

NORTH HERTFORDSHIRE DISTRICT COUNCIL



02 July 2021

Our Ref Planning Control Committee/15 July 2021
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To: Members of the Committee: Ruth Brown (Chair), Sue Ngwala (Vice Chair), John Bishop, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Mike Rice, Terry Tyler and Tom Tyson

Substitutes: Councillors Simon Bloxham, Sam Collins, George Davies, Ian Mantle, Michael Muir, Carol Stanier and Kay Tart

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH**

On

THURSDAY, 15TH JULY, 2021 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p>2. MINUTES - 27 MAY 2021 To take as read and approve as a true record the minutes of the meeting of the Committee held on 27 May 2021.</p>	(Pages 5 - 14)
<p>3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>4. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>6. 19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD, AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Outline planning application for residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10-12-2020).</p>	(Pages 15 - 56)

7. **20/03018/FP LAND WEST OF, ROYSTON BYPASS, ROYSTON, HERTFORDSHIRE** (Pages 57 - 78)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
 Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works
8. **20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD** (Pages 79 - 104)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
 Residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received. 18.03.2021).
9. **21/00401/FP LAND AT IVEL COURT, RADBURN WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE** (Pages 105 - 124)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
 Residential development comprising of one five storey building providing 24 apartments (3 x 1-bed, 20 x 2-bed and 1 x 3-bed) with associated car parking, access and landscaping. (Additional plan received 04 May 2021)
10. **PLANNING APPEALS** (Pages 125 - 148)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERONON ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 27TH MAY, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: Ruth Brown (Chair), Councillor Sue Ngwala (Vice-Chair), Val Bryant, Morgan Derbyshire, Tony Hunter, David Levett, Ian Moody, Mike Rice, Terry Tyler, Tom Tyson, Ian Mantle (In place of Mike Hughson) and Michael Muir (In place of John Bishop)*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Tom Allington (Principal Planning Officer – Strategic Sites), Sam Dicocco (Senior Strategic Sites Officer), Matthew Hepburn (Committee, Member and Scrutiny Officer) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

Also Present: *William Edwards (Committee, Member and Scrutiny Officer) was present remotely. At the commencement of the meeting approximately 9 members of the public.*

1 APOLOGIES FOR ABSENCE

Audio Recording – 1 Minute 59 Seconds

Apologies for absence were received from Councillors Mike Hughson and John Bishop.

Having given due notice, Councillor Ian Mantle advised that he would be substituting for Councillor Mike Hughson and Councillor Michael Muir advised that he would be substituting for Councillor John Bishop.

2 MINUTES - 12 APRIL 2021 - 14 APRIL 2021

Audio Recording – 2 Minutes 14 Seconds

Councillor Ruth Brown proposed, Councillor Val Bryant seconded and it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 12 April 2021 and 14 April 2021 be approved as a true record of the proceedings and be signed by the Chair.

3 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 2 Minutes 45 Seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio Recording – 2 Minutes 51 Seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded and live streamed on YouTube;
- (3) 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;
- (4) To clarify matters for the registered speakers, the Chair advised that members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applied to Member Advocates.

The Chair advised that for item 6, the speaking time had been increased to 10 minutes per group.

5 PUBLIC PARTICIPATION

Audio Recording – 4 Minutes 23 Seconds

The Committee, Member and Scrutiny Officer confirmed that the registered speakers were present.

6 19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD AND, CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE

Audio Recording – 4 Minutes 41 Seconds

Outline planning application for residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10-12-2020)

Councillor Michael Muir advised that he was a Hertfordshire County Councillor. However, he had not had any input at County level on this application nor had the application gone before the County's Development Control Committee. Having sought advice from the Legal Advisor, he would remain in the room and take part in the debate and vote of the item.

Councillor Morgan Derbyshire exercised his Councillor Speaking Right and did not take part in the debate and vote.

The Senior Strategic Sites Officer presented the report in respect of application 19/00520/OP supported by a visual presentation consisting of photographs and plans.

The Officer advised that Plan No: ST-2571-20 was to be removed as it was no longer required.

The following Members asked questions of the Officer in relation to the site area and access.

The Officer responded to questions raised.

The Chair invited Ms Lisa Wallman and Mr Nathan Hanks to address the Committee in objection to the application, including:

- There had been no written response regarding this site from the Council's Conservation Officer;
- There were alternative options for the access;
- The lane was 3.8 metres wide which was too narrow. Vehicles were not able to pass each other, causing them to mount the verge;
- This development would increase vehicle movement between the hours of 8am and 9am, which would have an impact on parents and children walking to school;
- Pedestrians and vehicles would be sharing the same space;
- There would be harm to the heritage buildings, a loss of trees and a negative impact on the environment;
- There were safety concerns for other users such as cyclists;
- The lane was not designed for heavy traffic; and
- Lots of pedestrians used the lane and they required safe access.

The Chair invited Councillors Daniel Allen and Simon Bloxham, Member Advocates, who were sharing the allotted 10-minute speaking time, to address the Committee in objection to the application.

Councillor Daniel Allen addressed the Committee first, including:

- Access to the development was unsafe;
- Croft Lane was too narrow;
- The lane width had caused problems for the emergency services in the past, preventing them from driving down it;
- Vehicles have been mounting the verge;
- There would be an increase in larger vehicles using the lane such as delivery vans; and
- There was no traffic management plan in place.

The Chair invited Councillor Simon Bloxham to address the Committee, including:

- Hertfordshire County Council were not initially aware of the highway's issues. However, as soon as the Leader and Cabinet were made aware, they agreed to remove the sale of the land from the Cabinet agenda for the site to be fully reviewed; and
- The site was unsuitable.

The following Member asked a question of Councillor Daniel Allen:

- Councillor Sue Ngwala.

In response, Councillor Allen advised that:

- The development would have an impact on biodiversity;
- The grass was mowed regularly by the County Council which also impacted upon biodiversity in the area; and
- Trees would need to be removed during the construction of this development.

The Chair invited Ms Claire Newbury and Mr Simon Young, who were sharing the 10-minute allotted speaking time, to address the Committee in support of the application, including:

- The site was located in the emerging local plan;

- The impact on the heritage assessment concluded that there was a neutral contribution to the conservation area;
- There would be no harm to heritage buildings or the conservation area;
- The site would deliver 40% affordable housing;
- There would be open space available to residents for leisure and recreation use which would be a net-gain in terms of biodiversity;
- Results of a traffic survey carried out showed that there was 1 vehicle every 2 minutes during peak times and speeds were below 30mph;
- There had been no objection to the site from Hertfordshire County Council or North Herts District Council on grounds of safety;
- The access was reviewed and amended; no objections had been raised in relation to the new amendment; and
- The current solution took on board advice from the County and District Council.

The following Members asked questions of Ms Newbury and Mr Young:

- Councillor Sue Ngwala; and
- Councillor David Levett.

In response to questions, Ms Newbury advised that:

- The detailed design could be considered in the reserve matters stage in order to assess whether 42 dwellings was appropriate; and
- There would be only 11 dwellings per hectares which was low in terms of the Council's guidance.

In response to points raised, the Officer provided the following advice:

- Scale was a reserve matter;
- The housing mix was indicative;
- The heritage impact was looked at;
- The County Council were available at the last Committee dealing with the application. However, they were no Officers available this evening; and
- 142 bedrooms was the upper limit.

Once the Officer had concluded, the Chair opened the floor to debate.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Sue Ngwala;
- Councillor Ian Mantle;
- Councillor Mike Rice;
- Councillor Tony Hunter; and
- Councillor Michael Muir.

It was brought to the attention of the Chair that Councillor Morgan Derbyshire had registered to speak as a Member Advocate on this application (19/00520/OP) at the Planning Control Committee on 12 April 2021. For this reason, he would not be allowed to take part in the debate or vote.

The Chair called upon the Legal Advisor to assist in how the issue should be dealt with now that Councillor Derbyshire had already sat in on part of the debate.

The Legal Advisor recommended that Councillor Derbyshire exercise his Councillor's Speaking Right in accordance with 1.3 of Appendix 2 to Section 8 of the Constitution. The Legal Advisor asked Councillor Derbyshire to speak and then move to the public gallery for the duration of the item.

Councillor Derbyshire did not vote on the item and after exercising his speaking right, he moved to the public gallery.

Points and comments raised in the debate included:

- The total number of bedrooms was 145. This should be 119 bedrooms;
- There was still harm on the heritage and conservation area despite the 'less than substantial harm';
- The housing mix would have an impact on traffic movements;
- The access was poor;
- It was not acceptable to drive through a conservation area;
- Harm arose from the access; and
- Residents would not have access to public transport.

Councillor Tony Hunter proposed to defer the application until Hertfordshire Highways could attend to respond to questions raised regarding the safe use of the surrounding residential streets. The proposal to defer was seconded by Councillor Terry Tyler.

Councillor Michael Muir proposed to refuse planning permission on grounds of highways safety. Councillor Sue Ngwala seconded the proposal to refuse.

The Development and Conservation Manager provided some advice on the grounds that the application could be deferred or refused.

The Chair asked the proposal to defer be put to the vote.

Having been proposed by Councillor Tony Hunter, seconded by Terry Tyler, the deferment was voted upon and:

RESOLVED: That application 19/00520/OP be **DEFERRED** so that Hertfordshire Highways could attend a future committee meeting to answer questions in respect to the impact on the safe use of surrounding residential streets.

NB: There was a break at 20.52. The meeting resumed at 21.01.

7 21/00290/FP KNEB WORTH ESTATE, KNEB WORTH PARK, OLD KNEB WORTH, KNEB WORTH, HERTFORDSHIRE, SG3 6PY

Audio Recording – 1 Hour 32 Minutes 37 Seconds

Temporary use of land for film making with associated temporary set and supporting facilities vehicles, access, parking and storage for 23 weeks alongside the temporary removal of part of an existing bund.

The Senior Strategic Sites Officer presented the report in respect of application 21/00290/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions of the Officer:

- Councillor Ian Moody; and
- Councillor Mike Rice.

The Officer responded to questions raised.

Councillor Morgan Derbyshire proposed that planning permission be granted which was seconded by Councillor David Levett.

It was voted upon and:

RESOLVED: That application 21/00290/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

8 20/03072/S73 THE GABLES, HIGH STREET, BARLEY, ROYSTON, HERTFORDSHIRE, SG8 8HY

Audio Recording – 1 Hour 42 Minutes 30 Seconds

Relating to Application 18/03349/S73 granted on 15/03/2019 - Variation of Condition 2 (Approved Plans) to facilitate relocation of parking at plots 5 and 6, change of external material at plot 5 and variations to the dwelling type, scale and appearance of plots 3 and 8.

The Principal Planning Officer – Strategic Site resented the report in respect of application 20/03072/S73 supported by a visual presentation consisting of photographs and plan.

The Principal Planning Officer – Strategic Site provided an update as follows:

- Two non-material amendments had been received. The first amendment was regarding the change of the bulk and scale of plot 3. The second amendment was in relation to plot 8, the proposals of which were being heard at the meeting.

The following Member asked questions of the Officer:

- Councillor David Levett.

In response, the Officer provided an overview of the site history.

Mr Samuel Bampton and Mr Robert Prosser, thanked the Chair for the opportunity to address the Committee in support of the application, including:

Mr Bampton addressed the Committee first:

- There was no additional heritage harm from the proposals;
- Self-build homes added greater benefit than general market housing;
- An appeal had been submitted for non-determination;
- No written comments had been received from the Council's Conservation Officer;
- There would a new car park for the doctor's surgery;
- The scheme was being delivered in two phases;

- A sub-station was being relocated;
- Plots 3-8 had been re-designed to meet requirements of purchasers;
- The height of plot 3 was lower;
- Plot 8 had been re-designed to make it more suitable for the conservation area;
- There were no objections from the public or parish council; and
- The planning balance weighed in favour of the proposal.

Mr Prosser address the Committee:

- A self-build house allowed them to design a home that suited their requirements such as homeworking and caring for parents.

The following Members asked questions of the speakers:

- Councillor Mike Rice; and
- Councillor David Levett.

In response to questions raised, Mr Bampton responded as follows:

- The original proposal came in as normal residential/conventional scheme;
- Self-build was defined as housing designed for the intended end user;
- Delivery of their self-build had evolved; and
- The house on plot 3 was an entirely new and unique design that would suit the user's requirements.

The Officer responded to points raised, including:

- The original proposal was for 6 market houses and 2 affordable units.

The following Members took part in the debate:

- Councillor David Levett; and
- Councillor Tony Hunter.

Councillor David Levett proposed to refuse planning permission. The proposal to refuse was seconded by Councillor Tony Hunter.

It was voted upon and:

RESOLVED: That had the Committee determined planning application 18/01622/FP it would have resolved to **REFUSE** planning permission for the following reason and therefore wishes to contest the appeal ref. APP/X1925/W/21/3271157:

The principle of residential development on this site would harm the character and appearance of the Barley Conservation Area as it would result in the loss of the existing open land which represents a transitional area from the village fringe to the rural countryside and which commands an important role in providing the rural setting of the Barley Conservation Area.

The proposal would therefore harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building. The in-principle harm would be further exacerbated by the excessive scale, bulk and massing of both Plot 3 and Plot 8 hereby proposed, which would be at odds with the semi-rural, edge-of- village context and which would fail to provide a cohesive appearance and form of development. Although the degree of harm is considered to be less than substantial, the public benefits of the proposal do not outweigh the harm that has been identified and which has been afforded significant weight. As a consequence the proposed development is contrary to Policies 6 and 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policies SP5, SP9, SP13, D1, CGB1 and HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 as Modified and Sections 12 and 16 and paragraph 130 of the National Planning Policy Framework 2018.

9 20/03070/FP LAND DEVELOPMENT SITE OFF, STATION ROAD, ASHWELL, HERTFORDSHIRE

Audio Recording – 2 hours 8 Minutes 30 Seconds

Residential development of 28 no. dwellings and landscaping including pond, wildflower meadow and woodland and associated infrastructure.

The Development and Conservation Manager presented the report in respect of application 20/03070/FP supported by a visual presentation consisting of photographs and plans.

Mr Graham Lee, Chair of Ashwell Parish Council, thanked the Chair for the opportunity to address the Committee in objection, including:

- The Parish Council had considered the application in February 2021;
- The Parish Council concluded that the application should be refused;
- The development would have a negative impact on the character of the countryside;
- The development was beyond the settlement boundary;
- The development would be visible from various places in the village;
- The local school was already close to capacity and this development would exacerbate the problem; and
- The need for this development had not been demonstrated.

The following Members took part in the debate:

- Councillor Morgan Derbyshire;
- Councillor Tom Tyson;
- Councillor Tony Hunter;
- Councillor David Levett; and
- Councillor Ian Mantle

Points raised were as follows:

- The social housing had not been integrated;
- The layout and location of the development was wrong; and
- The development did not enhance the natural beauty of the area.

Councillor Morgan Derbyshire proposed to refuse planning permission. The proposal was seconded by Councillor Tom Tyson.

It was voted upon and:

RESOLVED: That application 20/03070/FP be **REFUSED** planning permission as per the reasons contained in the report of the Development and Conservation Manager.

10 PLANNING APPEALS

Audio Recording – 2 Hours 24 Minutes 18 Seconds

The Development and Conservation Manager presented the report entitled Planning Appeals.

The Officer advised that a public inquiry was taking place from 3 – 10 August 2021 in relation to the Land South of Heath Lane, Codicote. However, the Council were lobbying for the date to be moved so that it takes place after the Inspector's report on the Local Plan.

RESOLVED: That the report entitled Planning Appeals be noted.

REASON FOR DECISION: To keep the Planning Committee apprised of planning appeals lodged and planning appeal decisions.

The meeting closed at 9.56 pm

Chair

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<u>Location:</u>	Land Between Croft Lane Norton Road And Cashio Lane Letchworth Garden City Hertfordshire
<u>Applicant:</u>	Ms Ailsa Davies
<u>Proposal:</u>	Outline planning application for residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10- 12-2020).
<u>Ref. No:</u>	19/00520/OP
<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 05/06/2019

Submitted Plan Nos: ST-2571-18B; ST-2571-21A; ST-2571-22; TCP 9363 04 01A; 5182-002A; 5182-001A.

Extension of statutory period: 26/03/2021

Reason for referral to Committee: The development is residential development with a site area of 0.5 hectares or greater (3.7 hectares)

1.0 **Relevant History**

1.1 17/00933/1PRE - Pre-app advice for Outline Planning Application: Residential development of up to 39 dwellings – Advice given.

2.0 **Policies**

2.1 **North Hertfordshire Local Plan No.2 with Alterations**

Policy 8:	Development in Towns
Policy 21:	Landscape and Open Space Patterns in Towns
Policy 26:	Housing Proposals
Policy 29A:	Affordable Housing for Urban Local Needs
Policy 51:	Development Effects and Planning Gain
Policy 55:	Car Parking Standards
Policy 57:	Residential Guidelines and Standards
Policy 58:	Letchworth Garden City Design Principles

2.2 National Planning Policy Framework

SECT 5	Delivering a sufficient supply of homes
SECT 9	Promoting sustainable transport
SECT11	Making effective use of land
SECT12	Achieving well-designed places
SECT 16	Conserving and enhancing the historic environment

2.3 Supplementary Planning Documents

Design Supplementary Planning Document
Vehicle Parking at New Developments
Guidance for Planning Obligations Supplementary Planning Document

2.4 North Hertfordshire Draft Local Plan 2011-2031

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan was published on 19th November 2018. The modifications were considered by the Councils Cabinet on 10th December, were-in the progress of the new Local Plan was noted, the range of additional documentation produced for the Examination to date under the delegated powers granted by Full Council on 11 April 2017 was noted and endorsed, and approval was granted to conduct a six-week consultation on the Inspector's proposed Main Modifications to the Plan, to include consultation on the associated sustainability appraisal as well as relevant additional documentation. The consultation on the main modifications ended 11 April 2019. Inspector letters were received and responded to in the months July through to December 2019. Hearings were scheduled for March 2020 in a letter dated January 2020, with matters, issues and questions specified. These hearings were rescheduled and ended in February 2021. Main modifications resultant from the most recent round of hearings are being produced, and will be consulted on as soon as is possible. No further hearings are considered likely. Any matters raised as a result of the consultation to take place will likely be considered under written representations.

The policies of relevance in this instance are as follows:

Section 2: Spatial Strategy and Strategic Policies

SP1:	Sustainable development in North Hertfordshire
SP2:	Settlement Hierarchy
SP6:	Sustainable transport
SP7:	Infrastructure requirements and developer contributions
SP8:	Housing
SP9:	Design and sustainability
SP10:	Healthy communities
SP13:	Historic environment

Section 3: Development Management Policies

T1:	Assessment of transport matters
T2:	Parking
HS1:	Local Housing Allocations
HS2:	Affordable housing
HS3:	Housing mix
HS5:	Accessible and adaptable housing
D1:	Sustainable design
D3:	Protecting living conditions
D4:	Air quality
HE1:	Designated heritage assets
HC1:	Community facilities
NE4:	Protecting publically accessible open space
NE7:	Reducing flood risk
NE8:	Sustainable drainage systems
NE11:	Contaminated land

Section 4: Communities

LG10: Land north of former Norton School, Norton Road – dwelling estimate 37

3.0 **Representations**

3.1	Site Notices:	15/03/2019	Expiry:	14/04/2019
		15/06/2020		15/07/2020
	Press Notice:	21/03/2019	Expiry:	13/04/2019
		25/06/2020		18/07/2020

Consultee responses

Anglian Water – No objection subject to drainage works pre-commencement condition – 15/04/2019 – No objection subject to inclusion of Flood Risk Assessment document being included in the list of approved plans/documents – 14/01/2021.

Archaeology – No objection subject to conditions 10/04/2019 – No change in comments 06/07/2020

Area Highways – Interim comments on Travel Plan 05/04/2019 - Objection based on insufficient width of carriageway; poor pedestrian access across the site; incorrect information on the visibility splay – 24/06/2019 - No objection subject to conditions and obligations 21/08/2020 – Further no objection subject to conditions and obligations 26/03/2021

Countryside and Rights of Way – No comments 20/03/2019

Environmental Health Contaminated Land – No objection subject to conditions - 19/03/2019

Environmental Health Noise – No objection or comments 19/06/2020 – No objections or comments 04/02/2021.

Growth and Infrastructure – No objection subject to obligations 21/05/2019 – No objection subject to obligations 03/07/2020 – No objection subject to contributions 29/01/2021

Hertfordshire Ecology – No objection subject to informatives and conditions – 07/07/2019 – No objection subject to informatives and conditions 17/08/2020.

Hertfordshire Fire and Rescue Services – No objection subject to obligation - 03/04/2019

Herts and Middlesex Wildlife Trust – Objection does not demonstrate measurable net gain to biodiversity 25/04/2019.

Historic England – No comments 03/04/2019 – No comments 19/06/2020

Housing Supply Officer - Suggested affordable housing mix of 6 x 2 bed houses; 4 x 3 bed houses and 1 x 4 bed house for rent and 2 x 2 bed houses; 3 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure, to meet housing need 02/04/2019 – Same response 23/06/2020 – Same response 28/01/2021.

Landscape and Urban Design Officer – Detailed comments provided, more relevant to future reserved matters 02/04/2019 – Further details required for impact on Trees 25/06/2020

Lead Local Flood Authority – No objection subject to planning conditions 02/04/2019 – Objection based on insufficient information 06/07/2020 - Objection based on insufficient information 12/02/2021 – No objection subject to conditions 22/03/2021.

Letchworth Garden City Heritage Foundation – Objections raised in respect to access, construction traffic, residential amenity, layout and community engagement 17/04/2019 – No change in objection 14/07/2020 – Would further object to loss of trees along Croft Lane 04/11/2020 - No change in objection 20/01/2021

Minerals and Waste Authority – No objection subject to conditions

Senior Conservation Officer – No written comments provided. The Senior Conservation Officer has been present and involved in the negotiation of the access details following the issuing of written comments in respect to the pre-application advice previously issued by the Council. A surgery was held with the Senior Conservation Officer on 07/05/2021 in which the view that the proposed access and wider development would result in less than substantial harm to the significance of heritage assets was agreed.

Sport England – Objection based on lack of financial contribution towards playing field mitigation 29/03/2019 – No change 16/06/2020 – No change 19/01/2021

Waste and Recycling – Comments on waste and suggested conditions 29/03/2019 – Further comments on accessibility for waste 25/06/2020 – Full details of waste collection required in future applications 09/02/2021.

Neighbour representations

129 neighbour representations have been received from premises adjoining and surrounding the site. All are objections. The representations are summarised, cumulatively, below. It is noted that the below is a brief summary. All responses have been read in full multiple times, and members are encouraged to review the neighbour responses in full at their leisure.

Green space should be preserved for the original use
Access issues around health and safety inc. construction traffic, RSA insufficiencies, Croft Lane road widths
Character impact of the development on the original garden city plan and street scene of Croft Lane as a Conservation Area
Local plan says 37 units, application up to 42 units, Transport Assessment up to 50 units
Issues with the application form
Issues with the Transport Assessment (inc. conflict between access and construction access)
Comparisons in Herts Highways approach between this site and Echo Hill, Royston and Netherfield Lane, Stanstead Abbots
Displeasure at Herts Highways “U-turn”
Restrictive covenant
Compulsory purchase of a Norton Road house for alternative access
All members should visit Croft Lane prior to making the decision
Scale at up to 42 units too large to fit surrounding context
Structural damage to listed buildings adjoining the access
Too many executive homes
Ecological and wildlife habitat issues inc. newts, foxes, a heron, red kites, muntjack deer, newts, sparrow hawks, common toads, bats
Pedestrian and cyclist access onto Cashio Lane will exacerbate parking issues on the Lane and other off-site parking concerns
Impact of the Croft Lane localised widening on trees (especially the Horse Chestnut opposite)
Revised plans still dated 2017
Cashio Lane access could be used for vehicular access and egress as it is 8.2m wide
Insufficient capacity of local schools and GPs
Privacy and overlooking

Norton Action Group (NAG) have provided independent technical notes on transport from Transport Planning Associates and Arboricultural Impact Assessments. Furthermore, NAG have provided independent objections on Air Quality and Disability

Discrimination, as well as general objections which tend to follow the summary of other neighbour responses above.

Late representations received in advance of the previous planning committee in April from which this item was deferred have been reviewed. They follow the above summary of previous objections.

Re-notification took place on the additional information submitted to the Council in respect to access options which have been ruled out. At the time of writing this report, no substantive responses have been received. Any responses will be forwarded to committee members as a list of late representations as soon as possible prior to the committee meeting.

4.0 **Planning Considerations**

4.0.1 **Preliminary matters**

4.0.1.1 Members will be aware that this matter has been presented to committee in full detail on 27th May 2021, wherein members resolved to defer the decision so that *“Hertfordshire Highways could attend to answer questions in respect to the impact of the access on the safe use of surrounding residential streets”* (taken from draft minutes). The applicant has taken this opportunity to provide additional formal submissions detailing the design process and decisions taken in respect access arrangements. These documents include an access options plan, an options report and an options briefing note.

4.0.1.2 Whilst this information is of assistance in terms of providing members and members of the public alike an insight into the design process, it does not alter the considerations presented in the previous report, and the report below is identical to that previously presented to members. I will add that determining planning applications often requires a balancing of conflicting policy objectives. For the reasons given in the following report, which are supported by the additional information submitted by the applicants, the proposed development represents the best balance of the local plan policy requirements.

4.1 **Site and Surroundings**

4.1.1 The site lies within the settlement of Letchworth Garden City and an area of Landscape and Open Space Pattern as specified in the Saved Local Plan. The part of the site containing the proposed vehicular access lies within Croft Lane Conservation Area. The site forming the playing field, in which the proposed dwellings would be located, is immediately on the south boundary of Croft Lane Conservation Area. There are Listed Buildings nearby and adjoining the site, including (Norton Grange Farmhouse - Grade II, The Three Gables - Grade II, Treetops – Grade II, Thatches – Grade II, Norton Edge – Grade II, Paynes Farmhouse – Grade II, Croft Corner – Grade II, The White Cottage – Grade II and 5 and 7 Croft Lane – Grade II). The site contains two buildings formally utilised in association with the vacant former playing field. The site is largely flat in terms of topography.

- 4.1.2 The sites surroundings are residential in nature. The surrounding buildings are large, detached dwellings set on spacious plots with large rear gardens. The surrounding area is mixed in character, with some notably important buildings including those listed above.

