPA decide to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Yours sincerely

Sophie Taylor
SuDS and Watercourses Support Officer
Environment & Transport and Sustainable Growth

**Director of Environment &
Infrastructure: Mark Kemp**



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Hertfordshire County Council
Growth & Infrastructure Unit
Environment & Infrastructure Department
County Hall
Hertford
Hertfordshire
SG13 8DN

Respond to: growth@hertfordshire.gov.uk

28 October 2021

Dear Planning Officer

**Response by HCC's Growth & Infrastructure Unit to 21/02796/FP
59 - 61 Walsworth Road, Hitchin, Hertfordshire, SG4 9SX**

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **10 dwellings** we would seek financial contributions towards the following projects:

HOUSES			*
Number of bedrooms	A) Open Market	B) Affordable (Social Rent)	
1	0	0	
2	0	0	
3	0	0	
4+	0	0	
Total	0	0	

FLATS			†
Number of bedrooms	A) Open Market	B) Affordable (Social Rent)	
1	6	0	
2	4	0	
3	0	0	
4+	0	0	
Total	10	0	

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Primary Education towards the expansion of Oughton Primary School (£20,804 index linked to BCIS 1Q2020)

Secondary Education towards the expansion of The Priory School (£22,805 index linked to BCIS 1Q2020)

Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning Difficulty school (£2,260 index linked to BCIS 1Q2020)

Library Service towards increasing the capacity of Hitchin Library or its future re-provision (£616 index linked to BCIS 1Q2020)

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Yours faithfully

Terri Brooks
Growth & Infrastructure Officer

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