Heritage Appraisal

- 4.1.3 Wood Environment & Infrastructure Solutions UK Limited were instructed by North Hertfordshire District Council to undertake a Conservation Area Character Statement for Croft Lane Conservation Area. Relevant parts of the Character Statement are quoted below (paragraphs 4.1.4 to 4.1.7) to frame an assessment of the contribution of the site to the significance of, and setting of, the Conservation Area.
- 4.1.4 Croft Lane is historically part of the village of Norton and its two large farm buildings remain as evidence of the area's rural past. Croft Lane was developed as a residential street from around 1905 onwards, though is notably occupied by larger villa type houses than are seen in the surrounding residential streets. Since the principal phase of development between around 1905 and 1911, other plots have been filled with houses of a similar scale and the east end of Croft Lane appears to have been developed more recently, towards the end of the 20th century.
- 4.1.5 Norton Grange Farmhouse (NHLE 1102027), Paynes Farmhouse (NHLE 1174144) and Thatches (NHLE 1347675), of the 17th, 18th and 18th centuries respectively, are the three timber buildings within the Conservation Area, the former two being sat opposite each other on Croft Lane as part of U-shaped farm complexes, each with farmland behind. The Three Gables (1907) (NHLE 1295871) and Croft Corner (1911) (NHLE 1102026) were both designed by Cecil Hignett, famously the architect of The Spirella Building in Letchworth, the former for his own occupation. The former is in roughcast brick with thatched roof with eyebrow dormers and casement windows throughout.
- 4.1.6 All of the buildings in the Conservation Area are set back from the road behind gardens which are themselves separated from the road by tall hedges and other planting, creating a secluded feel from the roadside and presumably also within individual properties.
- 4.1.7 There are noticeably more street trees west of Paynes and Norton Grange farmhouses and this locates the more enclosed-feeling part of the Conservation Area to this part of it, i.e. around the earlier 20th century buildings. There is a pavement on the south side of Croft Lane which has, for the most part, a grass verge between it and the road. The kerbs here are stone.
- 4.1.8 The special interest of Croft Lane Conservation Area lies in its connection to the foundation of Letchworth Garden City and it hosting a series of significant buildings by key Letchworth Garden City architects, Parker & Unwin, Cecil Hignett and Geoffry Lucas. Due to planting in front of almost all properties in the Conservation Area, long views are almost entirely absent and it retains something of a rural feel, despite being almost entirely surrounded by suburban residential streets of Letchworth Garden City.

- 4.1.9 Croft Lanes significance is considered to lie within its historical development. The Lane served few farm buildings and a single dwelling on the edge of Norton prior to the development of Letchworth Garden City. Parts of the Lane were filled in the early part of the development of Letchworth Garden City, and later infilled with more modern dwellings. All dwellings detached, of similar sizes, and set back from the land with verdant frontages, maintaining a relatively rural feel considering the sites edge of settlement wider context.
- 4.1.10 The setting of the Conservation Area is mixed, with agrarian feel to the north, and recently (in built form context) developed residential land to the south. Historically, the area hosted two farm buildings in a U formation either side of the Lane. Part of the significance of the Conservation Area lies in how it has been developed to form the edge of Letchworth Garden City. Given the later development of the area, the significance of the Conservation Area partially lies within the very confined interrelation of houses and the streets lack of long views either through or out of it. The setting of the Conservation Area, by reason of the Lanes confined nature, has a limited contribution to the significance of the heritage asset.

Sites contribution to significance of the heritage assets

- 4.1.11 The site subject to this application contains some buildings which fall within the Conservation Area. The smaller building on the west edge of the site has no architectural merit and does not contribute to the significance of the Conservation Area. The larger building, to the east edge of the site, hosts some architectural merit and seemingly has some historic association with Norton Grange Farmhouse. These buildings are set back from Croft Lane, do not address Croft Lane, and are screened to some extent by the verdant frontage of the site to Croft Lane. These buildings are currently marked as being retained, and in respect to the larger building to the east of the site, this retention is of merit. There is one small access point wide enough for vehicular access, with a small dropped kerb and hard surfacing leading to the site's boundary. Beyond this, the site is green and open, laid to grass, with some trees growing within the part of the site within the Conservation Area.
- 4.1.12 The wider site, outside of the Conservation Area, is laid to grass, with no current functional use. The site is bounded by the rear boundary treatments of dwellings which encompass the site. The site boundaries are largely verdant, with mature trees and hedging.
- 4.1.13 It is considered that the part of the site which lies within the Conservation Area does contribute to the heritage assets significance. This significance is formed from the site's openness, and its exception from historic infill development between historic buildings on the Lane. Further contribution to significance is derived from the sites open and verdant presentation to the street, with hedging and trees.
- 4.1.14 The wider site is open in its nature. Notwithstanding this, by reason of the confined nature of the Conservation Area, alongside the site positioning to the south and

surrounding residential development, the site openness only has a limited contribution to the significance of the heritage asset.

- 4.1.15 It is noted that the site is bounded by some Listed Buildings, as described above. These Listed Buildings have varying significances and historic and architectural interest.
- 4.1.16 The farm buildings and Thatches reveal the history of Croft Lane before the development of Letchworth Garden City. Paynes Farmhouse retains some of its historic agricultural setting on the north side of Croft Lane. Given the separation distance and agrarian setting derived from the north side of Paynes Farmhouse, it is not considered that the site contributes to the setting of Paynes Farmhouse.
- 4.1.17 Whilst historically, the site would have formed part of the setting of Norton Grange Farmhouse, the openness of the surroundings have been significantly degraded over time. The sites current contribution to the significance of Norton Grange Farmhouse as part of its setting is considered limited by the changes in character and function of the listed building itself and its surroundings over time. It is not considered that the site contributes to the significance of Thatches as the other pre-Garden City listed building adjacent to the site.
- 4.1.18 The other listed buildings which directly adjoin the site are Treetops and The Three Gables. These buildings are self-evidently architecturally significant, and historically significant in that they were designed by prominent Garden City architects, and form part of the history of Letchworth Garden City. Pursuant to this, it is not considered that the open, playing field, nature of the area to the rear of these properties contributes to the historic significance of these heritage assets.
- 4.1.19 In addition to the listed buildings, the following adjoining premises are registered as Buildings of Local Interest –

46 Norton Road.

1906. Designed by Parker and Unwin. A simple square house with large steeply pitched roof with weatherboarded infill. The front elevation has a broad veranda with hipped roof. The building is designed by notable architects and is of particular local and historic interest.

54 and 56 Norton Road.

1906. Geoffrey Lucas. The building has a complex multi-gabled roof and is well designed with high quality chimney detailing. The building is designed by notable architects and is of particular local and historic interest.

68 Norton Road.

1911. Designed by Bennett and Bidwell to a high architectural standard, in the vernacular style characteristic of Letchworth. The building is designed by notable architects and is of particular local and historic interest.

4.1.20 Furthermore, the Letchworth Garden City Heritage Foundation has prepared a list of 'Homes of Special Interest' (hereafter referred to as HSI's). Of pertinence to properties adjacent to the site, and not already a designated heritage asset (i.e. part of the Conservation Area, are –

Norton Road

52, 54, 56, 66, and 68.

4.1.21 These adjacent non-designated heritage assets, are of notable architectural interest, historical value, retained original features or forming part of the town and country ethos of the Garden City. Notwithstanding this, it is not considered that these notable features are materially influenced by the sites currently open nature. The development of the site will not impinge upon the features from which these non-designated heritage assets derive their value.

4.2 Proposal

4.2.1 The application seeks outline planning permission for the erection of up to 42 residential dwellings within the site with all matters reserved save means of access. All plans are indicative save those which depict means of access.

4.3 Key Issues

Preliminary matters

4.3.1 The application is for outline planning permission with all matters reserved save means of access. The matters reserved for future consideration are internal access, appearance, scale, landscaping and layout. Whilst these matters are reserved for later consideration, some indicative details have been received to assist in deciding this application. The considerations of internal access, appearance, scale, landscaping and layout remain relevant, however, only to the extent that the site may be capable of accommodating the proposed development in the context of these considerations.

Principle

4.3.2 The site lies within a Landscape and Open Space Pattern area as allocated by the Saved Local Plan (SLP). In accordance with policy 21 of the Saved Local Plan, the Council would normally refuse development proposals which would have a significant impact on the character, form, extent and structure of the pattern. Further to this, and only where the development achieves the initial test, the policy requires development to retain the pattern through appropriate landscape and open space provision and quality of design; manage appropriate land for open spaces; encourage positive use and management of formal and informal recreation; and encourage small scale environmental improvements.

- 4.3.3 Whilst some flexibility is built into this policy, through the word 'normally', it cannot be said that the proposed development would not have an impact on the character, form, extent and structure of the pattern of the site as a designated landscape and open space. The proposal thereby conflicts with the aims of policy 21 of the SLP.
- 4.3.4 The proposed development of the site is supported by policy 8 of the SLP by being positioned within the settlement of Letchworth, where development needs of the District are directed. The site is within a Residential Area and thereby supported by policy 26 of the SLP, subject to an assessment on the impact on the environment and character of the existing area. An assessment of this part of policy 26, as well as policy 57, proportionate to the outline nature of this proposal, is set out later within this report. The proposal would provide affordable housing in excess of that required by policy 29A of the SLP.
- 4.3.5 The 2011-2031 Local Plan Proposed Submission (Emerging Local Plan (ELP)) has been submitted to the Secretary of State and is progressed as described in paragraph 2.4 of this report.
- 4.3.6 The site is identified as a proposed Local Housing Allocation under the provisions draft Policy HS1 as LG10. Paragraph 48 of the National Planning Policy Framework (NPPF) provides advice on weight which might be given to emerging policy having regard to:
- a. The stage of preparation the plan has reached;*
 - b. The extent of unresolved objections; and*
 - c. The extent to which the proposed new policies are consistent with the NPPF.*
- 4.3.7 The plan is well advanced, with the issuing of modifications and subsequent multiple hearings. No further hearings or unresolved objections are considered outstanding on those matters, issues and questions would not impact the sites allocation. The issued modifications considered representations made against the plan and resolve such issues. Allocation LG10 has been modified to remove the requirement for re-provision of the loss of open space as the site is not open to the public. The modification has not been raised as an issue beyond written representations. The modification is subject to an objection from Sports England. It is considered that the policies within the ELP which the site would rely upon for any support are consistent with the NPPF.
- 4.3.8 The site is allocated in policy HS1 as LG10, for the provision of an estimated 37 homes. The policy stipulates that the development hosts appropriate access arrangements to minimise impact upon heritage assets; sensitive design and lower density development to minimise harm to the Croft Lane Conservation Area and setting of the Grade II Listed Buildings along Cashio Lane, Croft Lane and Norton Road; and to provide an archaeological survey prior to development. These matters are considered later within this report, in line with specific professional advice sought from consultees, however, the principle of residential development of the site draws support from the ELP.

Access

- 4.3.9 Means of access to and from the site is unreserved within this application. That is to state that the means of access into and from the site would be fully satisfied if this application were to be approved (subject to conditions if necessary). The Council must be satisfied that the means of access is capable of accommodating up to 42 dwellings. Internal access is reserved by this application. It is also necessary, in establishing the principle of the development of the site, that the indicative internal access shown is capable of accommodating the scale of the proposal. Access is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) ("DMPO") as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network"*.
- 4.3.10 Further interpretation of this consideration can be found within policy T1 of the ELP. Policy T1 is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The proposal does not meet the policy threshold for a transport statement, however the applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.
- 4.3.11 Means of vehicular access has been raised multiple times within neighbour representations made through the duration of the consideration of this application.
- 4.3.12 The site allocation requires appropriate access arrangements to minimise impact upon heritage assets. The proposed vehicular access and egress is proposed on Croft Lane to the north of the site and through Croft Lane Conservation Area. The means of access accommodates two-way traffic with a road width of 5.5m. The access would taper where it meets Croft Lane to allow for manoeuvres involving large vehicles. A mood board has been provided (5182-012) which indicates the type of detailing which can be achieved for the access to best preserve the character of the Lane.
- 4.3.13 It is noted that the sites open nature, as an example of a plot which has not been filled by later development, and its verdant boundary treatment to Croft Lane does contribute to the significance of the Conservation Area. Whilst no buildings are proposed or indicated as being provided for within the part of the site which is within the Conservation Area, the access street itself would be within the Conservation Area. The width of the access, alongside its form as hard surfacing and reduction in screening and soft enclosure of the site would diminish the sites contribution to the significance of the Conservation Area. The access would reduce the largely linear nature of development along of Croft Lane and Cashio Lane. Given the amount of space around the access which would be left open, it is considered that a good level of compensatory landscaping could be achieved to diminish this impact.

- 4.3.14 Further to the on-site works, off-site works are required to accommodate the development. These details can be seen on plan referenced ST-2571-18-B, including localised widening of footpaths, a speed table at the entrance to Croft Lane at Norton Road, surface material change at the proposed access to the site, and a speed table at the junction of Croft Lane, Cashio Lane and Paynes Close. The tables are at the extreme ends of Croft Lane Conservation Area, and consequently, would not cause harm to the significance of the Conservation Area as identified in the assessment earlier in this report. The change in materials at the junction of the access is required to overcome a requirement for a speed table in the middle of the Conservation Area, which was considered inappropriate. The change in materials will be conditioned to be undertaken in appropriate materials to a high-quality finish to ensure the impact is minimal.
- 4.3.15 Cumulatively, the access would cause less than substantial harm to the contribution of the site to the significance of the Conservation Area. In this sense, I disagree with the applicants' submission that no harm would result from the development to the sites contribution to the significance of the Conservation Area.
- 4.3.16 Less than substantial harm to heritage assets must be weighed against public benefits. This test is laid out within paragraph 196 of the NPPF, as well as policy HE1 of the ELP. The public benefits of the proposed development include the social and economic benefits of the delivery of housing, including affordable housing, economic benefits of employment during construction, as well as the social and economic benefits of the enhanced use of local services and facilities. Notwithstanding this, the policy requirement of the allocation to minimise harm on Croft Lane Conservation Area through access details must be satisfied before these public benefits can be applied to the proposal. If an alternative means of access which causes less harm to the heritage asset can be achieved, the public benefits could, and should, be delivered that way.
- 4.3.17 The vehicular access has been negotiated and tested against alternative options which has caused significant delays in the progression of this application. North Hertfordshire District Council (represented by the case officer and Senior Conservation Officer), Hertfordshire County Council (represented as land owners and applicants (Estates) and as Local Highways Authority) and the agents (planning and highways experts) representing the applicants have participated in lengthy discussion and tested several options of access in attempts to minimise impact on Croft Lane Conservation Area.
- 4.3.18 Following these discussions, by reasons of viability, reasonableness as well as harm resultant from alternative options, it has been concluded that the access proposed herein is the least harmful means of achieving the development proposed in heritage terms. Options included use of the existing Cashio Lane access point, use of both Cashio Lane and Croft Lane access points in a one-way system, purchase of nearby dwellings for demolition and provision of access, as well as alternative options for two-way vehicular access and egress onto Croft Lane. The options were ruled out by reason of viability, availability and reasonableness. Further information has been provided by the applicant in respect to options appraised. This information has been publicised and

consulted upon to members of the public. It does not alter the recommendation, and any representations made will be made available immediately to members.

- 4.3.19 It is noted that options including the compulsory purchase of a dwelling on Norton Road as well as use of Cashio Lane for vehicular access have been mooted in neighbour representations. Site allocation LG10 does not include any land or dwellings addressing Norton Road. The site allocation in the ELP has not been tested in terms of financial viability against any requirement to purchase additional land to accommodate an access onto Norton Road. Therefore, use of Norton Road as a means of access is unreasonable, and the assessment should be against other potential means of access within the site allocation boundary, not outside of it.
- 4.3.20 The use of a Cashio Lane as exclusive, two way, vehicular access and egress has been ruled out as the width of the access, particularly at the point closest to Cashio Lane whereby the bellmouth of the access would begin, is insufficient to meet the technical standards set by Local Transport Plan 4. Cashio Lane represents the most direct desire lane to access a wider cycle network and a cycleway could not be provided alongside a 5.5m wide carriageway and 1.8m footpath.
- 4.3.21 Whilst option 7 was selected by deduction of alternative options, it has subsequently been amended to reduce harm to the site's contribution as a heritage asset and to the setting of nearby heritage assets (hence option 7b now proposed). Accordingly, the public benefits of the development can be reasonably applied against the harm, and the proposal is considered compliant with the site-specific requirement of minimising impact on Croft Lane Conservation Area.
- 4.3.22 Whilst the proposed two-way vehicular access onto and from Croft Lane will cause less than substantial harm to the contribution of the site as a heritage asset and the setting of heritage assets, the public benefits of the proposal would outweigh this harm. Conditions will be required to ensure a good level of compensatory landscaping is established by way of future reserved matter application, and that the surface finish details minimise harm.
- 4.3.23 The application has been supplemented by a Transport Assessment which has revealed, without contestation from Hertfordshire County Council as Local Highways Authority, that the means of vehicular access could accommodate associated transport movements with up to 42 dwellings without harm to the safe use of the highway subject to mitigation.
- 4.3.24 Hertfordshire County Council as Highways Authority consider that, subject to conditions and legally secured contributions, that the transport impact could be sufficiently mitigated. The mitigation would be borne through the following improvements, provided by way of S278 and S106 agreements:

S278 works:

All access works identified on the drawings ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis – Croft Lane – Option 7B, and the following:

- 1/. access works and closure of redundant sections of vehicular access;
- 2/. localised widening of Croft Lane, Sinusoidal ramps on speed tables, Re-align kerb, Proposed speed table, proposed uncontrolled crossing point to existing footway to the west of Cashio Lane, no footway for 220 yards sign, Localised widening of footway to achieve 2.0m widths where appropriate, etc.,
- 3/.in Cashio Lane: provision of uncontrolled pedestrian crossing;
- 4/. the “Potential footway and crossing on Norton Road (contribution towards Highway Authority)” presented on the drawing Croft Lane Access Strategy, ST-2571-18-A, Appendix H of the TA) should be changed to: Provision of footway and signalised pedestrian crossing on Norton Road (the works to be undertaken under s278 works). This is due to the works are essential for the development to be acceptable in highway terms to provide safe access to the nearest bus stop and the school.

S106 contributions towards:

Package 06 of the North Central Hertfordshire Growth and Transport Plan: To form a sustainable corridor between Stevenage and Letchworth Garden City by upgrading existing cycling infrastructure, improving the public realm in villages on B197 as well as ensuring bus priority or/and

Package 10 of the North Central Hertfordshire Growth and Transport Plan: To enhance cycling infrastructure between Hitchin, Letchworth Garden City and Baldock; and make it a safe and attractive option for sustainable trips. Or/and

Package 11 of the North Central Hertfordshire Growth and Transport Plan To increase active transport provision between the centre of Letchworth Garden City and the Industrial Estate by providing a signposted and connected active transport network.

- 4.3.25 Other than the vehicular means of access concentrated on above, the site would provide a wide and attractive secondary means of pedestrian and cyclist access onto Cashio Lane to the west of the site. This additional access shows permeability, and makes best efforts to connect the site sufficiently to local facilities including schools by alternative modes of transport than private motorised vehicles.
- 4.3.26 Neighbour representations have been received with concerns as to the original objection from Hertfordshire County Council as Local Highways Authority being subsequently overturned to a recommendation for approval subject to conditions. This is not an uncommon occurrence. The reasons for objection provided in the original response from the LHA related to technical design details of the width of the carriageway, pedestrian access across the site, and incorrect information on visibility to and from the access from Croft Lane. All these technical issues had regard to access proposed within the site itself. Pursuant to changes in the access proposals, these technical detail issues were overcome.

- 4.3.27 It is also noted that neighbour representations had regard to the LHAs responses to other similar applications. Each proposal is considered on its own merits, and there are never two sites and proposals which have identical circumstances and context in terms of sustainable transport.
- 4.3.28 The means of access would, subject to mitigating conditions and planning obligations, be able to accommodate the development proposed without harm to the safe use of the highway and successfully connect the proposed dwellings to essential facilities without the requirement for independent vehicles. Internal access is reserved for future reserved matters applications, however, the indicative plans provide comfort that safe access can be provided internally for all modes of transport. Whilst the means of access would cause less than substantial harm to the contribution of the site to the significance of heritage assets, including the setting of Listed Buildings as well as Croft Lane Conservation Area, this harm would be partially mitigated by conditions and is the minimum to deliver public benefits which outweigh that harm. On behalf of the Local Planning Authority, I consider a pre-commencement condition requiring the final finish detailing of both the on and off-site works required to accommodate the access would meet the tests of conditions set out in paragraph 55 of the NPPF. It is considered that, subject to conditions and obligations, the means of access proposed is capable of accommodating up to 42 dwellings in a sustainable fashion.

Appearance

- 4.3.29 Appearance *“means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”* (DMPO). The most relevant site-specific criterion to this matter is that the development be sensitively designed and/or lower density housing to minimise harm to the Croft Lane Conservation Area and setting of the Grade II Listed Buildings along Cashio Lane, Croft Lane and Norton Road.
- 4.3.30 Appearance is clarified within policy 57 and 58 of the SLP, policy D1 of the ELP and the Design Supplementary Planning Document. Generally, the policies aim for the design of buildings or places to reflect the character of the sites surroundings. The SPD and Policy 58 of the SLP goes into more detailing as to the materials used in the development of Letchworth Garden City and their rational (particularly paragraph 196 of the SPD). Notwithstanding this, the details within these policies are not particularly relevant to this application, as this detail is a reserved matter. The policy basis is only important in that it would be possible to achieve the desired appearance on the site with the proposed development.
- 4.3.31 Given the amount of good quality design buildings in the immediate surroundings of the site, it is considered that the proposal would be more than capable of accommodating buildings of an appropriate appearance in any future reserved matters application. No further information is considered to be required at this outline stage in respect to appearance. No parameters have been proposed in any of the documents submitted, and consequently, the Council will have freedom to assess a reserved matters

application in respect to appearance with a free reign, and seek the highest architectural quality. The proposed development could thereby provide a high quality appearance which would preserve the significance of the heritage asset and meet the relevant design based criteria of the SLP, ELP and NPPF.

Landscaping

4.3.32 Landscaping is defined as *“the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes -*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features.”*

4.3.33 Policy NE1 of the ELP advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long term management and maintenance of any existing and proposed landscaping. Policy 57 of the SLP guides that the layout of proposals should be designed to keep landscape features where possible, and proposals should take opportunities to improve the landscape of the site and its surroundings.

4.3.34 Some landscaping details have been provided within an indicative plan. Further landscaping details can be found within the Tree Survey and Tree Constraints Plan. The site contains some trees along the boundary as well as two class C trees towards the east of the site which are not on the boundary. The indicative site plan shows the majority of those trees to be retained.

4.3.35 The indicative retention of category B and a large proportion of category C trees is welcomed. The indicative site plan does not position any dwellings such that any trees are clearly threatened by proximity, daylight issues, or root protection concern. The proposed means of access to the north onto and from Croft Lane does have potential implications for existing trees.

4.3.36 The principle and most notable removal is that of a classification C Ailanthus tree adjacent to Croft Lane. The Tree Report suggests that tree is the weaker within the row and is suppressed by adjoining Norway Maple trees. That report aligns to my

understanding and result of my site visit. I do not consider the tree to have a significant contribution to the significance of the Conservation Area for these reasons and am thereby not objectionable to its removal to accommodate the means of access. The means of access will also encroach upon the root protection area of a Pear tree (classified U) and a Norway Spruce (classified C). Again, I have no particular concerns regarding these removals, by reason of their classification alongside their limited contribution to the significance of the Conservation Area. A condition will be required to ensure that the trees identified above as being under threat from the proposed access will be replaced in part of the site within the Conservation Area in the next planting season after the means of access is completed.

- 4.3.37 The landscaping shown in the indicative details, in terms of the planting of trees along the outer and inner side of the circular access road shows that a good level of tree planting could be achieved. Further consideration of perimeter screening planting should be considered in future landscaping reserved matters applications where that planting would benefit the amenity of the occupiers of future and that of adjoining premises.
- 4.3.38 As a result, it is considered that the indicative layout shows that the site could accommodate the proposed development while maintaining a high-quality landscape. The proposed removal of trees would not impact the contribution of the site to the significance of the Conservation Area, subject to later reserved matters application to improve landscaping to the entrance of the site along Croft Lane, which is clearly achievable. It is noted that the tracking proposed indicates a widening of Croft Lane opposite the entrance and in close proximity to an existing Horse Chestnut tree. A condition will be added to ensure details of the surfacing proposed around the tree and methods to best protect the tree are submitted and approved by the Local Planning Authority prior to commencement of the works to accommodate the proposed access.

Layout

- 4.3.39 Layout *“means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*.
- 4.3.40 Layout is considered to be an important aspect of Letchworth Garden City Design Principles (policy 58 of the SLP and policy D1 of the ELP). Creating vistas, closure and accents within group design breaks the monotony of built form. Stepping of building lines with differing block designs with similar materials allows for the creation of accents. Vistas are best formed by tree lined streets and closure represented by feature buildings at key points.
- 4.3.41 The indicative layout is considered acceptable in-so-much as it provides some evidence that the amount of development proposed could be accommodated on the site in respect to layout. There is evidence of some stepping of building lines.

- 4.3.42 Work is needed in respect to the creation of vistas and accents. Work is also required in respect to buildings addressing corners and orientation of the built form to make best use of natural light and solar gain. In terms of open spaces, it is considered that the grouping of open space around the edges of the site is not a particularly attractive or inclusive strategy, albeit, it does allow for some spacing from sensitive adjoining premises in terms of heritage value and residential amenity (along Norton Road where landscape screening is less prevalent). It is not considered that the occupiers of any proposed building would suffer poor living conditions by reason of the relationship with other proposed buildings based on the indicative plan.
- 4.3.43 Care will need to be taken in any reserved matters application in respect to layout (and landscaping) to ensure that harm to adjoining premises in terms of overlooking and outlook is not harmed. Particular care should be taken around plots 25, 28-32 in terms of distance to existing rear boundaries and supplementary planting as potential mitigation. Further consideration must be had to any particular views into the site or views into or from any adjoining heritage assets as a starting point for any layout supplementing future reserved matters applications.
- 4.3.44 In terms of reflecting the character of the sites surroundings, it is noted that the buildings are separated some distance from the street or driveway which they address. Shared driveways should be minimised in future reserved matters applications as it is unreflective of the linear pattern of development of the surrounding area. Notwithstanding the above suggestions, with some configuration, it is considered that an acceptable layout, not unlike the indicative plan, would award sufficient spacing to accommodate the proposed development without harm to the significance of nearby heritage assets and living conditions of the occupiers of adjoining premises, while representing high-quality design.

Scale

- 4.3.45 *“The height, width and length of each building proposed within the development in relation to its surroundings”* is how scale is defined in the GPDO. Again, this consideration is only covered in-so-far as to whether the site would likely be capable of accommodating the development proposed.
- 4.3.46 Scale is not directly addressed in the development plan beyond policy D1 of the ELP and policy 57 of the SLP. The scale of the proposed development should respect the character of the sites surroundings.
- 4.3.47 The indicative plans and elevations show two storey buildings. The planning, design and access statement confirms an envisaged height of 2 storeys, with maximum eaves heights of 5m and ridge heights 9m. It is not considered that the ridge height is appropriate to the site’s context. Notwithstanding this, this matter is reserved, and my suggestion that 9m is inappropriate is just that. Evidence will need to support any reserved matters application that the height of the buildings has been informed by its context. 2 storeys as a maximum height is considered appropriate to the site’s context.

The indicative layout shows the site perfectly capable of accommodating the dwelling mix and floor space required for those dwellings over two storeys.

4.3.48 The proposed development is not going to be capable of directly reflecting the surrounding area in respect to the width and length of each building and separation distances without having a severe impact on deliverability and failing to maximise the use of the site. Here we have conflicting policy considerations. Considering the proposed access details (representing a cul-de-sac with good pedestrian and cyclist permeability), and spacing between the proposed built form and those dwellings on Cashio Lane, Croft Lane and Norton Road, it is considered that, with some amendments, the proposed development could provide the density and scale indicated without harming the character of the surrounding area. The information supporting this application demonstrates that the site could accommodate the scale of development proposed without harm.

Ecology

4.3.49 The site is not considered to be of high ecological value. That being said, policy NEx of the ELP suggests that all proposals should seek to deliver net gains for biodiversity and geodiversity, contribute to ecological networks and the water environments, and/or restore degraded or isolated habitats where possible. Hertfordshire County Council Ecology have not suggested or progressed any requirements for planning conditions or obligations in this case. Informatives have been requested and duly added. Consequent to Hertfordshire Ecology response to consultation, it is considered that the development accords with the development plan in regard ecology.

Flood risk

4.3.50 A flood risk assessment was originally provided with this outline planning application dated 06 March 2019. The assessment has been supplemented with an addendum dated 05 March 2021, pursuant to negotiations in respect to access.

4.3.51 Following re-consultation with the Lead Local Flood Authority, no objection has been raised to the original flood risk assessment and addendum, subject to conditions which have been duly recommended.

Housing mix

4.3.52 The indicative plans show the following housing mix –

House type	Number	Total large/small split (%)
1 bed flats	0	+
2 bed flats	0	+
2 bed houses	6	14
3 bed houses	11	+
4+ bed houses	25	86
Total	42	100

Table 1

4.3.53 Policy HS3 requires that new home sites achieve the overall targets of the plan; the findings of the most up-to-date evidence including the most recent strategic housing market assessment, the Council’s self-build register and other relevant evidence of housing need; the location and accessibility of the site; and recent completions, existing permissions and sites in the five year supply. Further to this, policy HS3 requires that the scheme would provide a density, scale and character of development appropriate to its location and surroundings.

4.3.54 Following this guidance, the policy requirement for housing mix is, broadly, shown below, based on up-to-date evidence –

House type	Number	Total large/small split (%)
1 bed flats	3	+
2 bed flats	5	+
2 bed houses	9	40
3 bed houses	17	+
4 bed houses	8	60
Total	42	100

Table 2

4.3.55 Whilst it is acknowledged that the sites context is very low density large detached dwellings, no evidence has been provided which satisfies me that any mix otherwise than that required by the evidence supporting the ELP shown in Table 2 is acceptable. The housing mix proposed on the indicative plans is not agreed. It is of note that this is only indicative at this stage. At reserved matters stages, evidence will be required to be submitted to evidence a requirement to vary so drastically from the housing mix suggested in table 2. Some, limited, variance may be accepted if the housing mix cannot be reasonable accommodated without causing unacceptable harm in terms of layout, appearance or scale for instance. As these are indicative, and a matter reserved, the indicative housing mix does not give rise to any reason for refusal at this stage.

Affordable housing

4.3.56 Policy HS2 requires 40% affordable housing on sites providing 25 dwelling or more. This percentage has been agreed and built into the S106 agreement to be delivered on-site. The policy continues that the expectation is for 65% be rented and 35% other forms of affordable housing. This has again been agreed and built into the S106 agreement. As with policy HS3, the affordable housing provision needs to meet the needs of the area. The other policy requirements have been secured within the legal agreement in the form of the S106 agreement.

4.3.57 Following negotiation, the affordable housing splits in terms of type and size are shown in the tables below –

Social/affordable rented	Total (%)
1 bed flat	0
2 bed flats	0
2 bed houses	55
3 bed houses	36
4 bed houses	9
Total	100

Table 3

Intermediate	Total (%)
1 bed flat Intermediate	0
2 bed flats Intermediate	0
2 bed houses Intermediate	33
3 bed houses Intermediate	50
4 bed houses Intermediate	17
Total	100

Table 4

Legal agreements

4.3.58 Contributions have been secured by legal agreement for the following –

Category (Authority)	Figure (£)	Infrastructure Project(s)
Primary Education (HCC)	Based on final delivery	towards the expansion of the Garden City Academy school by one form of entry to two forms of entry
Secondary Education (HCC)	Based on final delivery	towards the expansion of Fearnhill School from eight forms of entry to nine forms of entry
Library (HCC)	Based on final delivery	towards Letchworth library to develop the adult fiction area within the library, reconfiguring the space and installing new flexible and accessible shelving
Youth Services (HCC)	Based on final delivery	towards providing additional capacity within the large group work room at the Hitchin Young People's Centre
Sustainable Transport (HCC)	Based on final delivery	towards: Package 06 of the North Central Hertfordshire Growth and Transport Plan: To form a sustainable corridor between Stevenage and Letchworth Garden City by upgrading existing cycling infrastructure, improving the public realm in villages on B197 as well as ensuring bus priority; and / or Package 10 of the North Central Hertfordshire Growth and Transport Plan: To enhance cycling

		infrastructure between Hitchin, Letchworth Garden City and Baldock to make it a safe and attractive option for sustainable trips; and / or Package 11 of the North Central Hertfordshire Growth and Transport Plan To increase active transport provision between the centre of Letchworth Garden City and the Industrial Estate by providing a signposted and connected active transport network.
Leisure (NHDC)	29,852 (subject to indexation)	towards refurbishment of gymnasium and changing facilities to provide the dual use of the facilities within Fearnhill School
Open Space (NHDC)	15,348.80 (subject to indexation)	towards repairs to footpaths, formalisation of BMX trails and improved interpretation/signage at Norton Common
Community Centre (NHDC)	18,035 (subject to indexation)	towards the community hall improvements at Norton Methodist Church, including improving the internal environment of the church
Play Space (NHDC)	28,395 (subject to indexation)	towards play space provision at Howard Park play area to refurbish and replace equipment in Letchworth
Sports Pitch (NHDC)	14,005 (subject to indexation)	towards the on-going maintenance of sports pitch provision at Baldock Road sports pitches, Letchworth
Waste and Recycling	2,622 (subject to indexation)	towards the cost of providing waste collection and recycling facilities serving the Development

Table 5

4.3.59 These contributions have been agreed to compensate additional stress on existing facilities based on the use by new residents. The amounts are considered proportionate to the scale of the development, directly related to the planning proposal and required to make the development acceptable in planning terms. The schemes to which the contributions will fund have been identified and meet the relevant criteria of the CIL Regulations 2012 (as amended).

Archaeology

4.3.60 Following a thorough review of all available information for the site, Hertfordshire County Councils Historic Environment team consider the archaeological potential of the site falls just below the threshold for requiring further intrusive evaluation predetermination. Consequently, three progressive conditions have been recommended and accepted to ensure the archaeological value of the site is preserved.

The planning balance

- 4.3.61 The starting point for the determination of any planning application is the development plan. In this case, the development plan is considered out-of-date by reason of footnote 7 of paragraph 11 of the NPPF. The Council acknowledge a shortfall of the minimum target five-year housing land supply, and the application is for the delivery of housing.
- 4.3.62 Progressing the application of paragraph 11(d) of the NPPF, limb i. states that planning permission should be granted unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*. Designated heritage assets are listed as areas or assets of particular importance. Consequently, these policies must be applied to determine whether they provide a clear reason for refusing the development.
- 4.3.63 In line with my assessment above, the development would cause less than substantial harm to the contribution of the site as a designated heritage asset, and its contribution to the setting of heritage assets. This is not, in itself, a clear reason for refusal. Paragraph 196 of the NPPF sets out the balance to be taken to appraise whether this less than substantial harm will provide a clear reason for refusal.
- 4.3.64 Less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. In this case, the public benefits of the development include the social and economic benefits of the provision of market and affordable housing in the context of the sharp housing requirement in the District, as well as the other economic and social benefits of the increased use of local facilities and amenities, and employment during construction. Given the detail provided that the access shown, as the principal concern in respect to harm to significance, cannot be alternatively provided, it is considered that these public benefits outweigh the less than substantial harm.
- 4.3.65 Consequently, the application of policies in the Framework which protect areas or assets of particular importance do not provide a clear reason for refusal. Limb ii. of paragraph 11(d) of the NPPF is thereby engaged, whereby planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*. This is commonly referred to as the tilted balance.
- 4.3.66 The proposal conflicts with the SLP, in that the plan intends to develop and build upon an area of designated open space, whereby policy 21 restricts significant effect on the character, form, extent and structure of open space patterns in towns.
- 4.3.67 The Council are well advanced with the ELP. This means that significant weight can be afforded to policies in the ELP. The proposal complies with the ELP. Given the progress of the ELP, this allocation carries significant weight in the planning balance.

- 4.3.68 The site represents a sustainable location for residential development. The residential use proposed would be near to facilities, amenities and services in a specified settlement. The information submitted to supplement the application, indicative though they may be, satisfy that the site could accommodate the proposed development of up to 42 dwellings, subject to later reserved matters applications. The S106 agreement would provide 40% affordable housing units of an agreeable mix of tenure and size. These social benefits carry significant weight in favour of the proposed development. Further economic and social benefits include employment during construction, as well as the continued and improved use of local services and facilities.
- 4.3.69 Any harm identified through conflict with policy 21 of the SLP and loss of designated open space would not significantly and demonstrably outweigh the benefits of the proposed development in the context of the allocation of the land for development in the ELP.

4.4 **Conclusion**

- 4.4.1 Whilst there is a conflict with policy 21 of the SLP, the proposal is compliant with the ELP and NPPF, including the impact on heritage assets. It is considered that the harm resultant from the conflict with policy 21 is not so significant and demonstrable as to overcome the benefits of the development, including affordable housing provision, contribution to an identified housing need, employment during construction and increased use and viability of local facilities. As such, the proposed development of outline permission for up to 42 dwellings should be **GRANTED**.

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 completion of a satisfactory S106 agreement delivering the infrastructure requirements detailed within this report and the following conditions:
1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

2. **Before the development hereby permitted is commenced, approval of the details of the internal access, appearance, scale, layout and landscaping (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 2015 as amended.

3. 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.

4. **No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme and methodology of site investigation and recording as suggested by the evaluation**
3. **The programme for post investigation assessment**
4. **Provision to be made for analysis of the site investigation and recording**
5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
6. **Provision to be made for archive deposition of the analysis and records of the site investigation**
7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure the satisfactory preservation of any subterranean heritage assets which may exist within the site, in line with section 15 of the NPPF and policy HE4 of the ELP.

5. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 4.

Reason: To ensure the satisfactory preservation of any subterranean heritage assets which may exist within the site, in line with section 15 of the NPPF and policy HE4 of the ELP.

6. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and the provision made for analysis and publication where appropriate.

Reason: To ensure the satisfactory preservation of any subterranean heritage assets which may exist within the site, in line with section 15 of the NPPF and policy HE4 of the ELP.

7. **Prior to the commencement of the permission hereby approved, a Site Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority in conjunction with the Spatial and Land Planning Team at Hertfordshire County Council. The Site Waste Management Plan approved pursuant to this condition shall thereby be followed and implemented throughout the construction of the development hereby approved.**

Reason: To promote the sustainable management of waste in the county and minimise waste generated by development.

8. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved drainage strategy indicated on Drawing ST-2571-05-B revision B dated 5 March 2021 and the information submitted in support of this application and the following mitigation measures;

1. Limiting the surface water runoff rates to maximum of 5l/s for all rainfall events up to and including the 1 in 100 year plus 40% allowance for climate change event with discharge into the surface water sewer.

2. Provide attenuation to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year including 40% for climate change event.

3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising lined permeable paving, swales and basins.

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 reduce the risk of flooding to the proposed development and future occupants

9. **No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme**

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

The scheme shall include:

1. An assessment with an appropriate evidence to discharge surface water runoff from the development site into the ground via infiltration or into a public surface water sewer. If discharge into the sewer will be considered, an evidence will have to be provided why infiltration into the ground cannot be achieved.
2. If the drainage proposals for the access road are to infiltrate, then evidence of permeability should be provided, and test must be conducted in accordance with BRE Digest 365. Tests will have to be undertaken at the exact locations and depth of the proposed infiltration features.
3. If a pumped discharge into a wider drainage on site will be considered, any potential to promote more sustainable design and to limit the pumped network length should be considered. An appropriate evidence should be provided.
4. Final, detailed drainage layout plan showing all piped networks and SuDS features, identified invert levels, as well as a final discharge point into a public sewer.
5. Details in relation to the proposed conveyance swales.
6. Full assessment of the final proposed treatment train for any proposed access roads or driveways.
7. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100 year rainfall including 40% for climate change allowance. As the final discharge into a public sewer rate of 5 l/s should be considered.
8. Detailed engineered drawings of the proposed SuDS (lined permeable paving, swales, basins) and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs. For the proposed attenuation basins cross section drawings identifying ground levels of the neighbourhood properties should also be provided. This is to minimise any negative impact on the existing neighbourhood residential properties.
9. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.
10. An assessment of any surface water runoff flows exceeding the designed 1 in 100 year event including 40% for climate change allowance.
11. Maintenance and management plan to include the final land ownership plan, arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future occupants

10. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
 1. Final confirmation of management and maintenance requirements
 2. Provision of complete set of as built drawings for the site drainage

Reason: To reduce the risk of flooding to the proposed development and future occupants

11. Prior to occupation of any of the dwellings hereby approved, a scheme identifying a substantial number, as well as the distribution of, EV charging points shall be submitted and agreed in writing by the Local Planning Authority. The EV charging points agreed by way of this condition shall be implemented prior to the occupation of any dwelling hereby approved.

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.

12. **Prior to the commencement of the development details of a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. Measures within the approved travel plan shall be implemented in full within an agreed timetable set out in the plan, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality

13. **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:**

- (ii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (iii) The results from the application of an appropriate risk assessment methodology.**

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.

14. **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 13, above; has been submitted to and approved by the Local Planning Authority.**

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.

15. 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 14 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.

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.

16. Any contamination, other than that reported by virtue of condition 13 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.

17. The occupation of the development authorised by this permission shall not begin until full details (in the form of scaled plans and written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: internal housing layout, roads, footways; cycleways; foul and surface water drainage; visibility splays; parking provision in accordance with adopted standard; loading areas; turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. The occupation of the development authorised by this permission shall not begin until the main access to the development from Croft Lane has been completed in accordance with the approved in principle drawing number ST-2571-21 Rev A Means of Access Croft Lane Option 7b and ST-2571-22 Swept Path Analysis – Croft Lane – Option 7B and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

19. The occupation of the development authorised by this permission shall not begin until the offsite highway improvement works, as indicated on the drawings numbered ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis – Croft Lane – Option 7B, have been undertaken. The “Potential footway and crossing on Norton Road (contribution towards Highway Authority)” presented on the drawing Croft Lane Access Strategy, ST-2571-18-B should be changed to: Provision of footway and signalised pedestrian crossing on Norton Road (the works to be undertaken under s278 works).

These works shall be completed to the satisfaction of the Local Planning Authority and Highway Authority before occupation of the development.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire’s Local Transport Plan (adopted 2018).

20. The occupation of the development authorised by this permission shall not begin until the existing vehicular access to Cashio Lane and the existing access to Croft Lane, which would become redundant but have not been shown on the submitted plans, have been permanently closed and the footways reinstated where necessary to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018)

21. The occupation of the development authorised by this permission shall not begin until the access gradient does not exceed 1:20 for the first 10 meters into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).

22. The occupation of the development authorised by this permission shall not begin until a scheme for the parking of cycles including details of the design, level and siting of the proposed parking have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire’s Local Transport Plan (adopted 2018).

23. **No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by**

the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

24. The landscape details to be submitted as reserved matters shall include the following :
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
 - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D, E and F of Part 1 and Class A of Part 2 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.

26. **Prior to the commencement of the development hereby approved in respect means of access, as well as the offsite highway improvement work as indicated on the drawings numbered ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis – Croft Lane – Option 7B, full details shall be submitted to and approved in writing by the Local Planning Authority in respect to final details of the works required. The package submitted pursuant to this condition shall include the location, material, section and elevation details where necessary in relation to;**

- a) surface materials, with specific reference to the change in surface materials at the access to the site from Croft Lane;
- b) footpath surface, both at Croft Lane and Cashio Lane;
- c) kerbs;
- d) grass verges;
- e) bollards;
- f) signage (traffic and street);
- g) street lighting within the site;
- h) road markings/painting; and
- i) speed tables and sinusoidal ramps.

The details should draw reference from the sites context and provide a high-quality finish in all instances. The details approved by way of this condition shall subsequently be implemented on and offsite.

Reason: To ensure best efforts are made in terms of fine detailing to preserve the quality of the sites surroundings as a heritage asset.

27. **Prior to the commencement of the development hereby approved in respect to means of access, as well as the offsite highway improvement work as indicated on the drawings numbered ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis – Croft Lane – Option 7B, details shall be submitted to and approved in writing by the Local Planning Authority in relation to the protection of trees. The details to be**

submitted pursuant to this condition, in line with any future reserved matters application in relation to landscaping, shall include:

- a) Tree protection measures for those trees within the site to be retained aligned to the latest building standards;**
- b) Tree protection measures for those trees outside of the site within Croft Lane Conservation Area aligned to the latest building standards; and**
- c) Works methodology and monitoring in respect to both on and offsite trees where works are required within the root protection area of the tree.**

The details approved by way of this condition must then be implemented and maintained during the works.

Reason: To ensure that measures are taken to ensure the protection of trees within Croft Lane Conservation Area from required on and offsite works required as a result of this permission.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the highway works. The construction of highway works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

3. Within any future reserved matters applications detailing the layout and access details, further details of the circulation route for refuse collection vehicles need to be included. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.
4. In the interests of clarity, please note that the freighter used for any analysis informing future reserved matters applications in respect to bin collections are -
 - o Width: 2,500mm (without mirrors)
 - o Height: 3,400mm (without hazard beacons)
 - o Turning circle: 22,800mm
 - o Overall length: 12,100mm (from front to rear of bin lift)
5. The applicant is hereby notified of the following informative to inform any future reserved matters applications in these respects -

Flats:

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.

Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

General:

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

Storage areas should be conveniently located with easy access for residents -residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Further advice on waste provision for developments is available on our website. <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

6. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
7. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
8. Highway to remain private: The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
9. 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 sites. It should follow guidance from the Bat Conservation Trust and CIE 150:2003. Warm-white (long wavelength) lights with UV filters should be fitted as close to the ground as possible.

Lighting units should be angled below 70° and equipped with movement sensors, baffles, hoods, louvres and horizontal cut off units at 90°

10. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
11. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.
12. Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand.

Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on and if an amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way.

Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily / provided with a means of escape for any animals that may have become trapped - this is particularly important if holes fill with water.

In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist.

13. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest
14. Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

15. It is expected that the scheme to be submitted in line with condition 10 of this permission will provide a significant number of EV charging points. The Council will consider any details submitted on its merits, however, are of the mind that at least one EV charging point should be provided for each dwelling.

16. 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- 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.

















- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

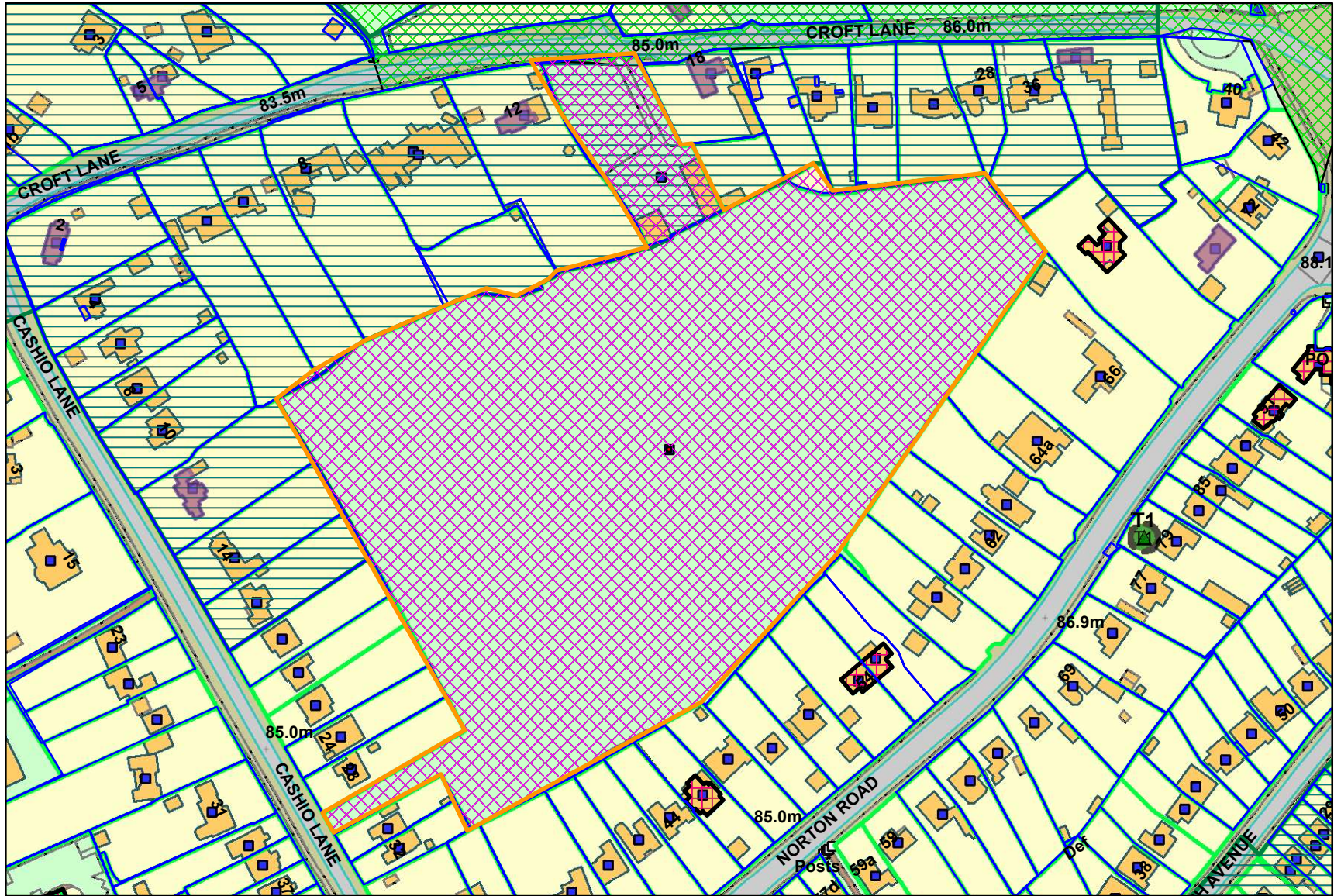
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Application Validation Sheet

19/00520/OP Land Between Croft Lane Norton Road and Cashio Lane, Letchworth Garden City, Herts

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconca.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbt.shp
-  Health & Safety Consultation Zone
Prjnzzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:2,104
Date: 10/03/2021



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<u>Location:</u>	Land West Of Royston Bypass Royston Hertfordshire
<u>Applicant:</u>	Linden Wates (Royston) LLP and Frontier Estates (Dartford) Ltd
<u>Proposal:</u>	Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works
<u>Ref. No.:</u>	20/03018/FP
<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 19.03.2021

Submitted Plan Nos: 2563-HIA-01-ZZ-DR-A-0422 rev. P2; 2563-HIA-01-XX-DR-A-0103 rev. P1; 2563-HIA-01-XX-DR-A-0421 rev. P2; 2563-HIA-01-XX-DR-A-0301 rev. P5; 2563-HIA-01-XX-DR-A-0311 rev. P5; 102J; 2563-HIA-01-XX-DR-A-0102 rev. P3; 2563-HIA-01-XX-DR-A-0411 rev. P3; 2563-HIA-01-XX-DR-A-0101; 2563-HIA-01-XX-DR-A-0103; 2563-HIA-01-00-DR-A-0201; 2563-HIA-01-01-DR-A-0211; 2563-HIA-01-02-DR-A-0221; 2563-HIA-01-RP-DR-A-2701; 2563-HIA-01-XX-DR-A-0401.

Extension of statutory period: 30.04.2021

Reason for referral to Committee: The site is for residential development and the site exceeds 0.5 hectares.

1.0 **Relevant History**

- 1.1 14/02485/1 - Residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015) – Approved subject to S106 agreement 07/12/2016
- 1.2 17/02470/1 - New roundabout and access from the A505 to serve residential development – Conditional Permission 31/05/2018
- 1.3 17/02627/1 - Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018 – Conditional Approval of Details 30/05/2018
- 1.4 18/00359/RM - Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the

development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505 – Conditional Approval of Details 27/09/2018

- 1.5 19/00248/FP - Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works – Refused 14/02/2020 – Appeal allowed subject to conditions and unilateral undertaking 11/06/2021

2.0 **Policies**

2.1 **North Hertfordshire Local Plan No.2 with Alterations**

Policy 6 – Rural area beyond the Green Belt

Policy 9 – Royston's development limits

Policy 21 – Landscape and open space patterns in towns

Policy 26 – Housing Proposals

Policy 29A – Affordable housing for urban needs

Policy 55 – Car parking standards

Policy 57 – Residential guidelines and standards

2.2 **National Planning Policy Framework**

Section 5. Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

2.3 **Supplementary Planning Documents**

Design Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Vehicle Parking at New Developments Supplementary Planning Document

2.4 **North Hertfordshire Draft Local Plan 2011-2031**

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy HS4: Supported, sheltered and older persons housing

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

3.0 **Representations**

3.1 **Site Notices: 29.12.2020 Expiry: 21.01.2021**
Press Notice: 07.01.2021 Expiry: 30.01.2021

Consultee responses

Growth and Infrastructure – No objection subject to fire hydrant provision through legal agreement.

Anglian Water – No objection subject to informatives

Lead Local Flood Authority – No objection subject to conditions

Minerals and Waste – Comments

Local Highways Authority – No objection subject to conditions and contributions to travel plan monitoring and highways improvements to be secured through Section 106 agreement

Waste and Recycling – No objection subject to condition

Housing Development Officer – No objection subject to commuted sum (£180,540)

Landscape and Urban Design Officer – Initial comments (06/01/2021) largely overcome by updated details, questions remain as to boundary treatments to the street (16/03/2021).

Environmental Health Air Quality – No objection subject to condition

Environmental Health Noise – No objection subject to conditions

Royston Town Council – No objection

Historic Environment – No comments

Neighbour representations

No.3 The Dell – Support in principle but objection to lack of acceptable parking provision for employees and visitors.

Quantum Care – Support

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site lies within a former agricultural field currently being developed for general housing in accordance with the planning history above. The site lies between the A505 and the established, and expanding, settlement of Royston. As designated by the Saved Local Plan (SLP) the site lies within the Rural Area beyond the Green Belt, beyond Royston Development Limits and marginally outside of a Landscape and Open Space Pattern area. The 2011-2031 Local Plan Proposed Submission (ELP) designated the site as general housing development land (RY2). Due to the sites advanced stage of permissions and construction, the allocation was removed from the ELP in the latest round of main modifications. This has significant implications on the principle of the development of the site, and is a material variation in the planning policy context since the site was last presented to committee for decision.
- 4.1.2 The site is mid-construction in regard phases 1 (17/02627/1) and 2 (18/00359/RM) of the outline planning permission (14/02485/1). The site has a topography which rises from the north west of the site to the south east of the site. The site has a gradual incline which increases to a steep incline the closer to the south east peak. The residential development on the wider site is restricted in height to a maximum of two and a half stories with two blocks of flats in a part of the wider site which is in the lowest and flattest of land levels.
- 4.1.3 The site subject to this application lies on the south east most side of the wider, developable site subject to the outline planning permission. The outline permission for the wider site granted development up to the 80m contour line.
- 4.1.4 Reaching further than the site subject to the previous planning permissions, the sites surroundings are the A505 (a trunk road) to the east, agricultural land beyond Newmarket Road to the south (subject to extant planning permission for residential development), the existing edge of Royston to the west and a school sports pitch area to the north. Concentrating on the west, the adjoining residential area is two storey in nature, with predominance towards pitched gable flanked roofs, with a mix of terraced and semi-detached dwellings as well as flats. There is an area of open play space off the south west of the wider development site.

4.2 **Proposal**

- 4.2.1 The application seeks planning permission for the erection of a 73 bed care home (falling within use class C2), alongside associated parking, access, landscaping and other associated works. The proposed building is set out broadly in a cross shape from an aerial perspective. These wings will be referred to as the north wing (closest to the spine road of the wider development site (front)); the east wing (closest to the A505 (flank)); the west wing (projecting towards the neighbouring proposed residential development (flank)); and the south wing (towards the proposed community open space (rear)).

- 4.2.2 Cross wing gables are a consistent feature of the proposed building on elevations which face north towards the spine road of the wider development site. The built form connecting the cross-wing gables to the centre point of the building would present pitched roofs with concealed flat roofs behind recessed/false ridges. These lengths of built form would be broken by varied ridge heights, facing materials, architectural detailing, and building lines. Some rooflights and glazed links would be apparent from the street facing elevations.
- 4.2.3 The site as a whole will be engineered in terms of ground levels to accommodate the use and building, with land levels increasing in increments as the site progresses to the south along with the increase in natural land levels.
- 4.2.4 The site would present a car park in the south east corner, between the A505 and the spine entrance road to the wider site, and a landscaped area on the north west corner of the site. The car park would be obscured by a small bund and soft landscaped frontage.

4.3 Key Issues

Preliminary matters

- 4.3.1 The site history, and extant planning permission granted via appeal, is a material planning consideration which holds great weight in the planning balance. Permission has been granted for a similar scheme. The use of the site and principle of a new planning chapter has been granted through appeal, and the development approved via appeal is considered a very likely prospect. This proposal should be considered in line with the determination of the inspector, with the previously approved development in mind.
- 4.3.2 This proposed development would overlay the outline planning permission and wider developable site. If this application were to be granted, this proposal could be combined with the wider developable site, or sit independently of it if phase three were not to come forward or be developed in any way.
- 4.3.3 Contrary to the previous considerations, the site is now 'white land' as allocated by the ELP. There are no policies within the ELP which prescribe the use of the land.

Principle

- 4.3.4 The site currently lies outside of the development limits of Royston as allocated in the Saved Local Plan (SLP). As such, Policy 6 of the SLP is applicable. Development proposals in the Rural Area Beyond the Green Belt will be supported if needed for agriculture, forestry or proven local community services; meet an identified rural housing need (exception sites); it would be a single dwelling on a small plot contained within the built core of a settlement; it involves a change to the rural economy (diversification). The proposal fails to comply with any of these criteria, and is thereby contrary to Policy 6 and 9 of the SLP. The SLP contains no other relevant policies in specific regard to the provision of C2 use class developments. That being said, in line with the appeal decision, the Council has approved residential development on the site in question. In the absence of any ELP policy specifying the form of development proposed for the site, this simply forms a fall-back position which conflicts with this policy to an equal extent as the development proposed herein. Consequently, no

material planning harm would result from this conflict to SLP policies 6 and 9 in principle.

- 4.3.5 The Local Plan 2011-2031 Proposed Submission (ELP) is in the process of examination. The site is allocated within the ELP as being released from the Rural Area Beyond the Green Belt. The site benefits from outline planning permission for the erection of dwellings, subject to conditions and obligations secured through a S106 agreement. The wider development site (referring to the extent of the outline permission) also benefits from full planning for the new roundabout from the A505, and reserved matters approval for phases one and two (of a total of three).
- 4.3.6 In line with the inspectorate's decision on the allowed appeal, the updated ELP circumstances, alongside the weight to be afforded to the fall-back position, the proposal does conflict with emerging policies D1 and HS4 of the ELP. The site would not be well served by public transport with good access to services. This conflict needs to be weighed in the planning balance, alongside all other material considerations.

Access

- 4.3.7 Policy T1 of the ELP is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.
- 4.3.8 The site would be accessed in the same way as the wider site benefitting from various permissions as shown in the planning history section. The main vehicular access would be via the A505 from the new roundabout. The site would be fairly immediate after the roundabout into the wider estate, however, evidence has been provided that the access point onto the proposed site from the spine road, subject to conditions and covenants, would not cause any harm to the safe use of the highway.
- 4.3.9 Following amendments and clarifications, Hertfordshire County Council as Local Highways Authority have presented no objection to the proposed development. Should Members be minded to grant planning permission the Highway Authority does however recommend various conditions and contributions to be secured through various legal agreements. The proposed development would comply with relevant highway and transport planning policies, principally not resulting in a severe impact on the local highway network.
- 4.3.10 As a result, and as previously recommended, the site is sufficiently accessible, subject to conditions and legal agreements, to those employed by or visiting the site. It is important, at this stage, to distinguish between accessibility and transport impacts and the higher threshold of accessibility for the occupants of the proposed facility, for which conflict with ELP policies is identified earlier within this report. The site is accessible and the transport network can accommodate the impact of movement's resultant from the proposed development, however, the site is not well-served by public transport or sustainably located in relation to key services and facilities to accommodate the resultant occupants of the proposed facility.

Appearance, Layout, Landscaping and Scale

- 4.3.11 Appearance, layout and scale are clarified within Policy 57 of the SLP, Policy D1 of the ELP and the Design Supplementary Planning Document. Generally, the policies aim for the design of buildings or places to reflect the character of the sites surroundings. The SPD goes into more detailing as to the development of Royston.
- 4.3.12 Policy D1 of the ELP requires developments to respond positively to the sites local context. Furthermore, the policy requires that developments take reasonable opportunities, consistent with the nature and scale of the scheme, among other things, to; create or enhance public realm; retain existing vegetation and propose new planting; and maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas. The policy continues to state that proposals should have regard to the design SPD and any other relevant guidance.
- 4.3.13 The design SPD sets out 9 key urban design principles; character; continuity and enclosure; quality of the public realm; ease of movement; legibility; adaptability; diversity; quality of private space; and sustainability.
- 4.3.14 The sites context would be the wider development site which benefits from outline planning permission. The combination of previous residential planning permissions will result in a context of a cul-de-sac comprised of a mix of two and a half storey blocks of flats (x2); two storey maisonettes; two storey terraced dwellings; and two storey (with some accommodation in the roof space accommodated by dormer windows in some units) semi detached and detached dwellings. The dwellings are to be constructed in block formats, with buildings relatively close to streets and private driveways serving those blocks. The spine road and entrance to the site (on the north side) would be well spaced and not address the spine road directly until a small section of phase two, whereby the dwellings would be spaced from the spine road by an interceding grass verge.
- 4.3.15 The dwellings, either two storey or two storeys with accommodation in the roof, in the sites surroundings would have heights of between 8 and 9 metres, with relatively low eaves heights of around 5m. The approved flat blocks of two and half storeys host eaves heights of approximately 11m with eaves heights of around 6.7m. The homes proposed within the site's context would host consistent window designs, with mixes of gault and red brick as well as some sporadic rendered and timber clad external walls, as well as a mix of brown and grey concrete pan-tiles.
- 4.3.16 The proposed building would be two storeys in appearance, with some visual accommodation within the roof space. Each block would be finished in materials drawn from a broad palette. These would include, red brick, buff brick, render and glazing. The roof form of the development would not contrast with the roof form of the surrounding residential development. The flat roof sections would be obscured behind false roof ridges with ridge tiles.
- 4.3.17 It remains my professional opinion that the building would contrast in scale and mass to the surrounding residential development, and require overly engineered topographical intervention. It is accepted that the building would be spaced from the street, and that the car parking and soft landscaping between the building and public vantage points would soften this scale and mass.

4.3.18 Attaching great weight to the fall-back position established by the allowed appeal, it is considered that the development proposed would have a similar, if not slightly smaller, scale and massing impact. Whilst the proposed development would be more subdued than the appeal scheme, it retains a pleasant appearance, and would thereby remain a building of interest at the entrance to the site. Consequently, I find the proposal to have no material conflict with SLP and ELP policies which define the Councils aims in respect to appearance, landscaping, layout and scale. This conclusion is subject to conditions to ensure that boundary treatments and on-site landscaping proposals are secured.

Ecology

4.3.19 Hertfordshire Ecology have not responded to consultation on this proposal. That being said, the proposal, in respect to ecology, and proposed soft landscaping proposals, is not materially different to that allowed at appeal. It is noted that the appeal decision did not include conditions in respect to biodiversity net gain or a badger survey as suggested by Hertfordshire Ecology in consultation response to the previous proposal on the site. It remains important that protected species and biodiversity are protected and enhanced in line with the Councils ELP. Subject to the inclusion of conditions which ensure further investigation and mitigation, as well as the submission of details regarding incorporating biodiversity into the development, the proposal would accord with the policy requirements of the ELP. The fall-back position of the scheme previously approved through appeal without consideration of these ecology and biodiversity matters is not sufficient to warrant a decision without these conditional requirements. This applications seeks permission for an alternative development, and it is within reason that conditions can be added to this decision which add to the requirements of the previous permission.

Noise and nuisance

4.3.20 The Environmental Health team have been consulted. The team has recommended approval subject to conditions. The conditions will ensure mitigation measures proposed within the noise report will be implemented on-site, and construction hours for the development. This will result in all internal areas being sufficiently protected from local noise sources to enjoy a satisfactory standard of living while maintaining ventilation, and the living conditions of the occupiers of adjoining premises respectively.

Parking

4.3.21 The Vehicle Parking at New Developments Supplementary Planning Document (VPNDSPD) suggests one car parking space per five residents bed as well as one car parking space per two staff. Furthermore, the SPD requires one cycle space per five staff. This equates to a car parking requirement of 28 and a cycle parking requirement of five in accordance with the information submitted. The proposal would provide 26 normal parking spaces and two accessible parking spaces for car parking. The proposal also provides six secure covered cycle spaces. The proposed parking provision accords with the VPNDSPD, policy 55 of the SLP and policy T2 of the ELP.

The planning balance

- 4.3.22 Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, decision takers must grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 4.3.23 There are no relevant development plan policies for the provision of C2 use class accommodation in the SLP. There are policies within the ELP, and these policies in accordance with paragraph 48 of the NPPF can be afforded moderate weight. In line with the Planning Policy team response to consultation, provision of C2 use class development can be counted towards the supply of housing. Considering this, it is reasonable to apply the limb ii of paragraph 11(d) when applying the planning balance by reason of footnote 7.
- 4.3.24 The site does not require the application of policies within the framework listed under footnote 6, therefore limb i. is not engaged. As a result, the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.3.25 It is noted that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 4.3.26 Giving full weight to the fall-back position of the allowed appeal, no environmental harm would result from the scale, layout, landscaping and appearance of the development. Limited social harm has been found in regards the inappropriate siting of the development in relation to services and facilities. Limited weight is afforded against the proposed development in line with the assessment against policies D1 and HS4 in respect the sites accessibility to services and facilities.
- 4.3.27 The proposed development would provide accommodation for quickly changing and increasing needs of the elderly. In contrast to the previous determination, the site is no longer a part of the ELP's allocations for residential dwelling delivery. Whilst the proposal would still result in the loss of a proportion of dwellinghouses to be delivered through the outline planning permission, I acknowledge and adhere herein to the inspectorates recommendation to award significant weight to the benefit of the scheme in terms of social objective of meeting a continued demand for residential care needs.
- 4.3.28 The proposal would provide economic benefits of long-term employment on the site associated with the proposed use. The other benefits usually associated with general development, such as economic benefits of employment of builders and other contractors, as well as use of local facilities, is considered neutral in this case by reason of equal benefits being achieved as a result of the outline planning permission already covering the site. In the scheme of employment needs for the district, this employment contribution is afforded moderate weight in the planning balance.

4.3.29 Overall in the planning balance I consider that the harm resultant from conflict with ELP policies D1 and HS4 in respect to being well-served by public transport and good access to services do not significantly and demonstrably outweigh the social and economic benefits of resultant from the proposed development.

4.3.30 The proposal does not conflict with the development plan as 'saved', and the harm resultant from some conflict with the ELP would not significantly and demonstrably outweighs the benefits of the proposal. This is especially the case when considering and giving full weight to the similar development allowed at appeal.

Any other matters

4.3.31 Planning obligations have been requested and agreed in principle. These obligations ensure fire hydrant provision and highways requirements. The S106 document for the securing of these obligations has been agreed. The obligations sought are considered to meet the necessary tests within the NPPF and the Community Infrastructure Regulations (2010) (as amended).

4.3.32 I have considered all conditions requested through consultation responses, and cross-correlated them with those considered acceptable in the allowed appeal. All suggested conditions are considered to meet the tests laid out within paragraph 55 of the NPPF. As noted in the ecology section of this report, two additional conditions are imposed to this permission. The fall-back position of the allowed appeal without these conditions does not impinge on the ability of the Council to add conditions to this new permission, where those conditions are considered to meet the relevant tests.

4.3.33 The section 106 agreement is required to secure fire hydrant provision. In addition, a £6,000 travel plan monitoring contribution as well as a £14,000 financial contribution is required to go towards the following projects:

Scheme B5 – Provision of Cycle Facilities along and across the A505;

Scheme C5 – Enhancements to outlying bus infrastructure, accessibility, punctuality and co-ordination;

Scheme D2 - Improvement of road markings at the Town Hall roundabout (A10 /Newmarket Road); and

Scheme D5 - Modifications to A505 / A10 roundabout to reduce speeds and improve pedestrian and cyclist safety.

Conclusion

4.3.34 The proposal is contrary to policies D1 and HS4 of the ELP in respect to being well-served by public transport and having good access to services. Affording full weight to the fall-back position of the scheme allowed by appeal, the development accords with all other policy provisions of the development plan. On balance, subject to conditions and planning obligations, it is considered that the social harm resultant from the above identified conflict would not significantly and demonstrably outweigh the social and economic benefits of the development.

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 control committee resolve to **GRANT** planning permission subject to the following conditions, and following the completion of a section 106 agreement delivering the requirements of Hertfordshire County Council as Local Highway Authority and Hertfordshire County Council Growth and Infrastructure team:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. 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.

5. Prior to the occupation of the care home 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.

6. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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.

7. If the Local Planning Authority is of the opinion that the report which discharges condition 6, above, indicates a reasonable likelihood of harmful contamination then 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

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.

8. 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 7, above; has been submitted to and approved by the Local Planning Authority.

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.

9. 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 8 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.

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.

10. Any contamination, other than that reported by virtue of condition 6 and 7, 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.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment & Drainage Strategy carried out by MLM reference 6100228-MLM-ZZ-XX-RP-C-0002 dated December 2020 and the following mitigation measures detailed within the FRA:

1. Undertaking appropriate drainage strategy based on attenuation and discharge into existing site surface water sewer restricted to a maximum of 6l/s for all rainfall events up to and including the 1 in 100 year + climate change event.
2. 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.
3. Implementing drainage strategy as indicated on drainage drawing to include attenuation tank and permeable paving.

The mitigation measures shall be fully implemented prior to full site occupation and 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 of/disposal of surface water from the site.

12. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment & Drainage Strategy carried out by MLM reference 6100228-MLM-ZZ-XX-RP-C-0002 dated December 2020. The scheme shall also include;

1. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features to minimise the requirement for a tank.
2. Silt trap prior to the inlet of attenuation tank
3. Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event including drain down times for all storage features.
4. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
5. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

13. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
1. Final confirmation of management and maintenance requirements
 2. Provision of complete set of as built drawings for both site drainage

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14. Prior to the occupation of the development hereby permitted, details of siting, type and design of plugs, the energy sources and the strategy/management plan of supplying and maintaining the 2 electric charging points to be provided to the Local Planning Authority for approval in writing, in consultation with the Highway Authority. All electric charging points shall be installed in accordance with the approved details prior to occupation of the development and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Prior to the first occupation of the property, the noise mitigation measures detailed in Section 6.2 of "Noise Assessment, Land West of Royston Bypass", Report reference H33079-NV-v3, dated 16th December 2020 by Hawkins Environmental. shall be implemented. The measures shall be maintained in accordance with the approved details thereafter.

Reason: To protect the residential amenity of future residents

16. During the 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.

Reason: To protect the residential amenity of existing residents

17. Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site to enable a standard size family car / waste collection vehicle and delivery vehicle to park, turn and re-enter the highway in a forward gear as identified on drawing number PB8955-RHD-GE-SW-DR-R-0002 Revision P07. These areas shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position as identified on drawing number PB8955-RHD-GE-SW-DR-R-0002 Revision P07, in accordance with the highway specification to be agreed under s278 works. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance as identified on drawing number PB8955-RHD-GE-SW-DR-R-0002 Revision P07. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

20. Prior to the first occupation of the development hereby permitted a pedestrian crossing point between the nearest new bus stop and the main pedestrian entrance to the site, as identified on drawing number PB8955-RHD-GE-SW-DR-R-0003 revision P04 shall be provided.

Reason: In the interest of sustainable travel and compliance with polices 108 and 110 of the NPPF and policy 1 of LTP4.

21. Prior to the first occupation of the development hereby permitted the new bus stop to the north west of the site, as identified on drawing number PB8955-RHD-GE-SW-DR-R-0003 revision P04 shall be provided.

Reason: In the interest of sustainable travel and compliance with polices 108 and 110 of the NPPF and policy 1 of LTP4.

22. Construction Traffic Management Plan: No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) map showing the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- b) access arrangements to the site;
- c) the date of start and finish of works on site;
- d) siting, methodology and facilities for wheel cleaning;
- e) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities;
- f) cleaning of site entrances, site access roads and the adjacent public highway and;
- g) details of provisions for temporary car parking, loading/unloading and vehicle turning areas;
- h) hours of construction operations including times of deliveries and removal of waste;

- i) the estimated number and type of vehicles per day/week;
- j) details of any vehicle holding area;
- k) details of the vehicle call up procedure;
- l) details of any changes to on-street waiting and loading restrictions that will be required;
- m) access and protection arrangements around the site for pedestrians, cyclists and other customers;
- n) coordination with other development projects in the vicinity;
- o) details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent;
- p) details of a construction phasing programme;
- q) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

23. The premises shall be used for a residential care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the continued meeting of demand for care home beds in the District to which significant weight has been afforded in favour of the proposed development in the planning balance.

24. Prior to commencement of the development, a Badger walk-over survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted on by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully.

Reason: To ensure badgers are protected from harm during construction in accordance with national legislation.

25. Prior to the commencement of development, a Landscape and Biodiversity Plan shall be submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development. The plan shall include details covered in Chapter 5 Mitigation and avoidance measures; Chapter 6 Enhancement measures, specifically 6.2 and 6.3; and Chapter 7 Recommendations, specifically 7.1.2, 7.1.3, and 7.1.4 of the Ecological Impact Assessment by The Landscape Partnership, December 2020.

Reason: To ensure biodiversity net gain in accordance with national legislation and

local policy

26. Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

Proactive Statement:

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

Informative/s:

1. 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).

- o 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.
- o 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o 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.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge

Scheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

2.
 - o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
 - o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles'.
 - o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.
 - o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.
3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
4. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
5. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
7. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

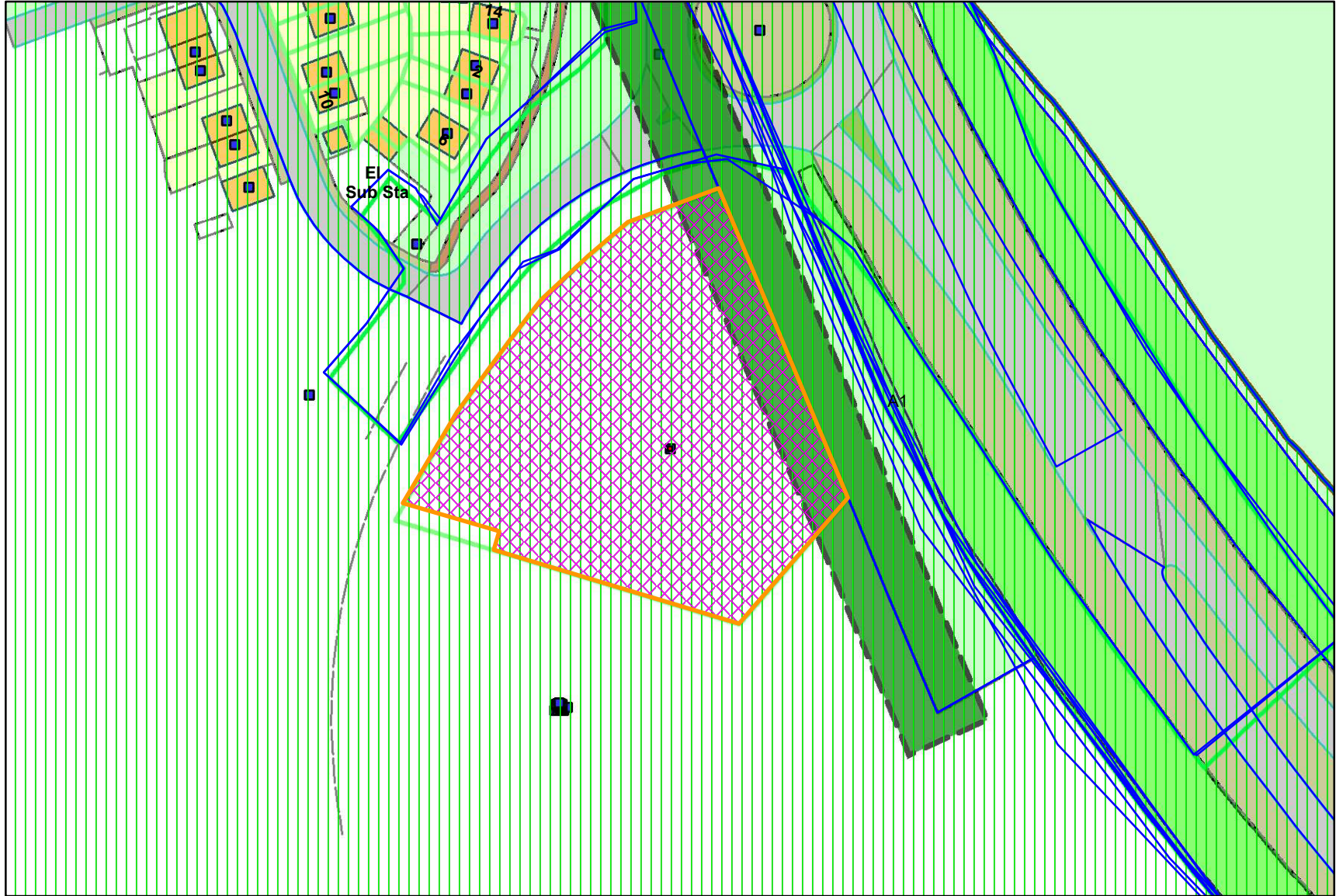
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Application Validation Sheet

20/03018/FP Land West of Royston Bypass, Royston, Herts

- Acolaid Land Parcel**
Property.shp
- Acolaid Address Point**
ap.shp
- Planning Application (1999)**
Prapps99.shp
- Area of Outstanding Natural Beauty**
Pranob.shp
- Listed Buildings**
Prlstbld.shp
- Tree Preservation Order (Single)**
ORACLE
- Tree Preservation Order (Group)**
ORACLE
- Parish Boundary**
Prparish.shp
- Conservation Area**
Prcrea.shp
- District Local Plan Boundary**
Prdlp2.shp
- Green Belt**
Prgrnbt.shp
- Health & Safety Consultation Zone**
Prjnzshp
- Landscape Conservation**
Prlandca.shp
- Ward Boundary**
Prwardcd.shp
- Noise Nuisance Indicators**
Prnnis.shp
- Indicative Flood Plain**
Prifpn.shp



Scale 1:1,250
Date: 23/06/2021



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<u>Location:</u>	The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD
<u>Applicant:</u>	C/O Agent
<u>Proposal:</u>	Residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).
<u>Ref. No:</u>	20/01764/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

6 October 2020

Submitted Plan Nos.:

2641-PL101, 2641-PL102, 2641-PL103, 2641-PL104, 2641-PL105, 2641-PL106, 2641-PL107, 2641-PL108, 2641-PL109, 2641-PL110, 2641-PL111, 2641-PL112, 2641-PL113, 2641-PL114, 2641-PL115, 2641-PL116, 2641-PL117, 2641-PL118, 2641-PL119, 2641-PL120, 2641-PL121, 2641-PL122.

Extension of statutory period:

1 June 2021

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Ian Moody for the following reasons:

I'd like to call this application please as there is a lot of public objections to the development.

1.0 **Site History**

- 1.1 02/00786/1 - Change of use of staff bedrooms to four guest rooms – Approved 16/07/02.

- 1.2 02/00161/1 - Single storey detached building to provide 7 additional units (as amended by drawing nos. 2045/01A and 04 received 07.05.2002, drawing no. 2045/02A received 14.05.2002 and drawing no 28.08.02/1 received 18.09.2002) – Approved 12/11/02.
- 1.3 00/00840/1 - Outdoor decked seating area – Refused 09/08/00
- 1.4 91/00436/1 - Single storey side extension incorporating conservatory and single storey part rear extension. Six light columns – Approved 03/06/91.
- 1.5 89/01605/1 - 4 single storey blocks to provide 16 additional bedroom units, existing 5 unit block extended to 6 units plus additional parking facilities, erection of new pitched roof garage (As revised amended plans received 12th March and 19th March – Approved 12/04/89.
- 1.6 87/00931/1 - Erection of 2 single storey detached buildings to provide 8 bedroom units for motel – Approved 30/07/87.
- 1.7 87/00806/1 - Erection of single storey rear extension, entrance canopy and resitting detached garage as a variation of previous permission 1/341/87 – Approved 12/06/87.
- 1.8 87/00341/1 - Erection of single storey rear extension, entrance canopy and resitting detached garage – Approved 30/03/87.
- 1.9 The site has also been subject to other non-relevant advertisement consent applications.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

- Policy 5 – Excluded villages
- Policy 14 – Nature Conservation
- Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
- Policy 26 – Housing Proposals
- Policy 55 – Car Parking Standards
- Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

Policy SP1 - Sustainable development in North Hertfordshire
Policy SP2 - Settlement hierarchy and Spatial Distribution
Policy SP3 - Employment
Policy SP4 - Town and Local Centres
Policy SP6 - Sustainable transport
Policy SP8 - Housing
Policy SP9 - Design and sustainability
Policy SP10 - Healthy communities
Policy SP11 - Natural resources and sustainability
Policy SP12 - Green infrastructure, landscape and biodiversity
Policy SP13 - Historic environment
Policy ETC2 – Employment development outside Employment Areas
Policy ETC7 - Scattered local shops and services in towns and villages
Policy T1 - Assessment of transport matters
Policy T2 - Parking
Policy HS3 - Housing mix
Policy D1 - Sustainable design
Policy D3 - Protecting living conditions
Policy D4 - Air quality
Policy HC1 - Community facilities
Policy NE1 - Landscape
Policy NE6 - Designated biodiversity and geological sites
Policy NE8 - Sustainable drainage systems
Policy NE11 - Contaminated land
Policy HE1 - Designated heritage assets
Policy HE4 - Archaeology

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 21/08/2020 Expiry Date: 13/09/2020

3.2 **Press Notice:**

Start Date: 20/08/2020 Expiry Date: 12/09/2020

3.3 **Neighbouring Properties:**

The following objections, 14 in total, were received from dwellings on High Street, Bury Lane, Taverners Place, Valley Road, The Ridgeway, Pond Court:

- The site is not large enough for the development.
- Do not want more expensive houses.

- Loss of village amenities.
- Detrimental to openness of the area.
- Close to heritage assets. No. 63 High Street, Pond House, and The George and Dragon, are listed buildings.
- No. 63 dwarfed by proposed buildings.
- Detrimental to setting of No. 63 and its curtilage.
- Harms the Conservation Area.
- Rear dwellings more dominant due to higher ground levels.
- The future of The Bell is key to the Conservation Area.
- Negative impacts on viability of The Bell due to loss of motel and external storage.
- Potential for inappropriate new storage.
- Proximity. A 21m back-to-back distance. Too imposing and overwhelming.
- Overbearing.
- Massing.
- Loss of privacy. Overlooking (including of proposed dwellings).
- Loss of light and overshadowing.
- Harmful impacts of future extensions to dwellings.
- Loss of views.
- Increased noise compared to existing use, exacerbated by removal of boundary vegetation.
- Car park close to garden. Increased noise and light from car park.
- Pollution from vehicles.
- Traffic generation.
- Impacts on highway safety.
- Parking insufficient for The Bell and proposed dwellings, causing more on-street parking.
- The access is opposite a major junction in the village.
- Loss of public footpath.
- Unsuitable refuse storage.
- Loss of an oak tree.
- No room for new boundary planting. Trees should be required on the north boundary.
- Existing flooding. Proposal could worsen this.
- Flood risk would be increased.
- Positioning of soakaways and likely impacts.
- No cross-section/site levels drawings.
- No west elevation drawing.
- Infrastructure limited, including water.
- Disturbance from construction.
- Possible land slippage.
- Rear boundary of No. 63 incorrect.
- Inaccuracies in statements.
- Permitted development rights should be restricted.

The following comments in support were received:

- See no reason why it shouldn't go ahead.
- Saving The Bell is a positive.
- Development well-designed, spacious, with adequate facilities.
- Massive improvement.

The following other comments were received:

- Opportunity to improve the car parking situation.
- Space should be reserved near the frontage for public car parking, still leaving space for the dwellings.

Following amended plans received on 18/03/21, the following further objections were received from Nos. 2a Bury Lane and 63 High Street:

- Amendments do not alleviate concerns.
- Excessive height, scale and mass.
- Too many houses, which are too high.
- Support the Conservation Officer's original advice to remove plots 1 and 2, and to reduce the width and height of plots 3 to 9.
- Dominate the Conservation Area visually.
- Do not agree with the Conservation Officer's most recent comments. Impacts on Conservation Area and listed buildings disproportionate.
- Not sure if Conservation Officer and Historic England fully understand the scheme.
- Dominate the skyline.
- Potential for future upward development of plot 1.
- There may be an intention to change site levels.
- Visible from No. 63.
- Need site levels and cross-section analysis.
- Proximity – Plot 4 is 20m from my house.
- Privacy and overlooking, including of proposed dwellings.
- Contrary to Local Plan Policy 57.
- Impacts from pub garden.
- Massing, and an increase over the motel.
- Hedges offer little protection.
- Ground destabilisation.
- Mass and amount of development viewed from the High Street between 63 High Street and The Bell.
- Existing flooding.
- Increased flood risk to No. 63, and other properties and areas.
- Suspect a commercial use for The Bell Inn is unlikely.

3.4 **Codicote Parish Council:**

OBSERVATION

CPC will adhere to the Planning Officer's recommendations.

The new home owners may be disturbed by the noise late at night if The Bell PH were to be re-opened.

3.5 **Statutory Consultees:**

3.6 Hertfordshire County Council Growth and Infrastructure – We will not be seeking financial contributions.

3.7 Environmental Health Officer – No objections.

Noise

I have reviewed the submitted “Technical Note - The Bell Motel, 65 High St, Codicote – Noise Impact Assessment”, Project Ref: TN01-20442, dated 31 July 2020 by Cass Allen Associates Ltd. The desktop study Report was prepared under lockdown conditions when The Bell Inn was not operational, however I consider the use of data from records held by the Acoustic Consultants to predict and model noise associated with the Public House (including fish and chip takeaway extractor noise) to be acceptable in determining the potential noise impact on the proposed future residents. The noise from the kitchen extraction system was determined to be lower at the proposed dwellings than at existing residential dwellings; it is therefore acceptable. Noise impact from use of The Bell Inn, car park and beer garden were predicted. For the closest proposed dwelling (Plot 1) no enhanced noise mitigation measures to achieve satisfactory internal noise levels were found to be required (standard glazing and ventilators will be satisfactory). To achieve satisfactory noise levels in external amenity area (garden) of Plot 1 a 1.8 metre high close boarded fence between the Public House boundary and Plot 1 is recommended (Page 5 of Report). The Technical Report may be Approved. I recommend a Condition below.

Lighting

Details of proposed external lighting have not been submitted. In order to ensure that the amenity of residential occupiers is not adversely affected by any obtrusive or spill over light or glare from any external lighting on the proposed development once constructed I recommend a Condition below..

Construction phase

Due to the potential for nuisance during this phase I have included informatives.

3.8 Environmental Health Air Quality – No objection.

3.9 Waste Officer – No objections.

3.10 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission.

The application comprises of a residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).

VEHICLE ACCESS

The submitted details show one point of access from the High Street that is classified as the B656 secondary distributor road subject to a speed limit restricted to 30 mph along the frontage of the development.

Within section 8 of the application form Pedestrian and vehicle access, roads and rights of way, the applicant has implied that there is a no new or altered vehicle access proposed to the existing vehicle access to or from the public highway to the property. The access road and proposed turning areas have sufficient room for vehicles using the proposal such as residents' cars, delivery and emergency vehicles to enter and exit the development in forward gear.

HIGHWAY SAFETY - Visibility along the highway from the existing access.
A site visit revealed that the vehicle to vehicle inter-visibility from the existing access is in accordance with "Sightlines at Junctions Manual for Streets section 7.7

IMPACT ON THE LOCAL HIGHWAY NETWORK - Traffic Generation

Within Section 9. Vehicle parking the applicant states that given that the proposal involves a redevelopment with a reduction to parking provision of three spaces this has been considered not to significantly alter the traffic generation of vehicles to the property.

The forecast of trips generated show that a total of 9 two-way vehicle trips will occur during the morning peak travelling period and in the evening travelling period a total of 11 two-way vehicle trips are anticipated resulting in an average vehicle movement either way every 5 minutes which will be accommodated by the existing access junction.

WASTE COLLECTION

There are 2 bin storage points provided within the site which are within the 30m walking distance for residents to carry their waste to a point to be collected. A further bin collection point is provided within 15 m of the public highway for the North Herts District Council waste collection operators. A waste management company would collect the bins on collection day (Tuesday) from the resident's storage areas and then return the empty bins back to the resident's area collection point. This method of collection would need to remain in place for perpetuity for the duration of the residential development.

ACCESSIBILITY - Public Transport

The nearest bus stops are within the recommended 400 metres from the site. The bus route along the High Street including routes to destinations such as Hitchin town centre and Welwyn. There are presently 5 bus services throughout the day.

CONCLUSION

The B656 is a secondary distributor road capable of accommodating the traffic movements associated with the development. Hertfordshire County Council as Highway Authority has considered that the proposal is a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application.

3.11 Archaeology – No objections.

- 3.12 Landscape and Urban Design Officer - I have no objection to the layout or design of the scheme. However, details will need to be provided of proposed planting, including species, size, type, numbers and location together with materials for surfacing and enclosure.
- 3.13 Hertfordshire Ecology – No objections.
- 3.14 Environmental Health Contamination – No objection.
- 3.15 Lead Local Flood Authority – No objection.

We have reviewed the information submitted by the applicant in support of the planning application and note the proposed change in drainage strategy. We note the applicant has undertaken soakage testing onsite, and that the results of these tests have proven infiltration to be unfeasible on the site. The drainage strategy therefore, is now proposing to discharge surface water into the Thames Water Foul Water Sewer, we note the applicant has obtained prior approval from Thames Water in the form of a pre planning enquiry for the proposed connection, consenting the connection and proposed discharge rates for the development.

We understand the driveways of the proposed residential development will consist of permeable block paving, so that surface water on the driveway drains into the type 3 subbase below and surface water from the building roofs are also directed via downpipes to the type 3 subbase below the permeable paving before final discharge into the sewer via a hydrobrake flow control. The proposed access road will consist of asphalt paving so that surface water drains via gullies into sewers that are directed to the type 3 subbase below the car park for storage to allow a restricted surface water discharge rate via hydrobrake flow control. The car park at the rear of the public house will also consist of asphalt paving and will drain via channel drains connected to the type 3 subbase for storage before discharging to the sewers at a restricted surface water discharge rate.

In order to secure the final detail of the drainage scheme, we therefore recommend the following conditions to the LPA should planning permission be granted.

- 3.16 Conservation Officer - I reiterate that in my opinion, the amount of development remains higher than what I would consider would make a positive contribution to the local area but it is also acknowledged that the applicant has sought (to an extent) to positively address matters raised despite maintaining a 9-unit scheme. As such, I consider that alternative solutions have been explored and ultimately what is now presented is sufficiently better than the previous iterations and I am prepared to remove my objection.

Recommendation

The 'Design and Access Statement Addendum - March 2021' sets out very clearly the progression from the initial submission and initial amendments (both of which were considered to occasion harm) through to the current scheme. I have given great weight to the conservation of the Codicote Conservation Area and to the setting of nearby

listed buildings and conclude that the proposal (as amended) whilst it may still be considered, by some, that there is small amount of harm still occasioned to the character and appearance of the conservation area and to the setting of nearby listed buildings, by reason of the height and density of the proposal, that harm (if considered to exist) would, in my opinion, be very much towards the lower end of the continuum. That harm should then be weighed against any public benefits.

Although a reduction in dwelling numbers and providing a more generous rear curtilage to The Bell Inn would have been the most desirable outcome and my intended goal, in my view, the amended scheme does make a much more positive contribution to the character and appearance of the conservation area when compared with earlier iterations. In light of the changes made, particular in the area of original Plots 1 and 2 and the retention of the outbuilding, I am prepared to conclude that the proposal is **UNOBJECTIONABLE** in conservation terms and would satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and the aims of Section 16 of the NPPF.

- 3.17 Historic England – Historic England consider that the applicant has attempted to address the concerns within our previous comments and the scheme would now result in a neutral impact to the character of the Codicote Conservation Area.

Recommendation

Historic England has no objection on heritage grounds.

4.0 **Planning Considerations**

4.1 **Site and Surrounding**

- 4.1.1 The site comprises The Bell Inn, No. 65 High Street, which is a public house (Use Class A4) and includes a small take-away (Use Class A5) in the main building, both of which have now closed. The site is relatively large, with the majority comprising a motel of separate single storey buildings, an associated car park, hard and soft landscaping including some lawned areas for motel guests, and trees and other vegetation around the edges. Ground levels rise gradually from west to east, and from south to north.
- 4.1.2 The locality has a predominantly residential character with dwellings to the west, north and east. To the south is a two storey residential care home, with a public footpath between it and the site. Some additional dwellings are west of the care home and south of the site. The site is also on the High Street, where a short distance to the south the character is a mix of commercial and residential with shops, services and pubs nearby. The site is within the settlement boundary of Codicote. The whole site is within the Codicote Conservation Area. Listed buildings are to the north, west and south.

4.2 Proposal

- 4.2.1 Planning permission is sought for the redevelopment of the majority of the site behind the public house (which would be retained) to provide 9 new dwellings. All existing buildings and hardstanding would be removed, although a small length of the vehicular access drive would be retained.
- 4.2.2 All dwellings would be two storeys with pitched roofs, apart from Plot 1 which would be single storey. Plots 1 to 4 would be a terrace, Plots 5 to 7 would be linked-detached, and Plots 8 and 9 would be detached. The dwellings would be of a more traditional design, with external materials of plain clay roof tiles, bricks, and stained timber boarding. One dwelling would have two bedrooms (Plot 1), five dwellings would have 3 bedrooms, and the remaining three dwellings would have 4 bedrooms. Dwelling heights would vary from approx. 5m to a maximum height of 8.8m.
- 4.2.3 The dwellings would be accessed by a new access road that would extend to the rear of the site, following the south boundary before turning north at the eastern end of the site. Plots 1 to 7 would have two parking spaces, with Plots 8 and 9 having three spaces. Plot 9 would also include a detached single garage with a pitched roof. Five visitor parking spaces will be provided. Two bin stores with flat roofs will be provided close to the public footpath and south boundary of the site. The development also includes an 11 space car park for The Bell public house in the blue line area, with 4 spaces to be provided in an existing outbuilding. An area of land west of the Plot 1 curtilage will be kept undeveloped as open amenity space for the development. A retaining wall and standalone timber fence is proposed on the boundary with No. 2 Bury Lane, which would be a combined height of approx. 2.6m. Storage for The Bell will be within the building of the pub itself.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
 - The acceptability of the design of the proposed development and its resultant impact on designated heritage assets and the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings, and the future viability of the public house.
 - The impact that the proposed development would have on car parking provision and the public highway in the area.
 - The quality of landscaping proposed and the impact the proposed development would have on trees.
 - The impact that the proposed development would have on ecology and protected species.
 - The impact of the proposal on drainage and flood risk.

Principle of Development:

- 4.3.2 With regards to the proposed development, the site is in the settlement boundary of Codicote, where new buildings and new residential development is acceptable in principle in the adopted and emerging Local Plans in Policies 5 and SP2 respectively. The proposal will also result in the loss of existing motel accommodation, of which there is no policy presumption in the adopted and emerging Local Plans and the NPPF against this. The proposed development is therefore considered acceptable in principle.

Heritage, character and appearance:

- 4.3.3 The existing single storey motel buildings to be demolished date from the late 1980's onwards and as such are relatively new. These buildings are not considered to be of significant historic or architectural merit, therefore there are no objections to their removal and their associated hardstanding, fencing etc.
- 4.3.4 The proposal would create a new residential development of dwellings in a cul-de-sac arrangement, which would contrast with the existing motel business. Development around the site is predominantly residential, therefore new dwellings are not considered out of character with these surroundings. Residential cul-de-sacs are also present in this area of Codicote, therefore new residential development is in general considered in keeping with that of the locality.
- 4.3.5 The site is within a Conservation Area. There are also listed buildings near the site, in particular No. 63 High Street, which has a curtilage that partially adjoins the site. No. 67 High Street and No. 2 Bury Lane are also listed buildings that share boundaries with the site. Of key importance is how the proposed development will affect the above, which are all designated heritage assets. The Conservation Area will be directly affected by the development. With regards to the listed buildings, the material consideration is whether their settings and significance would be harmed.
- 4.3.6 The plans proposed have followed numerous negotiations involving Council Planning and Conservation Officers, and are now considered to be of a design quality that would not be harmful to the significance and setting of the above designated heritage assets. Plot 1 is single storey, with the larger two storey dwellings set sufficiently far back so as not to detract from the setting of No. 63 (and therefore the other two closest listed buildings). Plots 2 to 4 have also been improved sufficiently in height, design, size and scale to be of an acceptable quality. The design approach for Plots 2 to 4 continues to Plots 5 to 9, which is also considered of an acceptable quality with regard to the significance of the Conservation Area. The absence of objections from the Council's Conservation Officer, and Historic England, are given significant weight.
- 4.3.7 The proposal will provide a new car park on a part of the site that is presently largely of hardstanding, with 4 parking spaces to be provided within an existing building with a pitched roof behind the pub. The retention and proposed use of this building, and the area of land kept as open space, would provide an acceptable buffer between the pub and the development.

4.3.8 The layout of the proposed development is considered acceptable, and not untypical of a residential cul-de-sac. The proposal would use existing ground levels satisfactorily. There would be a mix of dwelling types, sizes and bedrooms, with 6 of the proposed dwellings being smaller with 2 or 3 bedrooms. The size, height and scale of the proposed dwellings are considered comparable to nearby dwellings. There are no objections to the detached garage for Plot 9, and for the two bin stores. Class A and C permitted development rights are recommended to be removed by condition if permission was to be granted, to maintain control over the future appearance of the development. The site's location in a Conservation Area removes permitted development rights for roof enlargements. The proposal in terms of its design, impacts on designated heritage assets, and impacts on the wider locality, are considered acceptable.

Impacts on Neighbouring Properties:

4.3.9 There are a number of dwellings that share a boundary with the site or are close to it, which are on the High Street, Bury Lane, Valley Road, and a residential care home off The Ridgeway. The impacts of the proposed development on these properties will be considered below. Starting with dwellings on the High Street, No. 67 High Street, and Nos. 4, 5 and 6 Coach House, are considered sufficiently far away from the proposed development to be adversely affected, although it would be visible to a limited extent.

4.3.10 Nos. 63 and 61 High Street share their rear garden boundaries with the site. The closest proposed dwelling to Nos. 63 and 61 is Plot 1, which would be single storey. This dwelling would be approx. 11.8m from the rear boundaries of those dwellings and at an oblique angle, would have its curtilage separated from them by the proposed undeveloped area of land, and would in any case be largely obscured by means of enclosure and vegetation on and close to the rear boundaries of Nos. 63 and 61. The Plot 1 dwelling would not therefore appear overbearing or result in loss of light and privacy. The next closest proposed dwelling is Plot 2, which would be approx. 22m from the curtilages of Nos. 63 and 61. At this distance, and as no facing side upper floor openings are proposed, the Plot 2 dwelling would not adversely affect Nos. 63 and 61. The other elements of the residential development would be further away than Plot 2, therefore it is not considered that this part of the development would harm the amenity of Nos. 63 and 61.

4.3.11 The proposal also includes a new car park for the pub, which would have 11 spaces, and be sited close to the side and rear boundaries of No. 63, although it would be set away from No. 61. The car park would be obscured from the rear garden of No. 63 by a wall and vegetation on its boundary, and would not appear visually overbearing. This part of the site is presently comprised of hardstanding and vegetation, used as a yard/storage area for the pub and motel, and is not open to pub customers vehicles. The change of use of this part of the site to a public car park would therefore result in customers vehicles being much closer to No. 63, which would result in additional noise and some pollution. The Council's Environmental Health Officer has not however raised concerns relating to these aspects of the proposed development on Nos. 63 and 61 or any other existing dwellings, which is given significant weight. On this basis, while acknowledging the greater impacts of the car park than the existing development, it is not considered harmful to the amenities of nearby dwellings.

- 4.3.12 Bury Lane has dwellings Nos. 2, 2a and 10 that share a boundary with the site. No. 4 Bury Lane is called 'The Vicarage' however this is also in residential occupation, therefore the impacts of the development on the above four properties are material considerations. Starting with No. 2, this dwelling has a relatively large plot, and is approx. a minimum of 8m from the site boundary. The proposed dwellings are a minimum of 25m from the rear elevation of No. 2 and at oblique angles, which is sufficient to prevent overbearing impacts, loss of light and loss of privacy to any main habitable rooms. The Plot 2 and Plot 3 dwellings would be approx. 14m from the rear garden boundary of No. 2, which is considered sufficient to avoid harmful loss of privacy. The proposed boundary fence with No. 2 would be a height of 1.8m on ground at the same level as the rear garden of that dwelling, which would be a typical height for a rear boundary fence, and is not considered harmful to amenity. The other elements of the scheme would not be harmful to No. 2, therefore the amenity of No. 2 will not be harmed.
- 4.3.13 No. 2a is east of No. 2, and would face towards proposed dwellings on Plots 3 and 4. The other dwellings proposed are considered to be sufficiently far from No. 2a and at oblique angles such that they would not harm the amenity of that dwelling. The impacts of Plots 3 and 4 will therefore be considered in more detail. The first floor rear elevations of Plots 3 and 4 would be approx. 13m and 12m respectively from the boundary with No. 2a, and 29m and 21m from its rear elevations. These distances between the rear elevation and garden of No. 2a are considered typical for dwellings facing each other, and are not considered harmful. It is not considered that the amenity of No. 2a would be harmed by the proposal.
- 4.3.14 Turning to No. 4 Bury Lane, the Plot 5 and 8 dwellings would be closest to it. These proposed dwellings would be sited obliquely from the rear and side windows of No. 4 with the two storey elements of those dwellings set away from the boundary, therefore it is not considered that main habitable rooms of No. 4 would be adversely affected. Plots 5 and 8 would be more visible from the garden of No. 4. Single storey side projections of those dwellings would be the closest to the boundary, however it is not considered they would cause loss of amenity as the site is lower than No. 4, they would have roofs sloping away from the boundary, and they would be obscured/softened by the boundary vegetation. The two storey side walls of Plots 5 and 8 would be approx. 4m to 6m from the boundary with No. 4 and on lower ground levels, which is considered sufficient to minimise any visual and overshadowing such that these impacts would not be harmful. No upper floor openings are proposed facing No. 4, therefore no loss of privacy would occur. No. 4 would not be affected by the rest of the proposed development, therefore impacts on the amenity of No. 4 are considered acceptable.
- 4.3.15 No. 10 Bury Lane has a rear garden with one side boundary shared with the rear of the application site. Proposed dwellings 8 and 9 would be closest to this boundary, being approx. a minimum of 11m to the boundary, with Plot 8 being 18m from the rear of No. 10. The 11m distance to the rear boundary from the rear of Units 8 and 9 is fairly typical for dwellings, and is not considered unreasonable or harmful in terms of visual impacts, overshadowing and privacy. The rear window-to-window distance from Plot 8 to No. 10 would be approx. 20m, which is also fairly typical between dwellings, and is considered acceptable. The detached garage for Plot 9 would be single storey and

located at the end of the rear garden of No. 10, and is not considered harmful. Impacts on the amenity of No. 10 are considered acceptable.

- 4.3.16 South of No. 10 is No. 2 Valley Road, which shares a boundary with the site. No. 2 and its curtilage are however primarily to the south of Unit 9 and its garage, and there is also a footpath between No. 2 and the site. Due to the distance, siting and size of the development from No. 2, it is not considered that loss of amenity would be caused to that dwelling.
- 4.3.17 To the south-east of the rear of the site is a two storey building Pond Court, accessed off The Ridgeway. Pond Court is considered to have a C2 residential use, and has residential accommodation with a number of units with openings facing the site at ground and first floor level. A fence and vegetation 2m to 3m high on the north boundary of Pond Court would effectively mitigate any potential impacts to ground floor accommodation. The closest of the proposed dwellings to the north elevation of Pond Court would be Units 7 and 9, which would be approx. 14m and 11m respectively from that north elevation. The development would be to the north, and would not cause loss of light. The dwellings would be visible at the above distances, however it is considered they would be sufficiently far to avoid being harmfully overbearing.
- 4.3.18 Unit 7 would include a first floor side window facing Pond Court that would serve a bathroom, and can be required to be obscure glazed by condition if permission was to be granted to avoid loss of privacy. This is also applicable to Unit 9, therefore the privacy of residents of Pond Court would not be harmed. The garage for Unit 9 would be separated from Pond Court by an adjacent footpath, and is not considered harmful. The bin stores would have low heights and would not appear overbearing or cause loss of light.
- 4.3.19 Some of the objections from Pond Court residents concern smells from nearby bin store 2. It is acknowledged that some smells could occur from bins placed there, however both the Council's Environmental Health Officer and Waste Officer have not objected in this respect. Loss of amenity from bin storage is considered to be more likely to be an issue from commercial refuse storage, which is not the case here as domestic refuse would be smaller in scale and therefore its impacts. The proposed bin store 2 is therefore considered acceptable.
- 4.3.20 Regarding the objections received, many have been addressed elsewhere in this report. Disruption and noise etc. from construction would be unfortunate to nearby residents, however this not a reason to refuse planning permission as such impacts will be temporary and can also be controlled by a Construction Management Plan. A pub garden is not part of the proposal. Potential impacts on ground stability are not considered to be material considerations, while it is also considered that the applicant would seek to ensure ground stability as it would be in their own interests to do so. The public footpath would not be affected by the proposal. Details of any external lighting would be required by condition. Impacts on residential amenity are therefore considered to be acceptable.

Amenity of Future Occupiers, and Viability of the Public House:

- 4.3.21 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.
- 4.3.22 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and space sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants.
- 4.3.23 The Bell public house and a fish and chip shop takeaway inside the pub in a separate wing are presently closed, however these could re-open in the future. Noise, smells and other disturbance from the above uses could affect the living conditions primarily of Unit 1, with the other dwellings considered to be sufficiently far away to avoid being adversely affected.
- 4.3.24 Regarding impacts on Unit 1, the applicant submitted a Noise Impact Assessment. This stated that the noise from the kitchen extraction system was determined to be lower at the proposed dwellings than at existing residential dwellings, and is considered acceptable by the Council’s Environmental Health Officer (EHO). No special noise mitigation measures are required for the fabric of Unit 1, while a 1.8m high fence is considered to be required on the west garden boundary of Unit 1 to achieve satisfactory noise levels in the garden. Living conditions of future occupiers are considered acceptable.
- 4.3.25 Potential residents could complain about noise, disturbance etc. from the pub, which could affect its viability. The adopted Local Plan does not contain any policies relating to this, therefore there are no relevant development plan policies.
- 4.3.26 The emerging Local Plan under Policy HC1 paragraph 10.2 refers to development that could affect local shops and pubs, which should be assessed against Policy ETC7. ETC7 refers to the loss of an existing facility being acceptable only where a. there is another service or facility of a similar use available within walking distance. There are two other pubs on the High Street in Codicote a short distance away to the south-east therefore any possible adverse impacts on the viability of the pub are not considered detrimental to Codicote as a whole. Required storage for the pub would be provided within the pub building. In any case the noise mitigation measures and acceptance of the impacts on the pub and take-away on the proposed dwellings are considered acceptable by the EHO, therefore there is no evidence to demonstrate that the proposed development would harm the viability of the existing pub.

Parking and Highways:

- 4.3.27 Each dwelling would have two or three parking spaces, which complies with the Council's minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. Each dwelling would include a garage or space within its curtilage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable. Dwellings 5, 6 and 7 would include garages that would provide one of their two parking spaces, therefore it is considered that permitted development rights for conversion of these garages be removed by condition to maintain an adequate amount of parking. The five visitor parking spaces are considered acceptable.
- 4.3.28 The internal access road and turning area would be a sufficient size for the largest vehicles including refuse and emergency vehicles to enter and leave the site in a forwards gear. Refuse collection arrangements are considered acceptable on the basis of the absence of objections from the Council's Waste Officer and the County Council highways officer. Expected trip generation from the development is considered small (an average vehicular movement every 5 minutes in the morning and evening peaks), would be accommodated satisfactorily by the existing access, and would not be detrimental to the highways network. The development would not result in detrimental impacts to the public footpath. Parking provision and impacts on the public highway are considered acceptable.

Trees and Landscaping:

- 4.3.29 The site contains little tree cover given its size, with most trees being at the rear of the pub and close to the boundaries. These trees are not subject to Tree Preservation Orders, although they are protected by virtue of being in a Conservation Area. Four trees are proposed to be removed that are close to the north boundary of the site, which are considered of a minor scale as the highest is 8m, with the other three being 3-5m tall. These losses are not considered harmful, and would be off-set by new tree planting as part of the proposed development.
- 4.3.30 The amount of hard landscaping would be small relative to the soft landscaping provided, which is considered would result in an acceptable quality and finish to the site as well as a reduction in the existing amount of hardstanding. Further details of hard and soft landscaping are however required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

- 4.3.31 Hertfordshire Ecology provided comments on 19th September 2020 with reference to an ecological report submitted with the application, advising that the site is not home to protected species, low potential for bat roosts, and the potential for being habitats for nesting birds and hedgehogs. The report sets out suitable precautions to safeguard bats, birds and hedgehogs, which can be required to be implemented by condition. A Landscape and Ecological Management Plan will also be requested by condition to ensure that a biodiversity net gain is delivered. The proposal is not therefore considered harmful to ecology.

Drainage and flood risk

4.3.32 The Lead Local Flood Authority (LLFA) have not objected to the proposed development on the grounds of drainage and flood risk, which is given significant weight. Surface water would be discharged into the Thames Water Foul Water Sewer, which the applicant has prior approval for. The hardstanding proposed will be permeable or will include gullies/drains to direct water at appropriate discharge rates to the sewer. I acknowledge that some of the objections received from nearby properties relate to potential for drainage and flooding, however I'm satisfied that the LLFA's absence of objections will ensure that drainage and flood risk will be satisfactory and not harmful. References to works being carried out within The Bell are not considered materially relevant as any such works would be outside the application site. Some further details of drainage will be required by condition in accordance with the recommendations of the LLFA. This is therefore acceptable.

Climate Change Mitigation:

4.3.33 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned to be installed at each of the proposed new dwellings, and at least one charging point for the car park for the pub. The applicant has also submitted a Sustainability Statement demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

4.4 Conclusion

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged as the proposal is not considered harmful to designated heritage assets. There will be moderate benefits from the provision of nine additional dwellings, which is not considered harmful to the locality. There would be further benefits from the redevelopment of the site and associated visual improvements. It is not considered that there would be adverse impacts from the development, therefore it would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF.

4.4.2 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

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:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. Details of brick type, bond and mortar mix shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground brickwork being constructed. Thereafter, the brickwork shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to safeguarding the character and appearance of the Codicote Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The roofs shall be covered with a clay plain tile, a sample of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roof-tiling. Thereafter, the roofs shall be covered using the approved tiles.

Reason: To ensure that special regard is paid to safeguarding the character and appearance of the Codicote Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to commencement of the approved development (excluding demolition), the following landscape details shall be submitted:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
 - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

6. 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.

7. Prior to occupation, each dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point, and the new car park behind The Bell shall include at least three EV ready charging points.

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.

8. CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and

to avoid school pick up/drop off times;
hi. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and C 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.

10. Contaminated Land Condition
- (a) The Phase I Report indicated a reasonable likelihood of harmful contamination: 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.

11. The development shall be completed in accordance with the measures set out in the Recommendations (section 7) of the Ecological Assessment (dated July 2020).

Reason: To minimise potential harm to ecology.

12. The development shall be completed in accordance with the measures set out in the Arboricultural Report (dated July 2020).

Reason: To provide appropriate protection for trees.

13. The proposed dwellings shall not be occupied until the noise mitigation measure (1.8 metre close boarded fence between the public house and Plot 1) as detailed in "Technical Note - The Bell Motel, 65 High St, Codicote - Noise Impact Assessment", Project Ref: TN01-20442, dated 31 July 2020 by Cass Allen Associates Ltd has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

14. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition), and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: To protect the residential amenity of existing and future residents.

15. Prior to the commencement of the approved development (excluding demolition), a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority demonstrating a biodiversity gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

16. No development shall take place/commence (excluding above ground demolition works) until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and
 1. The programme and methodology of site investigation and recording;
 2. The programme of post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records

of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation;

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology.

17. No development shall take place/commence (excluding above ground demolition works) except in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 17.

Reason: In the interests of archaeology.

18. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 17 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

19. The development permitted by this planning permission shall be carried out in accordance with the Drainage Statement in relation to the proposed residential development at The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD, dated November 2020, reference: 6601415-MLM-ZZ-XX-RP-C-0004, prepared by MLM Consulting Engineers Drainage Statement, Rev 03, 10.11.2020 and the following mitigating measures:

1. Limiting the surface water run-off rates to a maximum of 3.5l/s for all rainfall events up to and including the 1 in 100 +40% climate change event with discharge into the Thames Water Foul Water Sewer.

2. Provide attenuation (700mm of storage within the type 3 subbase, or such volume agreed by the LPA) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

3. Implement the drainage strategy utilising lined permeable paving, type 3 subbase and a Hydrobrake flow control device.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

20. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement in relation to the proposed residential development at The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD, dated November 2020, reference: 6601415-MLM-ZZ-XX-RP-C-0004, prepared by MLM Consulting Engineers Drainage Statement, Rev 03, 10.11.2020. The scheme shall also include:

1. 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

2. All corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event with no flooding to occur at the 1 in 30 year return period.
3. Post development overland routes and exceedance routes
4. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as lined permeable paving, this should also be considered for the proposed access road and car park.
5. Silt traps for protection of any residual tanked elements
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

21. Upon completion of the drainage works for the site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

22. The first floor south elevation windows of the Plot 7 and 9 dwellings shall be obscure glazed.

Reason: In the interests of privacy and amenity.

23. The undeveloped land west of Unit 1 shall remain as open amenity space.

Reason: In the interests of visual and neighbour amenity.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

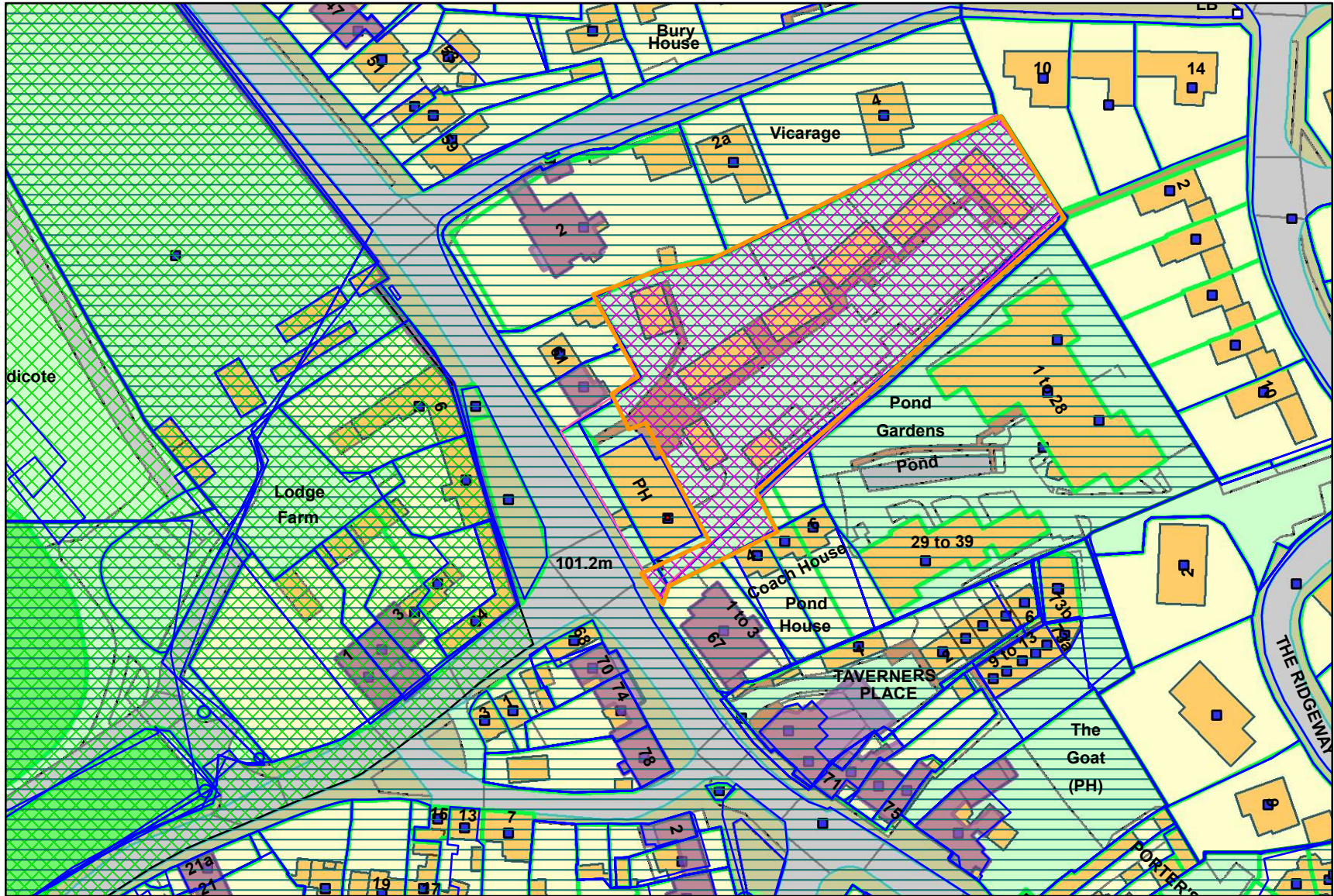
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Application Validation Sheet

20/01764/FP The Bell Inn, 65 High Street, Codicote, Hitchin, Herts, SG4 8XD

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcrea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjnzshp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:1,250
Date: 23/06/2021



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<u>Location:</u>	Land at Ivel Court Radburn Way Letchworth Garden City Hertfordshire
<u>Applicant:</u>	Mr Sean Crossan
<u>Proposal:</u>	Residential development comprising of one five storey building providing 24 apartments (3 x 1-bed, 20 x 2-bed and 1 x 3-bed) with associated car parking, access and landscaping. (Additional plan received 04 May 2021)
<u>Ref. No:</u>	21/00401/FP
<u>Officer:</u>	Simon Ellis

Date of Statutory Expiry Period: Agreed extension to 16.07.21

Reason for Delay

Change of case officer due to staff absence and to enable preparation of the requisite S106 Obligation.

Reason for Referral to Committee

As the Council owns of the application site it is therefore necessary for this planning application for residential development to be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

Submitted Plan Nos.

503-01 Location Plan
530-10C Site Layout
530-11B Lower Ground, Ground, First and Second Floor Plans
530-12B Third Floor and Roof Plans
530-13A Front, South and Side East Elevations
530-14A Rear, North and Side West Elevations
530-17 Bin Store, Floor Plans and Elevations
530-18 Proposed Block Plan
2018-11 Rev B Land Survey Plan
Landscape Master Plan
Tree Protection Plan

Associated Documents:

Noise Assessment Plan
Transport Statement and Appendices
Surface Water Drainage Strategy
Arboricultural Report
Planning Statement

1.0 Policies

1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):

Policy 8 'Development in Towns'
Policy 21 'Landscape and Open Space Pattern'
Policy 26 'Housing Proposals'
Policy 29A 'Affordable Housing for Urban Local Needs'
Policy 51 'Development Effects and Planning Gain'
Policy 55 'Car Parking Standards'
Policy 57 'Residential Guidelines and Standards'
Policy 58 'Letchworth Garden City Design Principles'

1.2 National Planning Policy Framework (NPPF):

In total but in particular:

Section 2 'Achieving Sustainable Development'
Section 4 'Decision Making'
Section 5 'Delivering a Sufficient Supply of New Homes'
Section 8 'Promoting Healthy and Safe Communities'
Section 9 'Promoting Sustainable Transport'
Section 11 'Making Effective Use of Land'
Section 12 'Achieving Well Designed Places'
Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change'
Section 15 'Preserving and Enhancing the Natural Environment'

1.3 Supplementary Planning Documents:

Vehicle Parking Provision at New Development (SPD – 2011)
Design SPD
Planning Obligations SPD (November 2006)

1.4 Submission Local Plan (2011-2031) (with Modifications):

Section 2 – Strategic Policies

SP1 - Sustainable development in North Hertfordshire;
SP6 – Sustainable Transport
SP7: Infrastructure Requirements and Developer Contributions
SP8 - Housing;
SP9 - Design and Sustainability;
SP10 - Healthy Communities;

Section 3 – Development Management Policies

T1 - Assessment of transport matters
T2 - Parking;
HS2 - Affordable housing;
HS3 - Housing mix;
HS5 - Accessible and Adaptable Housing
D1 - Sustainable design;
D3 - Protecting living conditions;
D4 - Air quality;
NE7 - Reducing flood risk;
NE8 - Sustainable drainage systems;
NE9 - Water Quality and Environment;
NE10 - Water Framework Directive and Wastewater Infrastructure;
NE11 - Contaminated land;

2.0 Site Planning History

- 2.1 Planning application ref. 07/02156/1: Residential development of 74 units comprising 13 x 2 bed houses and 61 x 2 bed flats (33% affordable housing). New community centre, supermarket, hot food takeaway and extension and refurbishment of existing flats, 65 additional car parking spaces, landscaping and ancillary works following demolition of existing library community centre, shops and garage blocks. Erection of temporary community centre. Withdrawn: 29/10/2007
- 2.2 Planning application reference: 08/00404/1: Residential development of 59 units comprising 13 x 2 bedroom affordable houses, 12 x 2 bedroom affordable flats and 34 x 2 bedroom flats. New community centre, supermarket, hot food takeaway and extension and refurbishment of existing flats, 38 additional car parking spaces, landscaping, creation of new areas of public open space and ancillary works following demolition of existing library, community centre, shops and garage blocks. Erection of temporary community centre. Planning Control Committee resolved to grant subject to the completion of a S106 Obligation. Scheme not proceeded with.
- 2.3 Pre-application advice was provided for this scheme under reference 20/01344/PRE. The advice was generally supportive and the position of the Council's Housing Supply Officer reported below on the provision of affordable housing in association with this scheme was also clarified and is set out below in paragraph 3.8.

3.0 Representations:

3.1 Technical and Statutory Consultees:

Hertfordshire County Council (Highways):

Originally objected to the application due to lack of information on vision splays and access information. Following pro-active negotiation between the applicant, officers and HCC (Highways) further information and clarification has been submitted and following this there are no objections, suggested conditions (see recommended condition nos. 6-9 and informative 3).

3.2 Hertfordshire County Council (Lead Local Floor Authority):

No objections, suggested conditions (see recommended condition nos. 11 and 12).

3.3 Hertfordshire County Council (Historic Environment – Archaeology):

No objections, suggested conditions (see recommended condition no. 10).

3.4 Hertfordshire County Council (Growth and Infrastructure and Fire and Rescue):

Only require Library services contributions of £2,615 towards enhancements to Letchworth Library. No other contributions sought.

3.5 NHDC Environmental Protection (Air Quality):

Require suitable EV charging points on site which can be secured through planning condition(s) and informative(s) (see recommended condition no. 13 and informative no. 2)

- 3.6 **NHDC Environmental Protection (Contaminated Land):**
No objections, any contaminants found during construction should be brought to the attention of the Council (see recommended condition no. 14).
- 3.7 **NHDC Environmental Health (Noise):**
No objections, suggested conditions limiting (see recommended condition no. 15 and informative no. 1).
- 3.8 **NHDC (Waste Collection and Recycling):**
No objections. Confirms that collections will operate from Radburn Way to this development.
- 3.9 **NHDC (Parks and Countryside):**
Requires a contribution towards play equipment in the facility nearest the site (see table of recommend S106 contributions).
- 3.10 **NHDC (Housing Supply Officer):**
Agreed 8 shared ownership units in pre-application discussions rather than an off-site contribution. The option of an off-site financial contribution was put to the applicant who preferred to deliver 8 on site shared ownership units as they are already working with a Registered Provider (RP). If rented units are provided this can make management of a dual tenure block more difficult therefore the Housing Supply Officer has agreed that the affordable housing element of this scheme can be limited to shared ownership units only and an appropriately worded S106 Obligation is being drafted to deliver this. The development would therefore deliver 16 market units and 8 shared ownership units within the development scheme (representing 33% affordable housing).
- 3.11 **Anglian Water:**
No objections.
- 3.12 **Environment Agency:**
Nothing received. Any comments received to be reported orally.
- 3.13 **Transition Towns Letchworth:**
See comments set out in **appendix 1**.
- 3.14 **Local Residents:**
Full details can be viewed on the Council's website. A summary of views is set out below:
- Loss of established green space and trees having been fenced off for public use prior to development (only 27 spaces for 24 flats proposed);
 - Insufficient car parking for the development;
 - Loss of privacy to existing occupiers of Ivel Court with a five-storey building proposed in this location;
 - Loss of daylight and sunlight to surrounding area from such a tall building;
 - Vital need for affordable housing and sufficient units within the proposal should be allocated for this purpose;
 - Loss of established access to nearby shopping centre;

- Bland design out of keeping with the surrounding area;
- Noise assessment carried out during Covid restrictions, therefore doesn't represent a true picture of the surrounding noise climate;
- Likely to be complaints from residents of the development against organised events at the Jackman's Community Centre, undermining its sustainability;
- Lack of provision for cyclists and EV charging points.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site consists of a 0.2ha area of land between Radburn Way and Ivel Court, Letchworth. Ivel Court is a large dominating five storey apartment block with retail on the ground floor. There is also a large public area around the courtyard which also includes the Jackmans Community Centre building (behind the application site). The location of the site is a post war housing estate development with wide open streets linking residential areas. The application site is a slope leading from Radburn Way to the Ivel Court complex above.

4.2 The Proposals

4.2.1 Full planning permission is sought for a five-storey (including lower ground floor) apartment block (lower ground, ground floor, floor one and floor two) consisting of a 24 no. residential apartment building, a mix of one, two and three bedroom units (3x1 bedroom, 20x2 bedroom and 1x3 bedroom units). Of the 24 flats, 16 are proposed as open market accommodation and 8 no. as affordable housing as shared ownership tenure (6x2 bedroom and 2x1 bedroom flats). The block would be of a flat roof design of functional form and materials. Materials of construction proposed are facing brick, render, cast stone detailing around windows and steel and glass balconies.

4.2.2 Cycle storage facilities would be located within the block and car parking and access would be to the rear (consisting of 28 car parking spaces). A bin store block would also be located to the side of the block close to the new proposed vehicular access. Pedestrian access would be gained directly off Radburn Way to the front entrance, to the side of the building also off Radburn Way as well as from the rear car park and vehicular access to the rear car parking area, would also be off Radburn Way to the side of the apartment block. The existing vehicular access to the former public car park (now closed) would be blocked off as part of the development scheme.

4.2.3 The height of the proposed building would be just over 15m when viewed from the lower ground floor level as this level would be built into the natural slope of the land on which the building would be sited. This natural slope extends from the site of the building up to Ivel Court on higher ground and from the site down to the opposite side of Radburn Way, which is fronted by two storey semi-detached houses. The application site therefore acts as a transition area between two storey dwellings and the Ivel Court mixed use development complex.

4.3 Key Issues

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, together with the representations also listed above and the resolution of the Planning Control Committee in 2008 to grant planning permission for a larger 59 unit apartments block on this site I consider the main issues to be addressed in the determination of this planning application are as follows:

- The principle of development on the site and the overall policy basis for any decision;
- Whether the design, layout and overall appearance of the development is acceptable in this location;
- Whether the living conditions of nearby residents and future residents of the proposed development would be acceptable;
- Whether the proposal would have sufficient car parking, access and servicing arrangements to meet the needs of the development and not harm the wider area;
- Whether suitable S106 contributions and affordable housing can be secured, and
- Whether the proposal is acceptable in all other technical respects, and in relation to matters of climate change and air quality mitigation.

The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions on the planning balance and setting out a recommendation.

4.3.2 Policy Basis for the Proposal

The application site is located within the urban area of Letchworth Garden City and as such housing development is acceptable in principle under Saved Local Plan Policy 8 'Development in Towns'. The application site is close too but not within part of the Landscape and Open Space Patter (Saved Local Plan Policy 21) and although there has already been some loss of soft landscaping in this area in preparation for the proposed redevelopment (see comments reported above) the proposed development would not encroach on the open space pattern protected under Policy 21. As the development is acceptable in principle it must be assessed against relevant design policies, 57 and 58 of the Saved Local Plan and DS1 and DS3 of the emerging Local Plan.

4.3.3 Quality of Design and Layout

The previously approved scheme from 2008 consisted of two residential blocks in the same broad location as this development proposal (planning application no. 08/00404/1). Whilst this scheme was never implemented the principle of residential development on this site was effectively established by this decision. Whilst the blocks had a mix of roof forms, building heights and materials, including pitched roof elements, the overall building mass of the 2008 approved development was greater than that proposed here.

4.3.4 When seen from the Radburn Way the proposal would appear as a five storey flat roof building, however, the location of the block and flat level between Radburn Way and the façade of the proposed block would mitigate the visual prominence of the block in my judgement, when seen from across the other side of Radburn Way and from within the street scene. And whilst clearly placing a new block of development in this location

of the size and form proposed on a site that had no previous development on it would have a significant visual presence, it would be seen against the backdrop of the larger and more visually prominent Ivel Court block of flats, which sits on higher ground and has a greater visual presence than the proposal here, albeit it is sited further away from the Radburn Way street frontage. Given the context of the development proposal and the previous decision of the Planning Control Committee to grant permission for a larger overall built form on this site, I am satisfied that the scale and prominence of the proposed development is acceptable in this location. If a pitched roof were added to the scheme then this would add to the visual presence of the block without significantly improving its design and appearance, in my view. On that basis I consider the proposed building to be of an acceptable standard of design and layout on this site.

4.3.5 Living Conditions

The proposed development would have a considerable visual presence in this locality but is in my view sited far enough away from nearby residential properties to avoid any loss of privacy, overshadowing or loss of outlook when seen from those properties. Moreover, for the occupiers of the proposed development the space around the building would ensure that their living conditions are acceptable in relation these matters.

4.3.6 The issue that has been raised in the representations reported above regarding the relationship between the proposed development and the operation of the nearby Jackmans Community Centre is of some concern, in that the proposed development would be close to the community centre and will bring new residents to the area who may make complaints about any noise issues emanating from the community centre. Whilst these issues would be addressed separately through the Council's Noise Nuisance Powers under the Environmental Protection Act (Environmental Health) this issue is a material consideration in the determination of this planning application. Given that the Planning Control Committee have resolved to grant planning permission for residential development on this site in 2008 and that there are no specific objections to this planning application from the Council's Environmental Health Officers (as is reported above) it would in my view be manifestly unreasonable to refuse planning permission for housing on this site based on a hypothetical risk that the occupiers of this development may complain about noise from a nearby community centre and that that noise nuisance would be so severe that a noise abatement notice forces the closure of the centre. In my view if a noise nuisance is that severe it would be of a level of disturbance that impacts on the living conditions of existing residents in the wider area as well as any potential future occupiers of this development.

4.3.7 The proposed development lacks shared amenity space in my view but the function and operation of the proposal is acceptable, the car parking is sufficiently separated from the development, it and the proposed bin stores would be readily accessible and in general I consider that the function of the block in relation to on site facilities and infrastructure would be acceptable and provide acceptable living conditions for proposed residents.

4.3.8 Car Parking and Transport Issues

The proposed development includes a car park with 27 spaces for 24 flats, at a standard of just over 1 space per flat. This is below the standards set out in the Vehicle Parking Provision SPD which requires at least 2 spaces for two bedroom units+ and one space per one bedroom unit and this scheme includes a mixture of tenure and

bedroom numbers so this level of provision is below the standard. However, whilst this site is not within a town centre where the SPD allows for a reduction in the standard, it is in a relatively sustainable location with good links to the public transport network and local shops and services so on that basis car ownership is unlikely to be of a high level for occupiers of this development and the likelihood of significant overspill car parking into the surrounding area is limited in my judgement. As Members will be aware paragraph 109 of the NPPF is very clear in its approach to refusing permission on the grounds of highway impacts:

‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe’.

The under provision in off-street car parking in absence of any objection from the Highway Authority would not in my view lead to severe impact on highway safety and on that basis I cannot recommend refusal for this reason as a result.

4.3.9 S106 Matters

Set out in table below is the elements of the S106 Obligation that this development proposal requires. All the terms set out have the agreement of the applicant and an advanced draft of the document is being prepared by the Council’s planning lawyer and the applicant’s solicitor.

Element	Details	Justification
Affordable Housing Provision	8 units of shared ownership accommodation (6x2 bedroom and 2x1 bedroom)	Saved Local Plan Policy 29A and Emerging Local Plan Policy HS2 (33%)
Interactive Play Equipment for Jackmans Central Play Area	£12,861 (index linked from 2006 costs)	Planning Obligations SPD 2006
Waste Collection and Recycling	£71 per flat (index linked to 2006 costs)	Planning Obligations SPD 2006
Letchworth Central Library Contribution for enhancements	£2,615 (index linked)	Planning Obligations SPD and HCC Toolkit

4.3.10 As Members will know under Community Infrastructure (CIL) regulations it is necessary to identify the specific infrastructure project to which funding is sought from an applicant at the time that planning permission is granted. It is no longer allowable to collect a tariff through a S106 Obligation towards a general category and allocate to an identified project later. Following consultation with all relevant Service Provides and local ward Members the above table sets out details of all relevant projects that have been sought in relation to this scheme. On that basis this table forms the basis of a CIL regulations compliant S106 Obligation which is at an advanced stage of preparation.

4.3.11 On affordable housing, the emerging Local Plan Policy (HS2) would require 35% affordable housing for a 24-dwelling scheme of which 65% should be for rent and 35% for other affordable housing tenure (such as shared ownership). This scheme proposes 33% affordable housing, 100% of which would be other affordable housing

tenure, in this case shared ownership. There has been pre-application discussion between the applicant and the Council's Housing Supply Officer and she has agreed this provision in lieu of on-site rental or an off site financial contribution. It is more feasible to mix shared ownership tenure with market accommodation in one single block of development as Registered Providers (RPs) (i.e. Housing Associations) prefer to manage rented accommodation in one block or separate houses within a housing development scheme. The applicant already has an RP on board to manage the shared ownership units so on the basis that this can be managed in the same block as the market units the Housing Supply Officer has agreed that the on-site delivery of shared ownership units is preferable to a financial contribution for off-site delivery in this instance. And since the S106 Obligation cannot deliver both the delivery of on-site shared ownership and an offsite financial contribution the proposed provision represents a tangible contribution towards overall affordable housing delivery in the District and is acceptable on that basis, in my view.

4.3.12 Other Technical Matters

As can be seen from the technical consultation responses reported above, all outstanding technical matters have been resolved in relation to the determination of this planning application and are addressed in the specifically worded recommended conditions set out in the recommendation below.

4.3.13 Conclusions and the Planning Balance

It is clear in my view that this proposal would have a significant visual presence in the locality. It is of functional design and appearance but by establishing 24 units of new residential accommodation on a relatively small site within the urban area of Letchworth at a time when the Council can only demonstrate a 1.5 year supply of deliverable housing sites (latest AMR figures from April 2021) in one of the worst performing local planning authorities for housing delivery in England the public benefits of the scheme in providing much needed new housing outweighs any harm caused by the development of this building in this locality. Moreover, and notwithstanding these concerns the principle of allowing new housing on this visually prominent site was established in 2008 when the Planning Control Committee resolved to grant planning permission for a larger scheme than that set out in this planning application.

4.3.14 Climate Change and Air Quality Mitigation

The scheme proposes three EV charging points within the proposed development whereas I recommend below that a greater provision is secured through a suitably worded planning condition which is set out below at one EV point per allocated space for each dwelling (i.e. 24 EV points as recommended by the Council's Environmental Protection Officer (Air Quality)).

4.3.15 Alternative Options Considered

See discussion of case merits above.

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 a) That planning permission be **GRANTED** subject to the following conditions and to the completion of the requisite S106 Obligation to deliver the benefits set out in the above table and to no new issues being raised within the period of notice being served on the owner of the planning application site.

b) That the applicant agrees any necessary extensions to the statutory determination during the period to enable the completion of the S106 Obligation and the grant of planning permission within the extended statutory period or permission is refused under delegated powers based on incomplete S106 Obligation.

Recommended conditions and reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Prior to the commencement of the development hereby permitted full details of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority which shall include the following:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. 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.

6. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided 4.8m wide and thereafter the access shall be retained as shown on approved plan no. SK01 Rev B. Arrangements shall be made so that surface water drainage does not discharge onto the public highway.

Reason: To ensure satisfactory vehicular access to the site and to avoid carriage of extraneous materials onto the highway in accordance with Policy 5 of the Hertfordshire Local Transport Plan (adopted 2018).

7. Prior to the first occupation of the development hereby permitted the disused access shall be closed and footway shall be reinstated along the frontage of the site to the satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of the Hertfordshire Local Transport Plan (adopted 2018).

8. The gradient of the access shall not exceed 1:20 for the first 6m into the site as measured from the rear of the footway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of the Hertfordshire Local Transport Plan (adopted 2018).

9. No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include compound details for construction, vehicle routes for deliveries, times of deliveries and hours of construction, on site vehicle cleaning and wheel washing, parking for contractor's vehicles, post construction restoration of the public highway and hoarding, pedestrian and vehicle routes throughout the development project.

Reason: In order to protect the highway safety of other road users and nearby residents in the interests of highway safety and amenity, in accordance with Policies 5, 12, 17 and 22 of the Hertfordshire Transport Plan.

10. A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- 1) The programme and methodology of site investigation and recording;
 - 2) The programme and methodology of site investigation and recording as suggested by the site evaluation;
 - 3) The programme of post evaluation and assessment;
 - 4) Provision to be made for site investigation and recording;
 - 5) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - 6) Provision to be made for archiving and deposition of the analysis and records of the site investigation;
 - 7) Nomination of a competent persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- B) The development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition A).
- C) The development shall not be occupied until the site investigation and post investigation has been completed in accordance with the Written Scheme of Investigation approved under condition A) and the provision made for analysis and publication where appropriate.

Reason: To secure the proper archaeological evaluation of the site in accordance with the requirements of Section 16 of the NPPF.

11. The development permitted by this planning permission shall be carried out in accordance with approved Surface Water Drainage Strategy carried out by EAS, Job No. 2978 Rev B, dated 29 January 2021 and the following mitigation details set out in the FRA:
- 1) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run off rate of 1 l/s during the 1 in 100 year event plus 40% climate change event.
 - 2) Providing storage to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year event + climate change providing a minimum of 107.88 cubic metres (or such storage volume agreed with the LLFA) of total storage volume in the attenuation tank.
 - 3) Discharge of water from private drain into the Anglian Water sewer network.

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

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

12. No development shall place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water runoff from the site generated by the corresponding rainfall event. The scheme shall subsequently be fully implemented in accordance with the approved details before the development is completed. The scheme shall include the following:
- 1) Confirmation from Anglian Water that the proposed connection to the into the Surface Water Sewer and the proposed discharge rate is acceptable.
 - 2) Final detailed drainage plan including the location and provided volume of all SUDs features, pipe runs and discharge points.
 - 3) Detailed engineering drawings of the proposed SUDs features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 - 4) Should third party agreements be needed to secure the connection into the Anglian Water surface sewer they should be sought, evidence of
 - 5) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifespan.

Reason: To prevent the risk of flooding, both on and off site.

13. Prior to occupation, the 24 designated parking spaces, shall each incorporate an Electric Vehicle (EV) ready domestic charging point. Additionally, one of the visitor parking spaces shall also be required to incorporate an Electric Vehicle (EV) ready domestic charging point.
14. Any suspected contamination encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible; in such a case, 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.

15. Prior to the first occupation of the development, the noise mitigation measures (glazing and ventilation) as detailed in Section 6.4, Table 8 and Appendix F of "Land adjacent to Ivel Court,..... Proposed Residential Development" Report reference DP618/20326/ Rev 1 dated 3/2/21 by Spectrum Acoustic Consultants shall be implemented. The measures shall be maintained in accordance with the approved details thereafter.

Reason: To protect the residential amenity of future residents

Informatives

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

A 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
 - 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.
 - A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
3. Construction standards for works within the highway shall be constructed to the satisfaction and specifications of the Highway Authority, by an approved contractor, and in accordance with 'Roads in Hertfordshire – Highway Design Guide 2011'. Before work commences the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.0 Appendices

- 7.1 Appendix 1: Comments on the application from Transition Towns Letchworth

Public Response of behalf of Transition Town Letchworth to the Proposed Ivel Court Development of 24 flats (Planning Ref 21/00401/FP)

Site Layout

A significant area of the site is allocated to parking. Transition Town Letchworth would have liked to see a better use of the land, with less space utilised solely for surface level parking. For example, a more attractive development could have been achieved by including some of the following design ideas:

- town houses with parking at ground level and living space above;
- flats with parking in the lower level;
- covered parking adjacent to the flats with a ‘green roof’ on the garden providing a terrace garden for residents of first floor flats.

Planning Statement para 6.1.1. states “[The Jackmans estate does have some characteristics which could be said to be redolent of the Garden City but in my opinion, one would have to look quite hard to make the connection.](#)” Transition Town Letchworth consider the Jackmans estate to be one of the most important extensions to the Garden City. The car parking access to the rear of homes and a motorised traffic free network of green spaces and paths are an attractive feature of this estate and show how Garden City principles can be developed and adapted to accommodate increased car ownership. We would like to see these characteristics better embedded in the proposed Ivel Court development.

We have the following concerns with the proposed road and path layout:

- The site currently provides a step free access path to the Jackmans community centre and local shopping area from the south. The proposed layout suggests that the new development will be fenced off from the shopping centre. Thus an access route to the shopping centre will be removed. This will be particularly problematic for those with disabilities, pushchairs or bicycles they wish to park on stands in the shopping centre, as the next closest access point requires walking up a large number of steps.
- There are no pavements adjacent to the access road in the development, just a paved area to be shared by vehicles and pedestrians.

Transition Town Letchworth would like the design improved by:

- Redesigning the stepped entrance to the shopping centre to include a ramp
- the addition of a path / cycle way connecting the access road in the development into the shopping area.
- A pavement installed beside the access road, on the side closest to the flats and away from the parking.

Construction Details

Planning Statement Paragraph 2.3.4 states that, “The remainder of existing development surrounding the site generally comprises two-storey houses to the south and north of the site and two/three-storey apartment blocks, such as Hadleigh retirement housing development to the north-west. There are also examples of newly built housing schemes, namely the redevelopment of the former Hamonte site, which is currently being redeveloped to provide a three/four-storey sheltered apartment complex (16/02915/1).”

We recognise that there is a step change proposed in the building to reflect the terrain of the site, but relative to its closest neighbours the height of this development does seem excessive, especially, given its position at the main gateway into this estate.

The Planning Statement states that Art Deco has influenced the design, in particular the Spirella Building. This is not immediately obvious, probably because the roof construction is flat and lacks any of the character of the Spirella Building. There is a big opportunity to benefit from Solar PV if a well-designed sloping roof could be provided on this south facing building. Transition Town Letchworth would like to see a redesign of the roof with the aim of using Solar PV tiles as a roofing material.

With the land owner located at County Hall, it would appear that the land owner is Herts County Council. Herts County Council have declared a climate emergency and our expectation is that they will be seeking that all developments on land they provide for housing will be capable of operating at zero carbon as the grid decarbonises. Retrofitting is difficult and expensive, but will be particularly challenging on blocks of owner occupied flats. It is therefore extremely important that high fabric energy efficiency standards are achieved on the Ivel Court development if it receives planning permission. Appendix A of this submission provides the LETI building guidance for Medium and Large Scale Housing. We would like NHDC to use this guidance to set standards for the Ivel Court development. We are particularly keen that the development should be at least judged against the part L building standards that will come into effect in 2021 (which are available now in draft) but in addition, we would like this development to achieve a space heating demand of no more than 15kwh/m²/year, which is aligned to requiring walls and floors U values of at least 0.15 and 0.10 respectively. Walls and Floors are building elements that, national and local experiences have shown, are the most difficult to retrofit. The government’s Future Homes Standard Consultation and LETI zero carbon homes design guidance both indicate that U values for Walls of 0.15 and floors of 0.10 to 0.11 will be necessary for a home to be capable of becoming zero carbon.

Transport

The development has a plan for 27 car parking spaces and a bike store for 24 bicycles. We understand that the ‘dated’ NHDC planning requirements suggest more parking is necessary. Transition Town Letchworth support reduced provision of car parking

spaces on this development. To lever change to more sustainable transport it is important that new developments are designed to discourage car use and encourage sustainable transport use. Paragraph 7.4.3 of the Planning Statement (replicated below) suggests that 27 spaces will be an overprovision. Transition Town would like to see parking spaces further reduced and cycle parking provision increased in this development.

Para 7.4.3 “The development however proposes a total of 27 parking spaces, these being one per unit plus three visitor parking spaces. The proposed residents parking of 1 per unit is in line with the local car availability obtained from the 2011 census, which is 0.914, and which would indicate around 22 spaces would be appropriate here. Additionally, taking the rate for flats in the area (0.528) the number of spaces required would be just 13. This is backed up by the local convenience shopping and services available at Ivel Court and also by the good public transport connections available to Letchworth town centre and also to Stevenage.”

We understand a car share scheme has been included in the Hamonte development and would like to see this provision replicated on this development.

We would also expect to see electric charging points that are accessible from any parking space on the development, yet there seems to be no such provision.

Communal Spaces and Planting

We are pleased to see that there are some communal green spaces as part of this development. However, the development is some distance from local allotments and it would therefore be good to see space given for a community food garden. We would also like to see plans to plant trees and bushes which have edible fruits which residents can enjoy.

The appearance of the development would be softened by plants that can grow up the façade.

Waste

In response to Question 14 on the Planning Application Form the developer has stated that there is no plans for separate storage and collection of recyclable waste. However, the designs suggest there is to be a communal area for recycling waste. Transition Town Letchworth expect this development to support the separation of recycling material, including food waste, both at the communal collection point and within flats.

We would like to see a communal compost bin on the site, ideally located within a community growing space which can utilise the compost.

Medium and large scale housing

Operational energy

Implement the following indicative design measures:

Fabric U-values (W/m ² K)	Value
Walls	0.13 - 0.15
Floor	0.08 - 0.10
Roof	0.10 - 0.12
Exposed ceilings/floors	0.13 - 0.18
Windows	1.0 (triple glazing)
Doors	1.00

Efficiency measures	Value
Air tightness	<1 (m ³ /h.m ² @50Pa)
Thermal bridging	0.04 (ψ-value)
G-value of glass	0.6 - 0.5
MVHR	90% (efficiency) 52m (duct length from unit to external wall)

Window area guide (% of wall area)	Value
North	10-20%
East	10-15%
South	20-25%
West	10-15%

Balance daylight and overheating

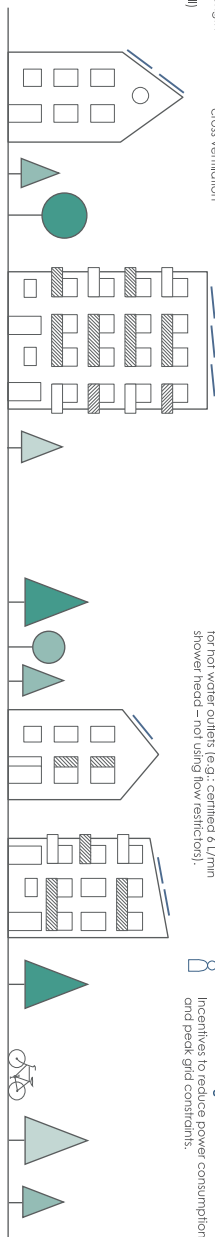
- Include external shading
- Include operable windows and cross ventilation

Reduce energy consumption to:

35 kWh/m²/yr
Energy use intensity (excluding renewable energy contribution)

15 kWh/m²/yr
Energy use intensity (including renewable energy contribution)

Reduce space heating demand to:



Heating and hot water

Implement the following measures:

- Fuel** Ensure heating and hot water generation is fossil fuel free
- Heat** The average carbon content of heat supplied (GCO₂/kWh_{th}) should be reported in-use
- Heating** Maximum 10 W/m² peak heat loss (including ventilation)
- Hot water** Maximum dead leg of 1 litre for hot water pipework
Green! Euro Water label should be used for hot water outlets (e.g.: certified 6/L/min shower head – not using flow restrictors);

Demand response

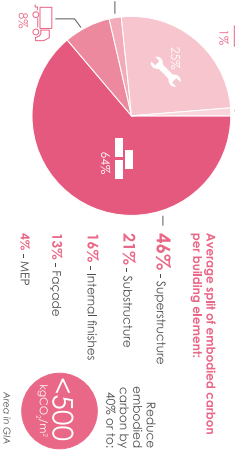
Implement the following measures to smooth energy demand and consumption:

- Peak reduction** Reduce heating and hot water peak energy demand
- Active demand response measures** Install heating set point control and thermal storage
- Electricity generation and storage** Consider battery storage
- Electric vehicle (EV) charging** Electric vehicle turn down
- Behaviour change** Incentives to reduce power consumption and peak grid constraints.

Embodied carbon

Focus on reducing embodied carbon for the largest uses:

- Products/materials (A1-A3)
- Transport (A4)
- Construction (A5)
- Maintenance and replacements (B-BS)
- End of life disposal (C1-C4)



Data disclosure

Meter and disclose energy consumption as follows:

















- Metering**
 - Submeter renewables for energy generation
 - Submeter electric vehicle charging
 - Submeter heating fuel (e.g. heat pump consumption)
 - Continuously monitor with a smart meter
 - Consider monitoring internal temperatures
 - For multiple properties include a data logger alongside the smart meter to make data sharing possible.
- Disclosure**
 - Collect annual building energy consumption and generation
 - Aggregate average operational reporting e.g. by post code for anonymity or upstream meters from part or whole of apartment block
 - Collect water consumption meter readings
 - Upload five years of data to GIA and/or CarbonBiz online platform
 - Consider uploading to Low Energy Building Database.

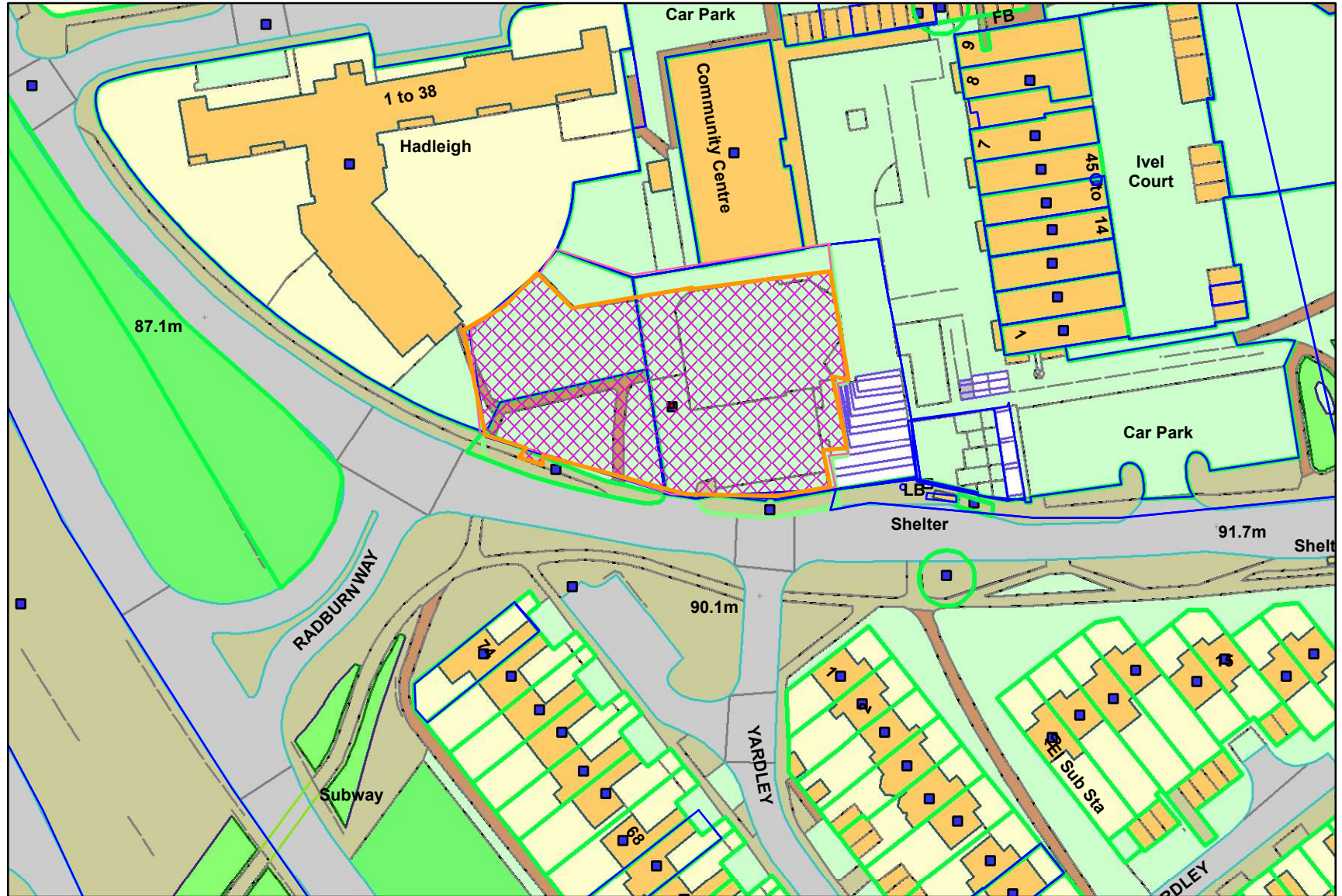




Application Validation Sheet

21/00401/FP Land at Ivel Court, Radburn Way, Letchworth Garden City, Hertfordshire

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnblt.shp
-  **Health & Safety Consultation Zone**
Prjnzshp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



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Date: 14/06/2021



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PLANNING CONTROL COMMITTEE

DATE: 22 July 2021

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Kevin McBride	04 June 2021	Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road.	Land North Of Oakleigh Farm Codicote Road Welwyn	20/00598/FP	Written Representations
Mrs Grainger	28 June 2021	Erection of five dwelling houses in association with a new access spur from the Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space. (Amended plans received 22/06/20 and 07/12/20).	Land At Turnpike Lane And Adjacent To 4 Manor Close Turnpike Lane Ickleford	20/00891/FP	Written Representations
Mr Collier	29 June 2021	Erection of one 2-bed dwelling adjoining 33 Eastern Way	33 Eastern Way Letchworth Garden City Hertfordshire SG6 4PE	20/02185/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 22 July 2021

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
MBNL (EE & H3G)	Installation of 20M high monopole supporting 12 no antenna apertures including ground-based equipment cabinets following removal of existing 15M monopole.	Land Adjacent To Ashfield Drive Blackhorse Road Letchworth Garden City	19/02678/FP	Appeal Allowed on 18 May 2021	Delegated	The Inspector concluded that there would be conflict with emerging policies of Local Plan and the Local Plan taken as whole, and the design policies of the Framework. However, the presumption in favour of sustainable development under the Framework would apply. Given the harm to the character and appearance of the area would be small, planning permission should be granted due to this presumption. There are no other material considerations to outweigh this finding.
Linden Wates (Royston) LLP and Frontier Estates (Dartford...	Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works (as amended by plans received 11 November 2019)	Land West Of Royston Bypass Royston	19/00248/FP	Appeal Allowed on 11 June 2021	Committee	The Inspector stated that whilst he did not find a conflict between the proposed scheme in respect of social cohesion and the Council's adopted policy there is a some conflict with the emerging policies D1(Sustainable Design) and HS4 (Supported, sheltered and older persons housing) of the Submission Local Plan 2011-2031 which require new development to be well served by public transport with good access to services. With respect to character and appearance of the proposal, the

						<p>Inspector concluded that there is no conflict with Policies 6 (Rural Area beyond the Greenbelt) and 57 (Residential Guidelines and Standards) of the Local Plan. Furthermore, he concluded that there is no conflict with the emerging policies HS1 (Local Housing Allocations) and D1 (Sustainable Design) of the emerging local plan.</p> <p>The Inspector stated that the appeal is accompanied by a completed Unilateral Undertaking which includes financial contributions towards highway works and sustainable transport required to address the Council's third reason for refusal (Infrastructure). In its Community Infrastructure Levy (CIL) compliance statement, the Council has accepted that these obligations are in line with both Policy 57 (Residential Guidelines and Standards) and the emerging Policy HS2 (Affordable housing) and County wide policies.</p>
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Appeal Decision

Site visit made on 23 April 2021

by **Stephen Wilkinson BA (Hons) BPI DIP LA MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/X1925/W/20/3256307

Land west of Royston bi-pass, Royston, Hertfordshire, SG8 7NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Linden Wates (Royston) LLP and Frontier Estates (Dartford) Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 19/00248/FP, dated 30 January 2019, was refused by notice dated 14 February 2020.
 - The development proposed is erection of a 73 bed care home (within Class C2), parking, access, landscaping, and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 73 bed care home (within Class C2), parking, access, landscaping, and other associated works at land west of Royston bi-pass, Royston, Hertfordshire, SG8 7NJ in accordance with the terms of the application, Ref 19/00248/FP, dated 30 January 2019, and the plans submitted with it, subject to the conditions included in the schedule attached to this decision.

Procedural Matters

2. I wrote to the main parties seeking their views on whether they are 3 main issues underpinning this appeal rather than just 2 as suggested by the reasons for refusal. This was prompted by reference in the Council's first reason for refusal to social cohesion as well as character and appearance. Although the officer's report to Committee¹ states that the locational criteria included in the emerging policy HS4 would not in itself be a standalone reason for refusal it is a thread running through the Council's case but is distinct from the issue of character and appearance. Neither party responded to this suggestion and accordingly, I have proceeded to determine the appeal on the basis of these 3 main issues.
3. Consultation is currently underway on the Main Modifications to the Council's emerging Local Plan, the North Hertfordshire Local Plan 2011-31 (ELP). Given the stage of preparation and the Council's position statement that there are no outstanding objections to the emerging policies cited in its decision, I accord those policies referred to by the main parties moderate weight. Until this plan is adopted the Saved North Hertfordshire District Local Plan No.2, with Alterations (the Local Plan) is the adopted plan for the district.

¹ Officers report to Committee 4.3.11

4. A Unilateral Undertaking has been submitted with the appeal which I consider later in this decision.

Main Issues

5. The main issues resulting from this appeal are:
 - Whether the appeal scheme would be appropriately located having regard to both national and local policies for a care home.
 - The effects of the proposal on the character and appearance of the area, and
 - Whether sufficient infrastructure has been provided to enable the development.

Reasons

Location of proposed development

6. The site forms part of phase 3 of a housing allocation, known as Land North of Newmarket Road (RY2), included in the emerging Local Plan. Phases 1 and 2 are currently under construction and 2 reserved matters applications have been approved for the third phase, one of which includes the appeal site for housing and one which excludes it. I understand that the latest updates on the emerging local plan suggested as part of Main Modifications intend to remove the site as a housing allocation because of the current rate of completion, this would effectively include the whole allocation within the proposed settlement boundary.
7. Both parties acknowledge that the site lies beyond the Royston settlement boundary as defined by Saved Policy 6 of the Local Plan which requires the protection of the countryside. The Council's first reason for refusal identifies the harm arising from the scheme's proposed location in respect of social cohesion.
8. The officer's report to Committee identifies that the appeal site is not well located to services and facilities given its location on the edge of Royston. However, the scheme would include dedicated facilities including a nurses station, a salon, café, wellness centre and cinema for the benefit of occupants.
9. Public transport to the site would be limited to the No.16 circular bus service. This has weekday hourly services between 07:00 to 18:00 hrs, although 2 services per hour run between 10.00 and 15.00 and on Saturdays a more frequent service runs between 08:30 and 17:30. No services run on Sundays or bank holidays. The submitted Unilateral Undertaking includes provision for the relocation of a bus stop from within the new housing area, to within 200m from the appeal site.
10. The Council states that other housing allocations within the emerging Local Plan would include land for C2 schemes. A reference was made to one such scheme where a 'healthcare hub' in Baldock is proposed in a current application which I understand includes a Class C2 use. However, Baldock is a distinct settlement from Royston and details of similar schemes in this settlement have not been brought to my attention.
11. The appellant states that it is their intention to register the care home to allow both nursing and residential care. This would address all aspects of care,

- particularly important for those aged over 86 years² which the appellant considers would be the average age of residents. However, it is recognised that as residents age the extent of their social interaction diminishes and care will be increasingly provided on site and the need for travel to access essential services will diminish.
12. Whilst the proposed location of the site may presently appear isolated, at some point in the future, as the housing allocation is completed this will be less so and the opportunities for the scheme to become part of a new community are likely to arise.
 13. I acknowledge that the appeal scheme's location on the edge of Royston is in a location contrary to Saved Policies 6 and 9 of the Local Plan being located beyond the settlement boundary and in the countryside. However, the principle of housing development in this location has been accepted by the Council. There is nothing in either the National Planning Policy Framework (the Framework) or adopted and emerging local policy which requires that the proposed use is required to be subject to a sequential test, as suggested by the Council. Indeed, the Council acknowledge in their report that there are no other specific policies to the provision of C2 use class uses in the Local Plan³.
 14. Furthermore, I do not find any conflict with Saved Policy 57 as this identifies a broad range of criteria which do not cite access to services. For this reason, the Council overplays the degree of conflict with adopted policy.
 15. The proposed scheme would be in conflict with emerging Policies D1.b.v and HS4 of the ELP. These identify the need for new development to be well located with regard to physical and social connectivity. Policy HS4 largely re iterates the saved Policy 57, requires development to be well served by public transport and have good access to services.
 16. I acknowledge that the site would be some distance by foot to services, but the officer's report acknowledges that the site would be served by public transport subject to the implementation of the new bus stop as required by the Undertaking, although not well served⁴.
 17. So to conclude on this main issue, whilst I do not find a conflict between the proposed scheme in respect of social cohesion and the Council's adopted policy there is a some conflict with the emerging policies D1 and HS4 of the Submission Local Plan 2011-2031 which require new development to be well served by public transport with good access to services.

Character and appearance

18. The proposed care home as defined by Class C2⁵ represents a departure from the original site allocation for dwellings within Class C3.
19. The whole housing allocation occupies a large area of land which slopes upwards to the recently completed Royston bi pass, the A505. The appeal site occupies the highest point of the site, bounded on its eastern edge by a strong tree belt but the remainder of the site is an open greenfield.

² Appendix 6 of the Appellants Statement of Case

³ Paragraph 4.3.3 and 4.3.42

⁴ Paragraph 4.3.9

⁵ Town and Country Planning (Use Classes) Order 1987)

20. The scheme is designed to address the site's constraints through extensive site levelling and involves the creation of a series of small development platforms designed to accommodate the 4 principle elements of the proposed scheme linked by glazed walkways. In plan form they represent a cross, with the blocks located perpendicular to each other.
21. They would comprise buildings of between 2, 2.5 and 3 storeys in height with ridge heights of between 13.2m – 11m and eaves heights of around 9m-6.2m. This would contrast with the form of development included in the reserved matters for housing which would have varying ridge heights of 11m – 9m and eaves heights of 6.7m-5m.
22. Each block would be finished in materials drawn from a broad palette. These would include, timber, buff brick, render and glazing. The form of development would not result in visible horizontal roofs. The overall design would maintain a traditional pitch roof design.
23. I attach some importance to the 'fall back' position regarding the degree of harm likely to arise from the impact of built development on this site given the extant outline permission for residential development⁶.
24. The topography of the site means that any development would appear dominant. Whilst the main parties evidence base does not include the details included in the reserved matters applications submitted for this site my understanding is that some form of engineered platforms would be inevitable. For this reason, I do not consider that the proposals represent being 'over engineered'.
25. In contrast to standardised housing models common to residential schemes, the proposed scheme would be a building of interest. The varying roof heights with 4 distinctive elements which step up the contours could enliven the whole housing site. This form of development would be open in character with incidental spaces and parking areas designed to break up the dominance of the scheme.
26. Although the Council's objections to the scheme are based on its impact on the surrounding landscape, no receptor points are identified or landscape harm clearly evidenced. Adherence to the 80m contour (a parameter of the outline scheme) would set the scheme away from the edge of the site ensuring that the tree belt which lies on the site's eastern boundary would still be the dominant element on the horizon when viewed from the west and in turn would act to restrict views of the scheme on the approach from the south.
27. There is sufficient variation, inherent within its design which addresses the Council's concerns regarding scale, mass and bulk and landscape planting could adequately mitigate for the extent of more localised impacts.
28. Given the context of the appeal site, which forms part of a site allocation, Policy 6 of the Local Plan is not directly applicable as it seeks to resist new development beyond the settlement boundary. I regard the outline permission for the allocated site as establishing a new chapter in the site's planning history.

⁶ Officer's report to planning committee paragraph 4.3.1.

29. Policy 57 of the Local Plan includes a broad range of design criteria used as parameters to inform site development which identify closely with Section 12 of the National Planning Policy Framework. In the round in my assessment of these parameters, the application is in broad alignment with each of them.
30. Furthermore, the Council identifies conflict between the emerging Policies HS1 and D1 of the ELP. However, whilst Policy HS1 requires new housing to be allocated on sites identified on the proposals map, the proposed development is for a form of residential development on a recently permitted site. Finally, for the reasons identified above I do not consider that there is conflict between the proposed scheme and Policy D1 which requires the nature and scale of development to respond to its local context.
31. For the above reasons I conclude that there is no conflict with Policies 6 and 57 of the Local Plan. Furthermore, I conclude that there is no conflict with the emerging policies HS1 and D1 of the emerging local plan.

Infrastructure

32. The appeal is accompanied by a completed Unilateral Undertaking which includes financial contributions towards highway works and sustainable transport required to address the Council's third reason for refusal. In its Community Infrastructure Levy (CIL) compliance statement, the Council has accepted that these obligations are in line with both Policy 57 and the emerging Policy HS2 and County wide policies.
33. From my own assessment these would comply with Paragraph 56 of the Framework in being necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the appeal scheme.
34. However, the Council include comment in its CIL compliance statement on the blue line clauses in the Undertaking regarding financial contributions towards the provision of affordable housing. Its comments are consistent with its representations made in respect of the appeal although it is instructive to note that this matter was not identified in its reasons for refusal.
35. The blue line clauses are included because the appellant doesn't accept the Council's case that a contribution for affordable housing is required on this site, and in the event that I do, then optional figures are included for contributions for 4, 5 or 6 affordable dwellings. The Council considers that a contribution is required for 6 dwellings, as this would be commensurate with the number of homes which would have been provided, in line with policy, on that part of the original outline permission for residential development which forms part of the appeal site.
36. The Council's case rests on the fact that the wider housing allocation within which the appeal site sits was granted as an exception to policy as the site lies outside the settlement boundary included in the Saved policies. Its development would be 'enabled' by the emerging policy HS1 in the ELP and this requires a proportion of dwellings to be affordable.
37. The tests of whether a contribution is required or not rests with first principles included in Paragraph 56 of the Framework. Whilst not wishing to repeat these which are summarised in paragraph 33 above, it is unclear how a contribution for affordable housing could fully meet these criteria.

38. The appeal scheme represents a new chapter in the site's planning history. The Council's planning policies do not require a contribution towards affordable housing for a sheltered housing scheme. The principle of a contribution in this appeal would not be necessary, directly related or fairly and reasonably related in kind or scale to the appeal scheme.
39. Irrespective of the adopted and emerging policies, planning obligations are not required as a form of opportunity cost, for a development which may have been. For these reasons, and the fact that this issue was not raised as a reason for refusal, I do not accept the Council's request and the blue line clauses regarding the provision of affordable housing should be struck from the Undertaking.

Interested parties

40. I have considered the comments of the interested parties in respect of the scheme's impact on landscape and other matters and for the reasons stated above, I do not consider that there are matters to dissuade me from my conclusions in respect of this appeal.

Planning balance and conclusions

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless other material considerations indicate otherwise.
42. Both parties acknowledge that there is no development plan policy which is directly relevant to the appeal proposals and for this reason Paragraph 11d ii) footnote 7 is engaged which requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
43. The Council has however identified in its reasons for refusal several of its most important policies which I consider below.
44. Policy 6 seeks to protect the countryside for its own sake contrary to Paragraph 170 of the Framework and Policy 9 seeks to maintain the Royston settlement boundary. Despite the short comings of Policy 6, the principle of some form of residential development, beyond the settlement boundary has been accepted by the Council and the proposed scheme, would be consistent with this decision.
45. Policy 51 of the Local Plan provides local policy support for securing planning obligations. Although the tests included in Paragraph 56 of the Framework are not clearly stated it is broadly in line with the tenor of the Framework in this regard.
46. Policy 57 of the Local Plan includes a broad range of design criteria broadly consistent with Paragraph 127 of the Framework. However, I do not find any conflict between this policy and the appeal scheme.
47. Although there is a greater conflict with the emerging policies, these do not form part of the development plan.
48. I acknowledge that the development of this site would displace market housing and affordable housing for which the Council states there is historic under delivery across the District. Balanced against this is the acknowledgement,

stated within supporting text to emerging Policy HS4 and the County Council's Supported Housing Strategy⁷, that there is likely to be continued demand for residential care and nursing homes during the plan period. This would be a significant benefit of the scheme which would meet the social objectives of the Framework.

49. Given that the alleged harms arising from this proposal from a lack of social cohesion for the residents and an adverse impact on the character and appearance of the scheme are overstated by the Council there is no direct conflict with adopted policy, nor the social and environmental aspect of the Framework.
50. In contrast, both parties acknowledge the wider benefits that the scheme would present when considered against the Framework as a whole. These include the economic dimension of the Framework which would be achieved through employment opportunities both in the short term through construction and long term through staff in the home.
51. The proposed scheme would meet the environmental objectives of the Framework in that the proposed scheme would present a design which responds to the constraints of the site.
52. Whilst the inclusion of obligations within the Undertaking is broadly in line with adopted policy, the Council's requirement for affordable housing as a form of opportunity cost is not accepted.
53. Overall, I conclude that the harm caused in this case would significantly and demonstrably be outweighed by the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development.
54. There are material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

55. I have considered the Council's suggested list of conditions in respect of the Planning Policy Guidance (the Guidance) and the appellants list of suggested amendments. I do not accept that a requirement for details of the cycle and pedestrian connections towards Newmarket Road are required at this stage as this is a measure better addressed through site wide permissions.
56. I have imposed a condition stating the approved plans for reasons of certainty. Conditions in respect of materials and landscaping are required in order to control the character and appearance of the development and ensure that it is developed which accords with the wider site of which it forms a part.
57. For the reasons of highways safety I have imposed conditions in respect of the designation of parking spaces, the proposed vehicular access, the provision of sufficient space to enable the manoeuvring of vehicles within the appeal site and visibility and vision splays with a dropped kerb. I don't agree with the

⁷ Hertfordshire County Council Ten Year Supported Housing Strategy 2017

- appellant that there should be a time limit on this requirement as it is an important issue for highway safety for potentially vulnerable users.
58. A condition requiring the inclusion within the scheme of vehicle charging points is required to ensure that sustainable types of private vehicle would be allowed on the site. For the same reason I have imposed a condition in respect of cycle parking together with a condition for linked staff facilities to support staff using bikes.
 59. I have imposed a planning condition for the provision of a pedestrian crossing point as indicated on the proposed car park layout. This is required to be implemented in advance of first occupation.
 60. As a precautionary measure to protect the future living conditions of future occupiers a series of conditions are imposed in respect of land contamination requiring in the first instance land surveys and if necessary its remediation.
 61. Given the slope of the land and the design of the proposed scheme a condition is required in respect of levels to ensure that the specific development platforms can be accommodated on site as indicated on the submitted plan.
 62. I have imposed a condition requiring noise mitigation measures given the proximity of the bi pass along the eastern edge of the site for reasons of protecting the living conditions of future occupiers.
 63. I have imposed a series of conditions in respect of the need to protect the site from flooding and drainage and the details of the mitigation measure of the sustainable urban drainage system (SUDS).
 64. I do not agree with the appellants suggestion that the condition requiring a new bus stop north west of the site is not required. The importance of the need for good access to this site by a transport modes is essential to its successful functioning from first occupation and should not be restricted by time.
 65. A TRO is required to implement double yellow lines around the main access to the site for reasons of highway safety; particularly important given the proposed use.
 66. Given the importance of this scheme to meeting the continued demand for care home beds in the District I have included a condition restricting the use of the appeal scheme as a residential care home.
 67. Finally, to protect the living conditions of existing occupiers on the wider estate I have imposed a condition requiring a construction traffic management plan to limit the environmental impacts of construction activities.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out wholly in accordance with the following approved plans:

Location plan (ref. 2563-HIA-ZZ-ZZ-DR-A-00001, rev P3 dated 3 April 2019)

Site Plan – (ref. 2563-HIA-XX-ZZ-DR-A—103; rev P4 dated 15 November 2019)

General Arrangement lower ground floor (ref. 2563-HIA-XX-LG-DR-A-0200 rev. P5 dated 7 November 2019)

General arrangement ground floor (ref. 25-HIA-XX-00-DR-A-0201 rev. P3 dated 31 October)

General arrangement of first floor (ref. 2563-HIA-XX-01-DR-A-0201 rev. P4 dated 31 October 2019)

Elevation 1&2 (ref. 2563-HIA-XX-00DR-A-0301 rev. P3 dated 24 October 2019)

Elevation 3 & 4 (ref. 2563-HIA-XX-00DR-A-0302 rev. P3 dated 24 October 2019)

Elevation 5 & 6 (ref. 2563-HIA-XX-00DR-A-0302 rev. P3 dated 24 October 2019)

Landscape Proposals B18103 102B

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.
4. 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.
5. Prior to first occupation of the care home 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.
6. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a

written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

7. If the Local Planning Authority is of the opinion that the report which discharges condition 6, above, indicates a reasonable likelihood of harmful contamination then 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

8. 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 7, above has been submitted to and approved by the Local Planning Authority.

9. The 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 8 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.

10. Any contamination, other than that reported by virtue of condition 6 and 7, 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.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment & Drainage Strategy completed by MLM reference 6100228-MLM-ZZ-XX-RP-C-0002, dated January 2019 and the following mitigation measures detailed within the FRA:
 1. Undertaking appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer restricted to a maximum of 6l/s

for all rainfall events up to and including the 1 in 100 year + climate change event.

2. 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.

3. Implementing drainage strategy as indicated on the drainage drawing to include attenuation tank and permeable paving.

The mitigation measures shall be fully implemented prior to full site occupation and 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.

12. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment & Drainage Strategy carried out by MLM reference 6100228-MLM-ZZ-XX-RP-C-0002 dated January 2019. The scheme shall also include:

1. Demonstrate an appropriate SUDS management and treatment train and inclusion of above ground features to minimise the requirement for a tank.

2. Silt trap prior to the inlet of attenuation tank

3. Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event including drain down times for all storage features.

4. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

5. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

13. Upon completion of the drainage works a management and maintenance plan for the SUDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final confirmation of management and maintenance requirements for SUDS features, and

2. Provision of complete set of as built drawings for site drainage.

14. Prior to the occupation of the development hereby permitted, details of siting, type and design of plugs, the energy sources and the strategy/management plan of supplying and maintaining the 2 electric charging points to be provided to the Local Planning Authority for approval in writing, in consultation with the Highway Authority. All electric charging points shall be installed in accordance with the approved details prior to occupation of the development and permanently maintained and retained.
15. Prior to first occupation of the dwellings, the noise mitigation measures detailed in section 5.3 of the Hawkins Environmental Limited report reference H2785 dated 3rd April 2019 (Noise Assessment: Land North of Newmarket Road, Royston- Frontier Estates) relating to glazing and ventilation specifications shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.
16. Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site to enable a standard size family car / refuse vehicle and delivery vehicle to park, turn and re-enter the highway in a forward gear. These areas shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.
17. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number PB8955-RHD-GE-SW-DR-R-0002 P05 Proposed car park layout Appendix CRSA's designer response of the Transport Statement Addendum, in accordance with the highway specification to be agreed under s278 works. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
18. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number PB8955-RHD-GE-SW-DR-R-0002 P05 Proposed car park layout Appendix CRSA's designer response P04 Proposed car park layout Appendix C of the Transport Statement Addendum. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
19. Prior to the first occupation of the development hereby permitted, a triangular vision splay shall be provided on each side of the new access and shall measure 2.0 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0 metres measured into the site at right angles to the same line along the side of the new access. The vision splays so described and on land under the applicant's control shall

be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

20. Prior to the first occupation of the development hereby permitted the Traffic Regulation Order (TRO), including for parking and waiting restrictions in the form of double yellow lines that are required as part of improving access and accessibility to the site, must be secured in place and implemented over a distance of 10 metres of either side of the junction stop-line and the opposite side of the road.
21. Prior to the first occupation of the development hereby permitted the controlled pedestrian crossing facility between the nearest new bus stop and the main pedestrian entrance to the site, as indicatively shown on plan PB8955-RHD-GE-SW-DR-R-0002 REV P05 PROPOSED CAR PARK LAYOUT RSA's designer's response, must be secured in place and implemented.
22. Prior to the occupation of the development hereby permitted, the pedestrian access from the development's car park, should be designed in such a way to ensure that it has a dropped kerb installed and other measures are applied to ensure it does not get obstructed by the way of parking outside the marked out bays.
23. No development shall commence until a scheme for the parking of cycles for visitors and staff together with changing facilities, staff lockers and showers, have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.
24. The premises shall be used for a residential care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
25. Prior to the first occupation of the development hereby permitted the new bus stop to the north west of the site, as shown indicatively on the plan ref: PB8955-RHD-GE-SW-DR-R-0003 REVP01 LINDEN HOMES SITE – PROPOSED BUS STOP LOCATION must be secured in place and implemented.
26. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
 - a) map showing the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;

- b) access arrangements to the site;
- c) the date of start and finish of works on site;
- d) siting, methodology and facilities for wheel cleaning;
- e) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities;
- f) cleaning of site entrances, site access roads and the adjacent public highway and:
- g) details of provisions for temporary car parking, loading/unloading and vehicle turning areas;
- h) hours of construction operations including times of deliveries and removal of waste;
- i) the estimated number and type of vehicles per day/week;
- j) details of any vehicle holding area;
- k) details of the vehicle call up procedure;
- l) details of any changes to on-street waiting and loading restrictions that will be required;
- m) access and protection arrangements around the site for pedestrians, cyclists and other customers;
- n) coordination with other development projects in the vicinity;
- o) details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent;
- p) details of a construction phasing programme;
- q) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.



Appeal Decision

Site visit made on 25 March 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Appeal Ref: APP/X1925/W/20/3255145

Land adjacent to Ashfield Drive, Blackhorse Road, Letchworth Garden City, SG6 1HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL (EE & H3G) against the decision of North Hertfordshire District Council.
 - The application Ref 19/02678/FP, dated 7 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is "the replacement of an existing 15.0m monopole with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of groundbased equipment cabinets and ancillary development thereto."
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Decision

1. The appeal is allowed and planning permission is granted for "the replacement of an existing 15.0m monopole with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of groundbased equipment cabinets and ancillary development thereto" at existing telecommunications site, land adjacent to Ashfield Drive, Blackhorse Road, Letchworth Garden City, SG6 1HB in accordance with the terms of the application, Ref 19/02678/FP, dated 7 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 SITE LOCATION PLAN; 100 EXISTING SITE PLAN; 150 EXISTING SITE ELEVATION; 215 PROPOSED MAX CONFIGURUATION SITE PLAN and 265 PROPOSED MAX CONFIGURATION ELEVATION (all with Masterplan series number 751372_NHE015_71064_SG0140_M006 Issue F).
 - 3) Before the development is first brought into use, a scheme for the removal of the existing telecommunications mast, all associated equipment and paraphernalia including reinstatement of the land and timetable for the work shall be submitted to and approved in writing by the local planning authority. The existing telecommunications mast, all associated equipment and paraphernalia shall be removed in accordance with the approved details.

Procedural Matters

2. There is confusion over the number of cabinets proposed. The submitted plans show 7 and the appeal has been determined on this basis. For the sake of

accuracy, the Council's location description of the proposal has been used rather than the appellant's which is not accurate.

3. Submitted with the appeal, an additional plan shows a visibility splay looking westwards from the junction of Blackhorse Road and Ashfield Drive. This plan seeks to address a specific objection raised by the Highway Authority (HA) which forms the basis of a Council's highway safety reason for refusal. On the site visit, it was clear that the mast and cabinets would not obstruct the required visibility splay. For the sake of completeness, the appellant was required to submit an accurate visibility splay plan. Based on this, the HA has confirmed visibility requirements can be complied with at this junction with the appeal development. I will comment upon this further in the decision.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the safety of highway users, having regard to visibility at the junction of Blackhorse Road and Ashfield Drive.

Reasons

Character and appearance

5. The appeal site is a grass verge on the edge of Blackhorse Road and contains an existing mast of approximately 15m, along with equipment cabinets. The verge and accompanying footway are raised above an area of public open space which slopes down to a road behind, Ashfield Drive. Here, dwellings face onto the public open space and the site beyond, across a residential road. Within the public open space, there is hedge/shrub planting adjacent to footway and verge, and the site. Some more substantive trees have been planted within the space.
6. The site is also close to the junction of Blackhorse Road and Ashfield Drive and there is a further mast, approximately 15m high, with associated equipment cabinets, in between the site and junction. There are industrial properties opposite the site on Blackhorse Road. As a result, the area has a varied and mixed character and appearance.
7. The proposal would result in the replacement of the existing mast and cabinets. The mast would be taller by approximately 5m and wider, by about a third, than the existing mast to be removed. Four cabinets would be replaced with seven cabinets. Both the mast and cabinets would be sited in a position closer to the junction and other mast. At 20m, the mast would be higher than street lighting columns along the road.
8. The existing telecommunications masts were constructed when the area was largely industrial and since then, there has been new housing areas built in Ashfield Drive and Cedar Gardens. The public open space landscaping will take some time to become established and effective, and even when it is, it will not substantially screen or filter views of the development. The development would be seen from footways along and close to Blackhorse Road and Ashfield Drive.
9. However, the mast and its associated cabinets will be seen against the backdrop of existing industrial premises on Blackhorse Road and the highway itself. The mast will utilise a simplistic galvanised finish, similar to lampposts

and the other masts, and the cabinets will be painted a subdued colour grey. The highway is a significant traffic thoroughfare and has street furniture in the form of lampposts. The existing verge also has existing masts and cabinets, albeit smaller in extent.

10. There is dispute over the accuracy of elevation plans showing the dwellings in relation to the development. The development would be elevated compared to these properties. Nevertheless, it could be seen from my site visit that the distance from residential properties to the mast and cabinets would be significant given their location on the northern side of Ashfield Drive and the intervening public open space. The mast and cabinets would also be seen against the backdrop of industrial units and the road from these dwellings and the public open space. Significant weight is given to the industrial and highway backdrop of the development.
11. Drawing all these factors together, the harm to the character and appearance of the area would be small but nevertheless, the proposal would still conflict with Policies SP1 and SP9 of the emerging North Hertfordshire District Local Plan (LP) Submission Local Plan 2011–2031, which collectively and amongst other matters, require sustainable development, the creation of high quality developments that respect and improve their surroundings, new development that is well-designed and responds positively to its context. Similarly, it would conflict with section 12 of the National Planning Policy Framework Policy (the Framework) because the development would not be visually attractive and sympathetic to local character, albeit in a small way.

Highway safety

12. The Ashfield Drive highway slopes up towards its junction point with Blackhorse Road which has a 30 mph speed limit. The HA has recommended a visibility splay of 43m in a westerly direction with a setback of 2.4m based on a Manual for Streets (MfS) (England & Wales). The revised visibility plan shows that the development could be built without interfering with this requirement.
13. There has been strong third party objections regarding the safety at this junction. However, the HA has also confirmed that the required visibility splay from this junction would be met. As a statutory consultee on highway safety matters, considerable weight is given to their views. Furthermore, there is no detailed evidence to demonstrate that the proposal would harm the safety of road users.
14. From what I saw on site and taking into account the HA's views, the development cannot be refused because there would be no unacceptable impact on highway safety nor would the residue cumulative impacts on the road network be severe. Accordingly, the proposal would comply with policy within Section 9 of the Framework on such matters and the guidance of the MfS. The proposal would comply with the guidance of Local Transport Plan (LTP4) 2018-2031 for similar reasons because it would not severely affect highway safety.

Other matters

15. The Council's reason for refusal refers to harm to the wider visual amenities of the area and refers to a conflict with emerging Policy D3 on living conditions. However, this policy conflict has not been substantiated. The impact on a view

from a window can be reflected in a wider loss of residential amenity, such as outlook, but there is none given the significant separation between the mast and cabinets, and the nearest properties. The impact of the proposal on character and appearance is a separate issue and has been considered elsewhere in this decision. In respect of a loss of a view from a window, this is not a planning matter. Thus, there would be no conflict with this policy.

16. The Council's appeal questionnaire details Policy 8 of the North Hertfordshire District Local Plan No.2 (LP2) with alterations 1996 and Saved Policies 2007. This policy indicates that proposals, to meet the majority of the development needs of the District, will normally be permitted if the aims of other relevant policies are met. No other LP2 policies have been identified. In the absence of any identified conflicts with other LP2 policies, there can be no conflict with LP2 Policy 8 and accordingly, there are no relevant development plan policies.
17. Operational constraints require any alternative sites to be within a 100m short radius of the existing mast to maintain the existing network coverage and at a height of 20m to allow for the future provision of 5G. Such a height is required to be at 20m in order to 'see' above the natural land elevations, existing built environment and to provide enough space for both operators to share the same site.
18. Within the search area, the roof scape is mainly pitched domestic roofs or low-lying industrial units which are unsuitable for the telecommunications equipment. There are no large flat roofed buildings which might offer a non-street works option within the required search area. The absence of any available buildings of sufficient height or type, upon which the equipment could be installed, has necessitated the redevelopment of a ground-based option.
19. Within the area, the density of low-rise residential and industrial areas coupled with the local topography, restricts available areas that are suitable to accommodate the development. There are areas around footpaths, but these tend to be close to residential properties whilst the industrial areas would be constrained by space restrictions for accommodating the required equipment as well as challenging low-lying topography. Despite criticism of the appellant's search approach, no sites have been identified by other parties. On this basis, there are no preferable and suitable alternative sites for the provision of telecommunications equipment in the area.
20. The development of high-speed broadband technology and other communications networks plays a vital role in enhancing the provision of local community facilities and services. The proposal would provide shared facilities for two operators to maintain 2G, 3G and 4G service and would provide new 5G services to the surrounding area, the latter not currently available. The lack of alternative sites and business benefits of the services weigh heavily in favour of the proposal.
21. There has been a recently dismissed appeal for a similar development at Stotfold Road in Letchworth Garden City. Inevitably, every proposal will differ in its nature and context and in this other appeal case, the site was on the edge of a green field, largely without surrounding built form or other infrastructure. The front of the appeal site was currently used as a small seating and amenity area. Such considerations serve to distinguish this other appeal from that before me and in any case, every proposal has to be considered on its particular planning merits.

22. A Declaration of Conformity with ICNIRP Public Exposure Guidelines has been submitted in relation to health and safety matters. It confirms that the operator will abide by operational International Commission guidelines and therefore, it will not be necessary to further consider the health aspects of the proposal. Furthermore, the Framework indicates that decision makers should not set health safeguards different from the International Commission guidelines for public exposure at paragraph 116.

Planning Balance

23. There would be harm to the character and appearance of the area in conflict with emerging LP policies. The LP has recently progressed through a series of hearing sessions with an examining Inspector and is at an advanced stage of plan preparation. Significant weight is given to the conflict of the policies within it and the plan itself. There would also be conflict with the design policies of the Framework.
24. However, there are no relevant development plan policies and the Framework tilted test at paragraph 11. d) ii. applies. The harm to the character and appearance of the area would be small for the reasons indicated. A lack of alternative sites has been demonstrated given operational constraints and the development would be shared between two operators, maintaining and upgrading existing network coverage, and would provide new 5G services. Under the Framework, decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) at paragraph 112. The Framework states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development at paragraph 80. Consequently, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. Accordingly, the presumption in favour of sustainable development would apply.
25. In summary, there would be conflict with emerging policies of LP and the LP taken as whole, and the design policies of the Framework. However, the presumption in favour of sustainable development under the Framework would apply. Given the harm to the character and appearance of the area would be small, planning permission should be granted due to this presumption. There are no other material considerations to outweigh this finding.

Conditions

26. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of the character and appearance of the area, a condition is necessary to implement the removal of the existing mast and telecommunications equipment. Given the urban and roadside nature of the site, there is no necessity to colour the mast green.
27. A condition requests details of a satisfactory access at the road junction and that an associated splay be implemented and maintained. A plan shows that the development would not infringe upon an acceptable visibility splay at this junction and therefore, there is no need for such a condition.

Conclusion

28. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR