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NORTH HERTFORDSHIRE DISTRICT COUNCIL

08/04/22

Our Ref Planning Control Committee/20/04/22
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To: Members of the Committee: Mike Rice (Chair), David Levett (Vice Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Mantle, Ian Moody, Terry Tyler, Tom Tyson, Simon Bloxham and Bhakar

Substitutes: Councillors Carol Stanier, Amy Allen, Sam Collins, George Davies, Michael Muir and Adam Compton

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

On

WEDNESDAY, 20TH APRIL, 2022 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
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. 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.	
2.	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. The Chair will decide whether any item(s) raised will be considered.	
3.	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.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	21/00434/HYA LAND NORTH OF POUND FARM, LONDON ROAD, ST IPPOLYTS, HERTFORDSHIRE, SG4 7NE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Hybrid application for a residential development to provide a total of up to 84 dwellings together with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising: Phase 1 - Application for full planning permission for the erection of 36 dwellings; Subsequent Phases - Application for outline planning permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings.	(Pages 5 - 50)

6. **21/02973/PIP LAND EAST OF PICKNAGE ROAD AND ADJACENT TO 36, PICKNAGE ROAD, BARLEY, HERTFORDSHIRE** (Pages 51 - 64)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Permission in Principle: Erection of 9 dwellings replacement local community shop (Class F2 (a)) of 265sqm and associated access, parking, drainage and biodiversity/landscaping area.
7. **21/01834/FP FORMER WESTONS CARS SITE AND LAND ADJOINING 114-142 CAMBRIDGE ROAD, HITCHIN, HERTS, SG4 0JJ** (Pages 65 - 92)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of three, 3-storey blocks to provide 24 apartments (7 x 1-bed and 17 x 2-bed) and a terrace of 4 x 3 bedroom houses including associated car parking and vehicular and pedestrian access, cycle and refuse storage, landscaping and open space following demolition of the existing buildings (as amended by plans received 3/11/21).
8. **22/00484/FPH 131 ICKNIELD WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 4AD** (Pages 93 - 98)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Single storey rear extension
9. **PLANNING APPEALS** (Pages 99 - 120)

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<u>Location:</u>	Land North of Pound Farm London Road St Ippolyts Hertfordshire SG4 7NE
<u>Applicant:</u>	C/o Agent
<u>Proposal:</u>	Hybrid application for a residential development to provide a total of up to 84 dwellings together with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising: Phase 1 - Application for full planning permission for the erection of 36 dwellings; Subsequent Phases - Application for outline planning permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings.
<u>Ref. No:</u>	21/00434/HYA
<u>Officer:</u>	Shaun Greaves

Date of expiry of statutory period: 11 May 2021

Extension of statutory period: 18 May 2022

Reason for Delay:

Ongoing delays with the examination of the emerging Local Plan and ongoing negotiations and finalising of a S106 agreement.

Reason for referral to Committee

The site area for this application for development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

Members need to be aware that should they be minded to approve the application, this would be a 'resolution for grant' subject to the need to refer the application to the Secretary of State, as the site is within the Green Belt. The Planning Practice guidance informs the following:

'The Town and Country Planning (Consultation) (England) Direction 2021 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development that are set out in paragraphs 3-8 of the Direction. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in application under Section 77 of the Town and Country Planning Act 1990. To use the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.'

Paragraph 3 of the 2021 Direction states:

This Direction shall apply in relation to any application for planning permission “which – (a) is for Green Belt development, development outside Town Centres, World Heritage Site development or flood risk development...”

Paragraph 4 of the 2021 Direction states:

For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan documents and which consists of or includes –

(a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or

(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal for residential development of up to 84 dwellings on 3.49 hectares falls within (a) above.

1.0 **Site History**

1.1 17/02472/1PRE – Residential Development to provide up to 84 dwellings (including affordable housing), public open space, balancing pond, and ancillary works.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No. 2 Alterations (Saved Policies)**

Policy 2: Green Belt

Policy 14: Nature Conservation

Policy 16: areas of archaeological significance and other archaeological areas

Policy 26; Housing proposals

Policy 51: Development effects and Planning Gain

Policy 55: Car parking standards

Policy 57: Residential Guidelines and Standards

2.2 **National Planning Policy Framework (2021)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

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 13 – Protecting Green Belt land

Section 14 – Meeting the needs of climate change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

2.3 **North Hertfordshire District Local Plan 2011 -2031 (Emerging Local Plan)**

Site HT2 – Land north of Pound Farm, Hitchin

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP6 Sustainable Transport

Policy SP7 Infrastructure requirements and developer contributions

Policy SP8 Housing

Policy SP9 Design and Sustainability

Policy SP10 Healthy Communities

Policy SP11 Natural Resources and Sustainability

Policy SP12: Green Infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE4: Archaeology

Policy D1 Sustainable Design

Policy HS2 Affordable Housing

Policy HS3 Housing mix

Policy HC1 Community facilities

Policy NE1 Landscape

Policy NE2 Green Infrastructure

Policy NEx New and improved open space

Policy NE7 Reducing Flood Risk

Policy NE8 Sustainable Drainage Systems

Policy NE12: Renewable and low carbon energy development

Policy T1 Assessment of Transport matters

Policy T2 Parking

2.4 **Supplementary Planning Guidance**

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD 2011

North Hertfordshire and Stevenage Landscape Character Assessment

2.5 **Documents supporting the Emerging Local Plan (ELP)**

North Hertfordshire Local Plan 2011-2031 Green Belt Review Update 2018

2.6 **Hertfordshire Country Council**

Local Transport Plan

Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012

2.7 **National Planning Practice Guidance**

Provides planning guidance on matters including Green Belt, Heritage, Flood Risk, Design and Planning Obligations.

3.0 **Representations**

Statutory consultees

3.1 **St. Ippolyts Parish Council** – Consider that there are a number of positive aspects to this scheme and support it in principle, and make the following detailed comments:

- No building works should commence until after the emerging Local Plan has been adopted.
- Pleased that the applicant revised the scheme to address the Parish Council's concerns to replace speed cushions with visual road markings and anti-skid coloured surfacing.
- The adjacent Folly Alder Swamp wildlife site should not be disturbed. Once gardens are established these should provide additional wildlife habitats.
- The Council are extremely concerned about the County Council seeking financial contributions to a new 2FE primary school at Highover Farm and that it is important that funding should be available for St. Ippolyts C. E. Primary School.
- The application would provide up to 84 high-quality homes within a sustainable location given their proximity to the centre of Hitchin, close by to a range of shops, services, facilities, and employment opportunities.
- The proposed development will make a significant contribution to the shortfall in housing land supply in the district.
- The new designs include a wide range of houses/types, including smaller 1 bed units suitable for first time buyers and those wishing to downsize, plus a mixture of 2, 3, 4 and 5-bedroom dwellings, meeting identified needs for larger families.
- The development will deliver 33 affordable homes; the 40% provision is in line with the affordable housing target, and, it is understood this has already been agreed as sufficient with the relevant Statutory Consultees.

- Phase 1 will comprise 36 homes of mixed tenure, including 6 shared-equity homes and 15 affordable homes to rent. Critically, the scheme involves the early delivery of public open space within Phase 1.
 - The provision of a new roundabout to London Road, serving the development, will have a wider public benefit this was noted in the responses to the applicant's website.
 - Additionally, further traffic calming measures will be implemented. Improved visibility at the Mill Lane junction with London Road will be achieved, and a widened footpath along the site frontage to allow 3-metre-wide shared pedestrian/cycle paths is all welcomed.
 - The proposal is to include 2 new bus stops on both sides of the London Road outside the site.
 - Previously, the Council had published a detailed Questionnaire; in response, 58% of respondents supported the proposed development at site HT2 whilst 31% of respondents said they objected.
 - Subject to Section 106 financial contributions being agreed, payments towards local services and infrastructure will help to mitigate the effects of the proposed development.
 - The Parish Council will also hopefully receive funding for Section 106 financial contributions towards the rebuilding of St Ippolyts Football Pavilion. The Football Pavilion and Bowls Clubhouse are both in need of replacing. The new residents will benefit from the sporting activities on the Parish recreation ground.
- 3.2 **HCC Highways** – No objection subject to conditions and S106 obligations regarding the monitoring of a travel plan.
- 3.3 **HCC – Growth and Infrastructure** - No objection - The Council adopted new guidance in the form of the 'Guide to Developer Infrastructure Contributions on 19 July 2021. Based upon the proposed housing mix, index linked contributions are sought. Primary Education contribution towards the new 2GE primary school at the Highover Farm, Hitchin Development Site (£859,838). Childcare Service contribution towards the new 2FE primary school at the Highover Farm Hitchin development site (£222,680). Secondary Education contribution of £779,502 towards the expansion of The Priory School. A financial contribution of £87,432 towards Special Educational Needs and Disabilities. Library Service contribution of £8,508 towards increasing capacity of Hitchin Library. Youth Service contribution of £16,408 towards increasing capacity of Hitchin Young People's Centre. Payment of Monitoring Fees.
- 3.4 **HCC Lead Local Flood Authority (LLFA)** – No objection subject to conditions requiring the development to be implemented in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy, the submission and approval of the final design of the drainage scheme for each phase, a complete set of built drawings, a management and maintenance plan and arrangements for adoption and operation of the scheme throughout its lifetime.
- 3.5 **Anglian Water** – No objection subject to conditions.
- 3.6 **HCC Historic Environment Advisor** - The development has the potential to contain archaeological remains and conditions are recommended to address the archaeological implications of the development.
- 3.7 **HCC Minerals and Waste Policy Team** – The site is potentially underlain with sand and gravel deposits – the potential sources are not considered significant and investigating the potential for prior extraction is unnecessary. The opportunistic use of

deposits should they be discovered is encouraged. Due regard to relevant policies of the adopted HCC Waste Core Strategy and Development Management Policies DPD 2012 is also encouraged.

- 3.8 **HCC – Fire and Rescue Services** – No objection subject to a S106 obligation for the provision of fire hydrants on site.
- 3.9 **NHDC Transport Officer** – 2 new bus stops should be provided.
- 3.10 **Hertfordshire Ecology** – No objection. The site is adjacent to Folly Alder Swamp Local Wildlife Site (LWS), and old semi-natural woodland bordering Ippollits Brook. The main green space borders this and should act as a buffer to it. Direct effects on the LWS is not anticipated.

A Landscape and Ecological Management Plan should demonstrate details of species and seed mixes for new native hedges and wildflower grassland and bird and bat boxes. Measures to allow hedgehog movement should be considered and demonstrated in the LEMP. Biodiversity Net Gain is an expectation but is not yet mandatory.

- 3.11 **Herts and Middlesex Wildlife Trust** – 1st comment was to object to the application relating to failure to show 10% net gain in biodiversity and inadequate buffer planting. Additional information was provided by the applicant and in revised comments it is suggested that the shortfall in the required 10% biodiversity net gain may be achieved on-site or off-site and a solution would be to provide NHDC with a payment to deliver habitat units via a S106 agreement.
- 3.12 **Natural England** – No comments
- 3.13 **CPRE Hertfordshire (Campaign to Protect Rural England)** – Object for five reasons
 - 1) The proposal is in the Green belt where the NPPF requires that land be kept permanently open and inappropriate development should not be approved except in very special circumstances.
 - 2) CPRE opposes the removal of land from the Green Belt and very special circumstances have not been established.
 - 3) Notwithstanding that the site is allocated as HT2 in the Submission Local Plan – the basis for the calculation of the housing need is challenged.
 - 4) It is unacceptable to make decisions on proposed development in the Green Belt prior to adoption of the Local Plan.
 - 5) A review of sites allocated for housing should be undertaken, particularly in protected areas and where the Green Belt functions as a gap between settlements, as in this case.
- 3.14 **NHDC Environmental Health (Contaminated Land and Noise)** – No objection subject to conditions.
- 3.15 **NHDC Environmental Health (Air Quality)** – No objection subject to conditions relating to Dust Management Plan and EV Charging Points.
- 3.16 **NHDC – Housing Development Officer** – No objection subject to the provision of 40% affordable housing to comprise 65% affordable rent and 35% shared ownership.

3.17 **NHDC – Transport Policy Officer –**

3.18 **Herts Constabulary (Crime Prevention Design Advisor) –** No comment received

3.19 **Neighbour and Local Resident Representations**

3.19.1 The application has been advertised by neighbour notification letters, the display of site notices and a press notices.

There have been 81 objections and 3 comments.

The objections and the issues raised are summarised as follows:

3.19.2 Green Belt

- Loss of Green Belt Land, which would conflict with Green Belt Policy to prevent urban sprawl and keep land permanently open.
- Exceptional circumstances do not exist.
- There is no legal justification for development of this Green Belt land.
- The development would effectively join St Ippolyts village to Hitchin.
- The proposal will set a precedent for building on other Green Belt sites.
- There are empty properties in Hitchin that should be developed for housing rather than building on green fields.

3.19.3 Infrastructure and Services

- Pressure on local services such as health services and schools.
- St Ippolyts Primary School cannot be extended
- The proposal would increase pressure on local infrastructure, which is inadequate.
- Concern about the cumulative impact of this development and other local developments on the local environment, infrastructure and road safety.

3.19.4 Highways, access and parking

- The proposal would increase traffic on London Road and impact highway safety.
- There is no safe exit from Mill Lane onto London road for vehicles, pedestrians and cyclists. London Road suffers from speeding traffic.
- The proposed roundabout would be in the wrong place and should be at the junction with Mill Lane.
- The onsite parking would be inadequate for residents.
- Future occupiers would be reliant on the private car as facilities from this site would not be accessible by foot or cycle and public transport is limited. Access should be provided between Sycamore Close and Turfmead for cyclists and pedestrians.
- An increase in pedestrians using local footpaths will be dangerous. The sharing of footpaths with cyclists is unsound.
- Increased danger to children walking to school.
- Concern about the impacts of the development during construction on road safety.
- The scheme does not address the need for improved footpaths/pedestrian safety other than along the frontage of the development.
- Proposed cycle and bin storage has not been included and should be shown.
- Car charging points will need to be upgraded.
- The proposed garages should be a minimum of 3 x 7m internally.

3.19.5 Impacts on Amenity

- Plots 26-27 would affect outlook and light over a neighbouring property.
- The proposal would increase light pollution.
- The proposal would result in adverse Impacts on amenity, including health and wellbeing.
- There should be a strong low maintenance barrier between the proposal and adjacent housing development to limit overlooking.
- Additional air and noise pollution and carbon emissions from increased traffic. There would be resulting detrimental effect on health.
- The proposed pathway leading to the existing right of way will encourage gatherings and noise in addition to existing privacy issues due to people gathering on the existing grass embankments.

3.19.6 Impact upon the character and appearance of the area

- Adverse impact on the character and appearance of the area and surrounding landscape.
- The proposed housing would not be in keeping with local houses and flats would not be appropriate on this site.
- The proposed density would be too high – the proposal would constitute over development of the site with inadequate green space within the development, one small square would be insufficient.
- 2 ½ storey dwellings are not in keeping with the area.
- Flats are not suitable for a semi-rural area.

3.19.7 Impact on nature and wildlife

- Adverse impact on local wildlife and biodiversity.

3.19.8 Other matters

- The site is within the floodplain. There have been historic problems with flooding along the adjacent brook and the proposed development would increase the risk of flooding.
- The development would not relate to local need but what the developer wants.
- The proposed houses would not be affordable.
- The proposal would result in the loss of agricultural land.
- These houses should be built on previously developed land in the north of England.
- The housing need for the district is less than originally predicted. The application is premature as the new local plan that allocates the site for housing has not been adopted.

3.19.9 Some residents have raised neutral and supporting comments summarised as follows:

- Inclusion of the roundabout in the scheme is welcomed.
- Wish to see traffic calming measures and adequate cycling and pedestrian provision.

- This site has been earmarked for some time as being suitable to provide new housing to meet the District's needs.
- It is expected that on the adoption of the Local Plan the site will be removed from the Green Belt and no building works should commence until after the Local Plan has been adopted but support the grant of an earlier phased planning permission in accordance with the submitted plans.
- Support the removal of speed cushions on London Road from the scheme and better to paint lines and provide a roundabout to slow traffic.
- Concerned to ensure that the adjacent wildlife sites are not disturbed by the proposed addition planting and landscaping will provide extra new wildlife habitats.
- The site is located in an area least at risk of flooding and the proposed drainage strategy should be sufficient to mitigate the impact of the development.

3.19.10 The supporting comments identifying positive aspects to the development are:

- Providing up to 84 high quality homes within a sustainable location given their proximity to the centre of Hitchin, close by to a range of shops, services, facilities and employment opportunities.
- The proposed development will make a significant contribution to the shortfall in housing land supply in the District.
- The designs include a wide range of house types including smaller 1 bed units suitable for first time buyers and those wishing to downsize and to meet the needs of a variety of families.
- The development will deliver 33 affordable homes.
- The development would provide early delivery of public open space and children's play space within phase 1.
- The provision of a new roundabout to London Road will have a wider public benefit.
- Further traffic calming measures will improve visibility at the junction of Mill Lane and the widened footpath/cycle path along the site frontage is welcomed.
- St. Ippolyts Parish Council published a detailed Questionnaire and 58% of respondents supported the proposed development at this HT2 site with 31% objecting.
- Payments towards local services and infrastructure will help mitigate the effects of the proposed development.
- St Ippolyts Parish Council will also receive contributions towards rebuilding of St Ippolyts Football Pavilion.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site extends to about 3.48 hectares and is a single field to the south-eastern edge of Hitchin and about 400m to the north of St. Ippolyts. The site is bounded to the west by the B656 London Road. There is a small housing estate to the north accessed by a roundabout at the junction of London Road and Broadmeadow Ride. There is woodland to the east, within which there is a pond and Ippollitts Brook. To the south there is Pound Farm, which is a grade II listed building and associated dwellings converted or styled on agricultural buildings. There are residential properties on the opposite side of London Road, to the north west of the site.

4.1.2 There are hedgerows with trees along the eastern and southern boundaries and sparse vegetation along the western boundary with London Road. There is a post and wire fence along the northern boundary beyond which there is a landscape corridor and footpath separating the site from the 1980s Ash/Lark Drive estate to the north.

4.1.3 The application site lies within the Green Belt and St. Ippolyts Parish. The site is allocated for housing within the emerging local plan for 84 dwellings (Site HT2).

4.1.4 The site slopes down gently to the east towards the adjacent woodland,

4.2 **The Proposal**

4.2.1 This hybrid application seeks planning permission for up to 84 dwellings and comprises an application for full planning permission for 36 dwellings and an application for outline planning permission for up to an additional 48 homes, with associated car parking, bin storage, landscaping and infrastructure.

4.2.2 The application is supported by the following documents:

- Planning Application Drawings
- Draft S106 Heads of Terms
- Design and Access Statement
- Statement of Community Involvement
- Archaeological Assessment
- Landscape and Visual Impact Assessment
- Geo-environmental Assessment/Land Contamination Assessment
- Heritage Assessment
- Landscaping Proposals for Phase 1
- Tree Survey
- Arboricultural Report
- Flood Risk Assessment
- Drainage Assessment
- Transport Assessment
- Travel Plan
- Ecology Surveys and Preliminary Ecological Appraisal
- Noise Assessment
- Air Quality Assessment
- Energy Assessment

4.2.3 The total number of dwellings proposed is in accordance with the dwelling estimate of 84 for the site allocation HT2 in the emerging Local Plan. The application was the subject of pre-application consultation by the applicant with officers and with the local community including St. Ippolyts Parish Council. At that stage the Parish Council raised concerns relating to a proposed priority junction with London Road, and favoured a roundabout. This matter was the subject of further consultation with the local community and a majority favoured a roundabout. The applicant amended the scheme to include a compact roundabout at the junction of London Road with the proposed development in response to the pre-application comments received.

4.2.4 From the proposed roundabout, a primary road will lead eastwards from the site, passing through a proposed central square and leading to secondary streets, which in

turn would lead to tertiary streets. Open space, a play area and a dry drainage pond would be towards the lower eastern end of the site.

4.2.5 Traditional house styles and materials are proposed, with a combination of brick, render and weatherboarding proposed to the external walls and both tiles and slate proposed to clad the roof surfaces.

4.2.6 There would be a mix of house types and sizes as set out in the table below. As indicated previously this is a hybrid application that seeks full planning permission for 36 dwellings and outline planning permission for the remainder up to a maximum of 84 dwellings. The tables below identify the housing mix.

Table 1 – Phase 1 (full permission) – proposed housing mix by size

Bedrooms	Number
1	8
2	7
3	14
4	7
Total	36

Table 2 – Illustrative masterplan - mix for the whole site (indicative only)

Bedrooms	Number
1	8
2	15
3	31
4	24
5	6
Total	84

4.2.7 A tenure mix is proposed that provides for 40% affordable housing.

4.3 **Keys Issues**

4.3.1 The key issues for consideration of this full application for planning permission are:

- Policy background and the principle of development in the Green Belt;
- Whether the development would be inappropriate in the Green Belt;
- Impact upon openness and the purposes of including land within the Green Belt
- Any other harm:
 - Prematurity
 - Impact upon heritage assets
 - Impact of the development upon the character and appearance of the area
 - Impact of the proposed development on the local highway network
 - Other impacts and environmental considerations.
- Whether very special circumstances are required and exist.

Policy background and the principle of development in the Green Belt

4.3.2 The site lies within the open countryside within the Green Belt and therefore Saved Policy 2 of the District Plan applies, which states:

“In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions and changes of use of buildings and land which are appropriate in the Green Belt, and which would not result in significant visual impact.”

4.3.3 This policy is consistent with the approach to Green Belt in National Policy as set out at Section 13 of the National Planning Policy Framework (NPPF). Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.

4.3.4 The Green Belt serves five purposes, these are set out at paragraph 138 of the NPPF and are:

- (a) To check the unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another;
- (c) To assist in safeguarding the countryside from encroachment ;
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate development in the Green Belt

4.3.5 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not fall within any of the exceptions to this approach to development in the Green Belt as set out at paragraphs 149 and 150 of the NPPF. The applicant accepts that the proposed development is inappropriate in the Green Belt but considers that there are material considerations in this case that constitute very special circumstances. Paragraph 148 of the NPPF stipulates that substantial weight must be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations. Before considering whether very special circumstances exist the harm to openness and purposes of the Green Belt are considered.

Openness and purposes of the Green Belt

4.3.6 The fundamental aim of the Green Belt and Green Belt Policy is to prevent urban sprawl by keeping the Green Belt permanently open and that the essential characteristics of Green Belts are their openness and permanence.

4.3.7 One of the main considerations in this assessment is how built-up the Green Belt is now and how built-up it would be if the proposed development occurs. The existing site comprises an arable field with hedgerows. The land is devoid of buildings.

4.3.8 The proposed development of up to 84 dwellings would result in built form in terms of residential development and associated infrastructure. There would be significant

spatial impact upon the openness of the Green Belt because of the number and scale of dwellings proposed. The North Hertfordshire Green Belt Review 2018 assesses the site as making a high contribution to the physical openness of the Green Belt.

- 4.3.9 The National Planning Practice Guidance and recent case law confirm that there is not only a spatial dimension to openness but a visual one. In terms of case law, the Supreme Court has recently clarified that assessment of visual openness is not required as a matter of law but may be considered as a matter of planning judgement. The northern part of the site is close to existing built development and the eastern part of the site is lower within the landscape and screened by woodland to the east, where there would be slightly less visual impact upon openness. There is residential development to the north west on the opposite side of London Road from the application site and a cluster of dwellings at Pound Farm to the south. The character of the site and the immediate area is that of urban fringe.
- 4.3.10 The appeal site is relatively well-contained within the landscape and would not be prominent from wider views. Therefore, in terms of the visual dimension of openness the effect would be localised in views from adjacent land including London Road and adjacent housing. The contribution of the site in terms of the visual openness of the Green Belt is assessed as low/mixed in the Green Belt Review Update 2018.
- 4.3.11 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which confirms the edge of settlement setting and that significant woodland areas and planting belts in the immediate surroundings, along with the low-lying position of the site within the landscape, reduce the sensitivity of the site as there are no long-distance views. The effect of the proposed development upon the character and appearance of the area and the landscape is considered in more detail later in this report. However, in terms of the effect of the proposed development upon openness in respect of its visual dimension it is considered that this ranges from moderate to significant in the LVIA. There is a footpath to the north and London Road is to the west, which offer public views of the site. There are also private views from adjacent residential development. The proposed development would significantly alter the currently open character and appearance of the site from nearby public and private vantage points.
- 4.3.12 Therefore, the proposed development would result in harm to the openness of the Green Belt in terms of both its spatial and visual aspects and paragraph 148 of the NPPF confirms that any harm to the Green Belt attracts substantial weight.

Purposes of the Green Belt

- 4.3.13 Paragraph 138 of the NPPF identifies five purposes of the Green Belt, these are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.14 In terms of the purposes of the Green Belt, the site is proposed to be removed from within the Green Belt in the emerging local plan and is allocated for housing as part of the housing land provision within the emerging Local Plan. As part of the evidence

base for the Local Plan, the North Hertfordshire Green Belt Review 2016 (NHGBR) divides the Green Belt into areas for assessment of the contribution at respective parcels of land make to the openness and purposes of the Green Belt.

- 4.3.15 The evidence base for the emerging Local Plan (ELP) includes the Green Belt Review Update (GBRU) (ref ED161) which considers the prospective impact of the proposed allocation on the purposes and openness of the Green Belt. Regarding site allocation HT2, the GBRU finds overall that the site makes a 'moderate' contribution to the purposes of the Green Belt. In terms of the individual purposes of the Green Belt the site (ref: 98) is found to have limited contribution to purpose (d) and moderate contribution to other purposes.
- 4.3.16 Therefore, the site has been assessed against the purposes of the Green Belt within the GBRU. The overall effect upon the five purposes is moderate in the light of that assessment. Concerns have been raised that the proposed development would lead to a coalescence of Hitchin with St. Ippolyts. However, officers consider that this would not be the case as open fields would remain between the site and the village.

Any other harm

- 4.3.17 Under the provisions of paragraph 148 of the NPPF, any other harm resulting from the proposal should be taken into account, very special circumstances will not exist unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The Courts have confirmed "any other harm" to mean any harm relevant for planning purposes, which can include factors unrelated to the Green Belt in the planning balance, such as heritage harm or harm to highway safety. Having assessed the harm to the Green Belt, outlined above, this report will now go through each of the key material considerations applicable to this proposal to identify and attribute weight to any other harm which may arise from the proposed development.

Prematurity

- 4.3.18 The allocation of this site in the ELP is discussed later in this report. In terms of prematurity, paragraph 50 of the NPPF confirms that *"refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination... Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."*
- 4.3.19 It is your officers' view that the scheme is relatively small in terms of the housing land requirement in the ELP and whilst this would make a significant contribution to the local housing land supply, it would be a modest extension to Hitchin. The proposal would not be of a scale to undermine the ELP and the plan making process.
- 4.3.20 Moreover, in a recent appeal decision for 167 dwellings at Heath Lane, Codicote (APP/X1925/W/21/3273701), the Inspector in considering a site within the Green Belt allocated for housing in the ELP found that there was no basis for refusing permission on grounds of prematurity for that site.
- 4.3.21 It is also worth drawing attention to the current housing land supply of 1.47 years, which is a significant shortfall on the minimum 5-years supply required by the NPPF.

4.3.22 In addition, in January 2022, the Government released the latest Housing Delivery Test results for local authorities. This is a measure of new homes built in the preceding three years against either Local Plan targets (where these are adopted and up to date) or the Government's 'standard method' figures for new homes. The latest results state that North Hertfordshire delivered just under half of the number of new homes required (49%). This is a similar result and position to the previous Housing Delivery Test results.

4.3.23 In the light of the above considerations, it is considered that it would not be reasonable to refuse this application on prematurity grounds. A refusal could not be substantiated at an appeal, and the Council would risk an award of costs, as occurred in respect of the appeal at Heath Lane, Codicote.

Impact on heritage assets, taking account of the proposed design, character and appearance of the proposed development

4.3.24 Saved Local Plan Policy 57 (Residential guidelines and standards) states that each housing site is unique and requires that the character of each new development relates to that site's physical shape and existing features, and the character of the surroundings whether urban or rural. Policy D1 of the ELP states that planning permission will be granted if development proposals respond positively to the site's local character, among other things.

4.3.25 Whilst the site lies within St. Ippolyts parish, it is detached from the village and adjoins the urban edge of Hitchin. The site comprises a single agricultural field with a 1980s residential estate immediately to the north. It forms part of the urban to rural transition on the edge of Hitchin. It is a relatively level site that slopes gently down from London Road to the west, to woodland to the east. The impacts of the development on the wider surrounding landscape are considered in the next section of this report. The application is accompanied by a Design and Access Statement (DAS) which sets out an assessment of the character of the area, site opportunities and constraints, and the design process. The applicant entered pre-application consultation with officers.

4.3.26 ELP Policy HT2 requires, amongst other things, the retention and reinforcement of planting along the southern and eastern boundaries to ensure integrity of the revised Green Belt and sensitive design towards the south-west of the site and in areas viewed from Mill Lane to minimise harm to heritage assets.

4.3.27 The proposed development would be laid out in housing blocks, with higher density to the centre of the site centred on an open square and lower density to the east. There would be peripheral landscaping, mostly to the east adjacent to the existing woodland, where there would be a play area and dry SuDS feature. It is considered that the retention of existing boundary landscaping and the proposed soft landscaping would help to soften the appearance of the housing development and assimilate it with its surroundings and assist in creating a new urban edge to Hitchin with the countryside.

4.3.28 The overall density of the proposed development of around 21 dwellings per hectare is a low density for housing but reflects the relatively low density of housing on the adjacent housing estate, and the open space that would be provided within the development. It is considered therefore an appropriate density for this edge of town location. The proposed development would have street lighting. However, there is

street lighting to the adjacent housing development, which would be a backdrop to the proposal, and the detailed design of lighting and light emissions can be adequately controlled by condition.

- 4.3.29 The proposed development, including the proposed landscaping and green spaces together with the layout and design would achieve a sense of place and character, in keeping with its urban edge character, through a mix of housing types and styles. To the south west, the design and materials including weatherboarding would reflect the character of the adjacent barns style dwellings. To the centre of the site and along the main spine road, the use of terraced form to some dwellings and traditional design and materials would reflect a village centre character.
- 4.3.30 Overall, the proposal would deliver a high-quality housing development that responds to local character and would accord with saved LP Policy 57, and ELP Policies D1 and HT2.

Impact on Heritage Assets

- 4.3.31 Policy SP13: Historic Environment of the ELP requires the Council to balance the need for growth with the proper protection and enhancement of the historic environment. ELP Policy HE1 requires planning applications to be accompanied by a Heritage Assessment and allows development that would lead to less than substantial harm to the significance of designated heritage assets where the harm is outweighed by the public benefits of the development. Policy HT2 requests sensitive design towards the south-west of the site and in areas viewed from Mill Lane to minimise harm to heritage assets. The policy therefore presumes that there would be harm from housing development on this site on the setting of Pound Farm, which is a Grade II listed building.
- 4.3.32 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be given by the decision maker to the desirability of preserving or enhancing listed buildings and their setting.
- 4.3.33 Paragraph 194 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including contribution made to their setting. The level of detail should be proportionate to the asset's importance. The NPPF goes on to state at paragraph 195 that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 4.3.34 A Heritage Statement by Heritage Collective accompanies the application which identifies the heritage assets and the effect of the proposed development upon significance. It confirms that the application site does not contain any designated heritage assets. St Ippolyts village and its conservation area are located to the south of the site. Topography, buildings, and landscaping limit intervisibility with the conservation area.
- 4.3.35 Pound Farmhouse was listed Grade II in 1987 and has an early to mid-19th century front elevation to a possibly older building. It is built of red brick with a steep red tile roof. Other listed buildings in the study area are also identified but their setting would be unaffected by the proposed development.

- 4.3.36 The urbanisation of the application site will affect the wider rural setting of the listed building. This would be mitigated by the design of the proposed development including landscaping. There would nevertheless be minor harm to significance to the listed building through development within its setting, given the approaches to the listed building would be affected, at the low end of the spectrum of less than substantial harm. Accordingly, this equates to other harm in terms of Green Belt Policy and paragraph 202 of the Framework is engaged which requires the harm to be weighed against the public benefits of the proposal. There are several planning benefits, and a weighing exercise will be undertaken later in this report in considering whether the material considerations that weigh in favour of the proposal constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm.
- 4.3.37 In addition, the site has the capacity to contain archaeological remains. ELP Policy HE3 addresses non-designated heritage assets and indicates that planning permission for a proposal that would result in harm to non-designated heritage assets will only be granted where a balanced judgement has been made to assess the scale of harm. In terms of archaeology, ELP Policy HE4 sets out the circumstances where development proposals affecting heritage assets with archaeological interest will be granted, and this includes the submission of a desk-based assessment, demonstration of how archaeological remains will be preserved and the use of appropriate conditions. An Archaeological Desk Based assessment by HCUK Group accompanies the application. This assessment confirms that the site has the potential to have archaeological remains, this potential is low in respect of Pre-historic, Roman and Early Medieval periods and low to medium for remains from the Medieval, Post-medieval and Modern periods. It is considered that this is a material consideration in the planning balance that can be adequately addressed by planning conditions.

Impact on the wider landscape setting

- 4.3.38 With regard to landscape and wider visual impacts the application site is a relatively flat field that slopes down gently to the east. There is woodland to the east and the site is low-lying. A Landscape and Visual Impact Assessment accompanies the application, which assesses the landscape setting and views, the effect of the proposed development on the landscape, and visual effects. It considers the immediate impact of the development and longer-term impact following mitigation. A methodology is applied that identifies viewpoints of the site within the landscape and sets out visual sensitivity, magnitude of change and scale of visual effect.
- 4.3.39 Due to topography and vegetation, the landscape and visual effects of the proposed development are localised. There would be some local viewpoints of the site, such as from the footpath that runs along the London Road site frontage where visual sensitivity is considered to be high, the magnitude of change is considered to be high, and the scale of visual effect is therefore considered to be high.
- 4.3.40 Overall, however, given the localised impact of the development on the landscape and visual amenity, along with proposed mitigating landscaping, it is considered that the proposal would have limited harm to the character and appearance of the area, and moderate weight is attached to that harm in the planning balance.

Impact on the Highway Network, Access and Parking

4.3.41 A Transport Assessment and Travel Plan accompany the application, which address the three key transport tests identified in the NPPF, which are summarised as: whether a suitable access will be provided, the opportunities for sustainable travel and traffic impacts.

Access

4.3.42 A Road Safety Audit of the proposed roundabout site access has been undertaken and is attached as an appendix to the submitted Transport Statement.

4.3.43 Access to the site from London Road was originally proposed prior to the application as a priority junction, and traffic calming measures in the form of speed cushions along London Road where also originally proposed. However, as a result of pre-application community consultation, a compact roundabout is now proposed at the junction of the site with London Road and speed cushions have been removed from the proposal. The scheme has been amended to replace the speed cushions with visual narrowing achieved by road markings and anti-skid coloured surfacing. It is also proposed to provide bus stops with shelters to both sides of London Road to the front of the application site.

4.3.44 It is proposed to widen the roadside pavement to provide 3m wide shared cyclist footways along the frontage of the. Whilst an objector to the scheme asserts that this widening should extend along a longer stretch of London Road, such a requirement would not be reasonable and would not meet the tests for a planning condition or a planning obligation.

4.3.45 The installation of a compact roundabout on London Road along with the proposed traffic calming will encourage drivers to keep their speeds low and alert drivers of their approach to a built-up area.

4.3.46 Full permission is sought for the main spine road through the development, which would have a width of 5.5m with 2m wide footways to both sides of the carriageway that would line to the roundabout arm onto London Road.

4.3.47 Concerns have been raised relating to the volume of construction traffic and therefore a condition requiring the submission of a Construction Traffic Plan is recommended to ensure control over this matter.

4.3.48 Concerns have also raised by residents relating to the junction of Mill Lane, and that the new roundabout should be at the junction with Mill Lane. However, improvements are proposed at the junction of Mill Lane, and the traffic calming measures including the proposed roundabout would improve highway safety at the junction of Mill Lane and London Road.

Parking

4.3.49 Whilst full planning permission is sought for 36 of the up to 84 dwellings proposed, details of parking provision for the whole site are provided in the submitted Transport Statement. The adopted parking standard is a minimum of 1 parking space for a studio flat/1 bed flat, and 2 parking spaces for a 2 bed and 3 + bed unit, plus between 0.25 and 0.75 visitor parking space per dwelling. It is proposed to provide 0.5 visitor parking spaces per dwelling, a total of 42 visitor spaces, which is an appropriate level for this

location, in combination with a Travel Plan, upgrading of existing footway along the London Road frontage, and provision of cycle storage facilities to encourage the use of more sustainable modes of transport than the private car. The proposed car parking provision as detailed in the Transport Statement would meet adopted parking standards.

4.3.50 Adopted Vehicle Parking Standards indicate that garages should be 3m wide by 7m deep to be counted as a parking space. This allows for parking of a car and storage. Whilst the proposed garages would be only 6.43m deep, separate storage sheds are proposed for the storage of cycles. Therefore, in the circumstances it is considered that the proposed garage would be of a sufficient depth to park a car. Vehicle tracking has been undertaken in the Transport Statement based upon an estate car.

4.3.51 Secure cycle parking and EV charging points are proposed and planning conditions are recommended to control these matters.

Traffic Impacts

4.3.52 The applicant has been in consultation with and has agreed the highway capacity assessments with the Highway Authority, who consider that the traffic movements and peak traffic generation from the proposed development would have an acceptable impact on the local highway network.

Sustainable Travel Opportunities

4.3.53 The submitted Transport Assessment identifies existing walking, cycling and public transport network in the vicinity of the site. Bus stops to both sides of London Road would be provided which would improve sustainable transport opportunities.

4.3.54 An in-principle Framework Travel Plan has been submitted with the application, which contains a range of short, medium and long-term actions to increase the use of sustainable modes of travel and reduce the use of single-occupant vehicles.

4.3.55 The Highway Authority has raised no objections to the proposal and recommends conditions and informatives be attached to any permission. A financial contribution of £6000 to the County Council has been requested to cover their costs of administering and monitoring the objectives of the Travel Plan and engaging in any review. This matter is addressed further later in this report when addressing the S106 agreement.

Conclusion on Highway Matters

4.3.56 The Highway Authority consider that the impact of the proposed development on the local highway network would be acceptable subject to mitigation secured through planning conditions, and S106 obligations relating to contributions towards securing and monitoring a Full Travel Plan. It is considered that there would be no harm to highway safety. There would be benefits beyond meeting the needs of the development from the proposed roundabout and improving the junction of Mill Lane and London Road and on balance this would lead to moderate highway safety benefits.

Environmental considerations

Drainage and Flooding

4.3.57 Policy HT2 of the ELP requires that the proposal addresses the existing surface water flood risk issues through SUDs or other appropriate solution, that there be no

residential development within Flood Zone 2 and that an appropriate buffer zone is maintained from Ippollitts Brook at the south east of the site. Policy NE7 of the ELP addresses reducing flood risk and states that *“Planning permission for development proposals will be granted provided that (b) a FRA has been prepared in accordance with national guidance that considers the lifetime of the development, climate change impacts and safe access and egress.* Concerns have been raised by residents relating to flood risk.

- 4.3.58 The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy. This has been amended and expanded upon to address the comments of the LLFA who following these amendments raise no objections in principle subject to conditions requiring that the drainage strategy be carried out in full, and that drainage be managed and maintained for the life of the development.
- 4.3.59 The drainage strategy would employ a combination of permeable paving, tanking and attenuation pond that has been designed to accommodate surface water flows for up to a 1 in 100-year flood event, plus 40%.
- 4.3.60 The drainage of this site should address the impacts of the proposed development, and subject to the conditions improve the existing drainage and reduced flood risk on this site and the immediate vicinity. As such a drainage strategy is necessary to address the impacts of the development this would be a benefit to which limited weight should be attributed, nevertheless this is a benefit that would arise from the scheme and therefore weighs in favour in the planning balance.

Ecology

- 4.3.61 The biodiversity impacts arising from the development will also need to be considered. The application is accompanied by an Ecological Appraisal. There is restricted wildlife interest on this single arable field. A Biodiversity Net Gain Metric has been submitted that identifies a net gain in biodiversity of about 1%. Policy NEx of the ELP requires biodiversity net gain. Therefore, the proposed development is policy compliant in this regard and Hertfordshire Ecology raise no objections accordingly. The Hertfordshire Wildlife Trusts (HWT) originally objected to the proposal on the basis that more buffer planting should be provided and 10% net gain in biodiversity be achieved. Clarification was provided by the applicant relating to existing and proposed planting to the east of the site and this has been accepted by HWT. Whilst Officers consider that there is no current policy requirement for 10% biodiversity net gain and the proposal would comply with ELP Policy NEx, the applicants have offered a financial contribution towards the enhancement of biodiversity off-site. The proposed development would deliver net gains, as required by policy and therefore this matter weighs in favour of the proposed development, to which moderate weight is attributed in the planning balance.

Land Contamination

- 4.3.62 A Geo-environmental Ground Investigation Report accompanies the application to identify possible areas of contamination and provide an assessment of potential ground related development constraints. Having considered the report, the NHDC Environmental Health Officer has advised as follows

“The Report is appropriate and considered to be satisfactory; the Report may be Approved.

No elevated levels of soil contaminants were found (Section 5.3 and Appendix VI) therefore no remediation works are required.

With regard to ground gas (Section 5.6 and Appendix VII), gas protection measures were found to be required. These are a gas protection membrane and sub floor voids as per BRE414 and ventilation of one volume per 24 hours.”

- 5.4.63 A condition is recommended to ensure that the required gas protection measures are properly implemented. This matter should be attributed neutral weight in the planning balance.

Air Quality

- 5.4.64 Paragraph 105 of the NPPF confirms that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. The NPPF goes on to require, amongst other things, that planning decisions sustain and contribute towards compliance with relevant limit values of national objectives for pollutants and opportunities are identified to improve air quality or mitigate impacts.

- 5.4.65 The Council's approach and guidance to matters of air quality is outlined in the 'North Herts Air Quality Planning Guidance (October 2018). An Air Quality Assessment, as well as a Transport Assessment and Travel Plan have been submitted with the application, which have been assessed by the Council's Environmental Health Officer who advises that *“The impact of dust to nearby residential properties during the construction phase has been identified as requiring mitigation measures to prevent soiling of the local neighbourhood. The report identifies a set of mitigation measures designed to control the risk of adverse effects from dust to a level categorised as not significant. The mitigation measures proposed within the Air Quality Assessment are those recommended by the IAQM as appropriate to a construction site with medium risks. The mitigation measures include the proposal for the development of a dust management plan, to be approved by the Local Authority. “* It is recommended that a Dust management Plan be submitted to the Council for approval, in advance of the proposed works commencing. This could be required as part of a Development Management Plan.

- 5.4.66 Regarding the submitted Travel Plan the Environmental Protection Officer recommends that the targets within the final Travel Plan are agreed with Hertfordshire County Council and are monitored and report on and reviewed throughout the 5-year period of the Travel Plan. Mitigation measures will also be required including installation of an agreed number of charging points and a condition is recommended to address this. It is considered that this is a neutral matter in the planning balance.

Noise

- 5.4.67 The application is accompanied by an Acoustic Design Statement, which has been assessed by the Council's Environmental Health Officer. Regarding Phase 1 of the proposed development which includes dwellings close to the frontage with London Road, Noise mitigation in the form of glazing and acoustic trickle vents will be required to achieve required internal noise standards; for external garden areas some areas will require 2-metre-high fences. A condition is recommended in respect of the full planning permission (phase 1) requiring a scheme to protect future occupiers from road

traffic noise based upon the findings in the submitted Acoustic Design Statement. With the proposed condition it is considered that this matter should be attributed neutral weight in the planning balance.

Impact on residential amenity

- 5.4.68 Concern has been raised by residents living nearby to the proposed development with regard to loss of light and overshadowing. Local Plan Policy 57 sets out guidance and standards to protect living conditions of neighbours. Policy D3 of the ELP confirms that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions, and where there would be harm the Council should consider mitigation measures that can be taken to mitigate the harm. A Sunlight & Daylight Report was submitted in support of the application which considers the impacts of the proposed development on the neighbouring properties of 4 Ash Drive and 8 Larch Avenue. The findings show that there would be no significant harm due to loss of light and overshadowing.
- 5.4.69 Full planning permission is sought for phase 1 of the development, whereas matters such as layout and scale are reserved for later approval for phases 2 and 3. With regard to the proposed development, buildings would be visible from nearby residential properties, that currently look over an agricultural field. However, it is considered that there would be sufficient distance between existing nearby buildings and the proposed development for which full permission is sought that there would be not be significant harmful impact upon living conditions due to loss of outlook, privacy and overshadowing.
- 5.4.70 There would be some impacts in terms noise and disturbance during the construction of the development, but these effects could be mitigated by conditions. On balance, it is considered that the proposed development would cause very limited harm to residential amenity.

Loss of agricultural land

- 5.4.71 The proposal would result in the loss of agricultural land. Paragraph 174(b) of the Framework states that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. land (defined as land in Grades 1, 2 and 3a). The harm arising from the loss of agricultural land is a further factor to be considered.
- 5.4.72 The Natural England classification Maps show the land around Hitchin to fall within the good-moderate category. The site does contain some of the best and most versatile grade of agricultural land, which would be lost, and this is a minor adverse impact of the proposal that attracts limited weight.

Carbon Emissions

- 5.4.73 A Travel Plan accompanies the application in respect of transport matters, and this is addressed in considering highway matters. An Energy Statement accompanies the application this indicates that the energy and carbon policy requirements are proposed to be met using both fabric improvements and utilisation of air heat source pumps for heating of the dwellings and that the proposal would achieve a reduction in Dwelling

Emissions Rates 33% better than Building Regulations baseline. The carbon emissions from the development have been adequately addressed and therefore this is considered to be a matter to which neutral weight should be attributed in the planning balance.

Summary on Environmental Considerations

5.4.74 As outlined above, it is considered that the proposed development would have either moderate benefit (ecology), limited benefit (drainage) or a neutral effect, (land contamination; air quality; noise); or a small adverse impact (residential amenity in the short term; loss of agricultural land). Therefore, it is acknowledged that there would be some disturbance to neighbouring properties during the construction phase and there would be a short-term loss and disturbance to ecology and wildlife, at least until mitigation and replacement planting was established. In addition, whilst the land is not the highest quality, it would at least result in the loss of some agricultural land. As such, in the overall planning balance, the proposals cause a small level of environmental harm to which I attribute limited weight.

Whether the development would represent a sustainable form of development

5.4.75 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social and environmental.

5.4.76 In terms of the economic objective the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.

5.4.77 In terms of the social objective, several community benefits would accrue from this development. First, it would provide valuable housing, including a high percentage of affordable housing that meets local housing need, in a district that is suffering from a lack of housing supply and resultant affordability gap. A range of house types and tenures would assist in meeting this need.

5.4.78 Secondly, the proposal would deliver a high-quality residential development. The development would be well connected to the existing community of Hitchin and St. Ippolyts and by public transport to larger towns. As such the development would provide access to the social, recreational and cultural facilities and services that the community needs. The proposal would achieve a well-designed sense of place and make effective use of land. The development would be in accordance with sections 8, 11 and 12 of the Framework.

5.4.79 In terms of the environmental objective, it has been concluded above that the proposed development would likely result in some harm to the character and appearance of the landscape in the short term, however there would not be harm to the wider landscape setting and harm would be reduced in the longer term, as structural planting matures. Regarding biodiversity, whilst there would be limited harm in the short term during the construction process, in the longer term the proposed development would result in a

small net gain in biodiversity on site and increased gains off-site, through a s106 contribution towards a local ecology project. The agricultural land is necessary to achieve the District's housing need which cannot be met within existing urban areas. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework.

Summary on sustainability

- 5.4.80 In conclusion on this matter, it is considered that the proposals would be a sustainable form of development and would comply with national and local planning policy and guidance.

Whether there would be Very Special Circumstances

- 5.4.81 As set out earlier in this report, the proposed development would be inappropriate development in the Green Belt and there would be other harms including harm to the openness of the Green Belt and its purposes. Paragraph 148 of the Framework states *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”* The applicant considers that there are considerations that clearly outweigh the harm arising from inappropriate development and any other harm that amounts to ‘very special circumstances’.

The delivery of market and affordable housing

- 5.4.82 The proposal would contribute 84 dwellings towards housing land supply. There is currently a substantial shortfall in housing land supply of only 1.47 years against an expectation of at least five years supply.
- 5.4.83 In responding to the pressing housing situation, a Housing Delivery Test Action Plan has been adopted by the Council. This recognises that housing sites currently within the Green Belt that are allocated in the ELP will remain subject to the test of very special circumstances (VSC). However, it proposes that it may now be appropriate to determine some sites in advance of the examination process being concluded.

Affordable Housing

- 5.4.84 There is also a pressing need for affordable housing and Policy HS2 of ELP requires 40% affordable housing on sites over 25 units to address that need. The proposal would deliver 84 dwellings, 40% of which would be affordable. This would provide for 65% rented tenure and 35% intermediate tenure and at a mix that meets the requirements of ELP Policy HS3 including the housing need identified in the Strategic Housing Market Assessment.

First Homes

- 5.4.85 The Government announced last year a new affordable housing product called ‘First Homes’. These are discounted market sale housing. The introduction of First Homes was subject to a series of transitional arrangements. Some of these key transitional arrangements expired on 28 March 2022. At the time First Homes were announced it had been anticipated that a decision on adoption of the Council's new Local Plan would have taken place prior to the expiration of the transitional arrangements. However, it is now necessary to consider interim arrangements. National policy requiring the

inclusion of First Homes is a material planning consideration on all applications where affordable units are sought.

5.4.86 Prior to the adoption of the ELP, officers recommend that any request to include First Homes as part of the affordable housing mix is considered on its merits on a case-by-case basis. The provision of First Homes will be supported where it would not adversely impact upon:

- the overall proportion of affordable housing that can be achieved on site having regard to the targets in Policy HS2 of the emerging Local Plan and saved Policy 29a of the 1996 District Local Plan;
- the proportion of rented housing that can be achieved on site having regard to the emerging Local Plan requirement for 65% of affordable homes to be rented;
- the mix of rented housing indicated as being required by the Council's Strategic Housing Market Assessment; and
- any other policy requirements or contributions that have been properly tested through the Local Plan examination.

5.4.87 The Applicant has indicated that the provision of First Homes on this scheme would have significant implications on the proposed affordable housing and its mix, which has been agreed with NHDC officers following extensive discussions. There would be implications on the viability of the scheme, which would ultimately affect the quantum of affordable housing that can be offered. The Applicant is not convinced that providing First Homes here, taking into account the price cap of £250k, would serve to provide a mix of affordable housing that is better suited to meeting the needs of the area when compared to the mix that has been proposed, and would not be willing to include First Homes in this scheme.

5.4.88 In the circumstances, officers consider that it would not be appropriate to include First Homes within the housing mix for this proposal and that the affordable housing mix proposed would reflect local housing need.

Allocation within the Emerging Local Plan

5.4.89 The Council's emerging Local Plan (ELP) was submitted for Examination in 2017. This is ongoing. Hearings have been completed and the Inspector's report is awaited. The site benefits from a proposed allocation under Policy HT2 for an estimated 84 dwellings and the ELP proposes the whole site be removed from the Green Belt for development and incorporated within the settlement boundary for Hitchin. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission.

5.4.90 Paragraph 48 of the NPPF provides advice on weight to relevant policies in emerging local plans according 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 Framework.

5.4.91 Regarding the above, the ELP is well advanced. Whilst it is still at examination all hearings have taken place and consultations carried out on the further Main Modifications. The Council's Green Belt evidence was subject to further examination

sessions although the overall assessments of the contribution of this land to Green Belt purpose have not altered over the course of the examination.

- 5.4.92 Moreover, at the conclusion of the hearings in November and December 2020, the Inspector held a public 'wash-up' session with the Council to discuss the matters arising and next steps. The Inspector stated that moving forward the Council could expect one of two things to happen; either to receive a letter setting out any fundamental concerns or going out for further consultation on further modifications. The Inspector undertook to write to the Council raising concerns by the end of January 2021 at the latest. The Inspector was clear that any further main modifications would be those that he considered necessary for the soundness of the Plan and that he would not allow modifications with which he was not happy to be consulted upon.
- 5.4.93 The Inspector issued Further Main Modifications and consultation on these were completed in July 2021. The Inspector is currently reviewing responses and the Inspector's Final Report is now awaited.
- 5.4.94 The Further Main Modifications did not propose altering or removing allocation HT2 therefore Officers consider that it is highly likely that this allocation will remain, and the land removed from the Green Belt, when it is eventually presented for adoption.
- 5.4.95 In terms of criterion (c) of paragraph 48, several main modifications arising from the examination are to ensure consistency within the NPPF.
- 5.4.96 Therefore, Officer's consider that in the light of the above significant weight should be given to relevant policies in the ELP including Policy HT2, which allocates the application site for housing and removes the site from the Green Belt. It is considered that significant weight should be given to this matter in the planning balance.

Conclusion on Market and Affordable Housing

- 5.4.97 There is clearly an urgent need to identify land in the District for market and affordable housing and the position is serious given the housing land supply and delivery shortfall. In the circumstances, it is considered that very substantial weight should be given to the considerable housing benefits of the proposed development, which includes ELP compliant affordable housing contribution of 40%.

Additional Community Benefits

- 5.4.98 Addressing the impact of the development on facilities and infrastructure would be neutral in the planning balance and would not contribute to the case of 'very special circumstances' (VSC). Nevertheless, it is considered that there are some benefits arising from the development that weight in favour of the proposal and contribute towards the VSC case.
- 5.4.99 The scheme does not necessitate a roundabout to enable safe access to the site. However, at the request of the Parish Council a roundabout is proposed. This would provide some additional benefits by slowing traffic down along this stretch of London Road, with the highway safety and pollution benefits that would arise from this.

Economic Benefits

- 5.4.100 Paragraph 81 of the NPPF stipulates that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant during the ongoing COVID-19 pandemic and other pressures on the economy. There will be

considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There will also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers. Given the scale of the proposed development it is considered that significant weight should be given to this in the planning balance.

5.4.101 Below is a table setting out the harms and benefits that would arise and the weight that Officers consider should be attributed to them in the planning balance.

Issue	Harm or Benefit	Weight
Inappropriate development in the Green belt	Harm	Substantial
Green Belt Openness	Harm	Significant
Green Belt Purposes	Harm	Moderate
Character and appearance	Harm	Moderate
Heritage	Harm (Less than substantial)	Great
Impact on residential amenity	Harm	Very limited
Loss of agricultural land	Harm	Limited
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Delivery of market housing	Benefit	Very substantial
Delivery of affordable housing	Benefit	Very substantial
Allocation for housing in the ELP and removal from the Green Belt	Benefit	Significant
Biodiversity	Benefit	Moderate
Economic impact	Benefit	Significant
Highway Safety	Benefit	Moderate
Open Space	Benefit	Moderate
Flood Risk/Drainage	Benefit	Limited
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Land Contamination	Neutral	Neutral
Noise	Neutral	Neutral
Air Quality	Neutral	Neutral
Carbon Emissions	Neutral	Neutral

5.4.102 The benefits of this proposal and the weight attributed to these will be set against the harm outlined earlier in this report, in the 'conclusion and planning balance' section below. This will assess whether very special circumstances exist necessary to justify the grant of planning permission.

Planning Obligations

5.4.103 In considering Planning Obligations relating to this proposed development. The Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.4.104 Detailed negotiations have taken place with the applicant and agreement reached on a range of matters that are included in a draft S106 agreement. These include the provision of affordable housing, contributions to open space and a pavilion, and financial contributions towards education. St. Ippolyts Parish Council are seeking financial contributions towards construction of a replacement football pavilion with adjoining bowls club house. The Parish Council have confirmed that existing buildings are in need of replacing and new residents of the proposed development would benefit from the sporting activities on the Parish recreation ground.

All of the S106 obligations are listed in the table below.

Element	Detail and Justification
Affordable Housing (NHDC)	On site provision of affordable dwellings based upon 65% rented tenure and 35% intermediate tenure (unit of mixed size) NHDC Planning Obligations Supplementary Planning Document Submission Local Plan Policy HS2: Affordable Housing
Primary Education (HCC)	Contribution of £859,838 towards the new 2FE primary school at the Highover Farm, Hitchin development site
Childcare Service (HCC)	Contribution of £222,680 towards the new 2FE primary school at Highover Farm, Hitchin development site
Secondary Education (HCC)	Contribution of £779,502 towards the expansion of The Priory School
Special Education Needs and Disabilities (HCC)	Contribution of £87,432 towards new East Server Learning Difficulty School
Library Service (HCC)	Contribution of £8,508 towards increasing capacity at Hitchin Library
Youth Service	Contribution of £16,408 towards increasing capacity at Hitchin Young People's Centre
Open Space Contribution (NHDC)	Contribution of £32,320 towards off-site improvement of open space and associated facilities within the Parish of St. Ippolyts
Pitch Sports Contribution (NHDC)	Contribution of £30,176.34 towards the replacement of the existing changing rooms at Waterdell Lane Recreation Ground
Ecological Off-site compensation scheme (NHDC)	Contribution of £15,000 towards an off-site local ecology/biodiversity project at Walsworth Common, Hitchin

Waste Collection and Recycling	<p>Contribution based on NHDC Planning Obligations SPD (figures are before indexing)</p> <p>£71 per house £54 per flat with its own self-contained garden £26 per flat with shared or no amenity space</p> <p>Policy SP7 'Infrastructure requirements and developer contributions</p> <p>Planning Obligations SPD</p>
Open Space/landscape management and maintenance arrangements	<p>Provision for the long term maintenance of the open space/landscape buffer and any SuDs infrastructure</p>
Fire Hydrants (HCC)	<p>Provision within the site in accordance with standard wording</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>

5.4.105 The Planning Obligations meet the relevant tests. Some of the provisions of the S106 agreement are designed to mitigate the impact of the development and are neutral in the planning balance. However, other provisions such as affordable housing meet an identified housing need and weighs very substantially in favour of the proposed development. Further, contributions such as the open space contribution and sports pitch contribution will assist in delivery of a new sports pavilion, which has been subject to a request for contributions from St Ippolyts Parish Council, with the amount based upon the Council's Planning Obligations SPD. Whilst this contribution would mitigate the impact of the development, there would also be a wider public benefit as residents beyond those living at the proposed development site would benefit and make use of the new and improved facility. These matters therefore weigh in favour of the proposed development.

5.4.106 St. Ippolyts Parish Council raised concerns relating the HCC seeking contributions from this development towards the new 2FE primary school at Highover Farm, as it is on the opposite side of Hitchin from the application site. Officers raised this matter with HCC who state:

"Having undertaken further work, and more recent work, HCC has identified a need to deliver the new on-site 2FE primary school at Highover Farm as a priority, in advance of other primary education projects. Therefore, in the first instance, primary education contributions from all developments coming forward within the Hitchin Primary Pupil Planning Area (PPA) are being sought towards the new school at Highover Farm to ensure it is fully funded and delivered when required. It is important to note that despite its geographical proximity to St Ippolyts, the Pound Farm development is within the Hitchin PPA. An alternative strategy, which doesn't prioritise S106 financial contributions going to the new primary school on the Highover Farm development,

could result in that project being underfunded and undeliverable resulting in future developments not having sufficient mitigation.

It is understood that there are concerns with regard to the distance between the Highover Farm new school and the Pound Farm development. HCC has a duty to ensure sufficient school places are available to meet the needs of its communities and therefore needs to ensure appropriate education infrastructure mitigation is provided on time to meet additional demand arising from new housing growth.

In addition to mitigating the on-site impact of the development, the new primary school at Highover Farm is providing additional provision to mitigate the overall impact of proposed development across the town. This strategic infrastructure solution is providing additional town-wide capacity which will result in a 'cascade' effect in which it will free up capacity in other schools between Pound Farm and Highover Farm new school and ultimately result in additional spare capacity in primary schools closer to the Pound Farm development site (which the children from Pound Farm are most likely to attend).

It is also understood that the Pound Farm development is situated relatively close to St Ippolyts and therefore close to the St Ippolyts Primary school for which an expansion project is already proposed. However, the expansion of St Ippolyts school is only a 0.3FE expansion. Existing planning applications in the village of St Ippolyts already take up the significant majority this future expansion capacity. This leaves insufficient capacity to mitigate the majority of pupil yield arising from the Pound Farm development. Pound Farm, as previously mentioned, also finds itself within the Hitchin PPA therefore is included within Hitchin's education planning. The remaining spare capacity at the St Ippolyts primary school expansion is able to be used for other future developments within St Ippolyts."

Planning Balance and Conclusion

- 5.4.107 Regarding the overall planning balance, the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt to which significant weight should be attributed as required by the Framework. The proposals would introduce 84 dwellings and associated infrastructure onto currently undeveloped land which would result in harm to the openness of the Green Belt, and this is attributed significant weight. There would be moderate harm to the purposes of the Green Belt.
- 5.4.108 There would be moderate harm overall to the character and appearance of the area.
- 5.4.109 There would be limited harm to heritage significance at the lower most end of the spectrum of less than substantial harm because of development within the setting of Grade II listed Pound Farmhouse. Whilst great weight is to be given to that limited harm, the public benefits of the proposal would clearly outweigh the less than substantial harm. This matter would not represent justification for refusal of planning permission in the light of the provisions of Paragraph 202 of the Framework and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in considering whether there are very special circumstances, this limited harm should be given great weight in the overall planning balance.
- 5.4.110 It is considered that there would not be severe impacts on the local highway network, indeed there would be highway safety benefits resulting from the proposed roundabout and traffic calming measures. In addition, the proposals would include significant

mitigation measures, some of which weigh in favour of the proposed development, as well as mitigating impacts. However, it is acknowledged that there would be some increased traffic that would add to existing congestion experienced in Hitchin particularly along London Road during peak times.

5.4.111 Lastly, in terms of 'other harm' there would also be some limited harm in the short-term relating to disturbance to neighbouring properties in the vicinity during construction works. There would also be limited harm in the short term to ecology and biodiversity until mitigation is established, although there would be net gain in the longer term.

5.4.112 Therefore, the additional environmental harm, to which weight has been attributed needs to be weighed in the balance against the matters which are considered in favour of the proposals and the aspects of the proposals which would result in wider benefits.

5.4.113 To reiterate, paragraph 148 of the NPPF states the following:

“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’”.

5.4.114 Other considerations include those that have been afforded very substantial, significant, moderate or other weight, and these relate to benefits arising from the supply of housing on this allocated site within the ELP, net gains in biodiversity, open space contributions and highway benefits. There are also other matters that are neutral in the planning balance.

5.4.115 When taken together it is considered that the other considerations in this case clearly outweigh the harm that has been identified to the Green Belt, character and appearance, residential amenity and heritage and very special circumstances exist to justify the development in the Green Belt as required by paragraphs 147 and 148 of the Framework.

5.4.116 As it is considered that very special circumstances apply in this case, regard should be given to the provisions of paragraph 11 (d) of the NPPF and the tilted balance. This stipulates where the local planning authority cannot demonstrate a five year supply of deliverable housing sites the policies for which are most important for determining this application are out-of-date, unless the application of policies in the NPPF that protect areas or assets of particular importance (such as heritage assets and Green Belt) provides a clear reason for refusing the proposed development; or 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. It is considered that the assets of particular importance (heritage assets and Green Belt) do not provide a clear reason for refusing the development, and any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Therefore, the development would accord with the NPPF and the development plan taken as a whole, and this points towards the grant of planning permission.

6.0 **Climate Change mitigation measures**

- 6.1 This application is accompanied by a 'Sustainability and Energy Statement' by Abbey Consultants dated February 2021.
- 6.2 There are several matters of note in seeking to mitigate climate change and whilst many of these have already been discussed in this report, these are summarised below:
- Each dwelling with a dedicated and adjacent parking space will include an Electric Vehicle charging point (and the apartments will EV charging points).
Bus stops and shelters would be provided in the vicinity of the site on London Road.
 - All dwellings to be provided with secure cycle storage (details to be required via condition).
 - The implementation of the submitted Travel Plan, seeking incentives to reduce use of the private car and push towards more sustainable modes of travel.

 - Biodiversity net-gain on site and contributions towards additional net-gains off-site.
 - The submission of a 'Landscape and Ecology masterplan' in order to implement and maintain the on-site landscaping and ecology benefits.

 - A recommended condition will require that a Site Waste management plan be submitted prior to commencement, in order to reduce waste both during and after construction;
- 6.3 The Sustainability and Energy Statement outlines that:
- The fabric standards of the buildings exceed the requirements of the Building Regulations and emissions are reduced from the maximum permitted by Part L by 74,806 kg CO₂ per year, which equates to a reduction of 33.11%.
 - Reduction in carbon dioxide emissions compared to the maximum permissible by the Building Regulations (Part L) through energy efficiency measures saving 360493 kWh/year.
 - The water use to each unit will achieve the enhanced standard required by the Building Regulations of 110 litres per person per day.
 - 100% of domestic fixed internal lighting to be energy efficient.
 - The completed building fabric is to achieve air leakage rates of no greater than 4m³/hr/m² for all units.
 - Sanitary fittings will be selected that minimise the consumption of mains water and all dwellings will achieve a water efficiency target of 110 l/p/d
 - The surface water disposal strategy proposes a range of sustainable urban drainage (SuDs) techniques including the use of permeable paving, geocellular storage, oversized pipework, swales and filter drainage
 - Passive solar gain - The energy required for space heating and lighting can be reduced by using the orientation, form and fenestration to make the most use of passive solar gain, whilst limiting summer overheating.
- 7.0 **Pre-Commencement Conditions**
- 7.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.
- 8.0 **Legal Implications**

8.1 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.

9.0 **Recommendation**

9.1 That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Levelling Up Housing and Communities, and subject to the following:

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and;

The following conditions and informatives:

Time Limit - detailed

1. Detailed permission only

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.

Development in accordance with plans - detailed

Detailed permission only

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.

Landscaping - detailed

Detailed permission only

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

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

Materials

Detailed permission only

4. Prior to construction above damp-proof course of the development hereby approved, a schedule of materials to be used on all external elevations and the roofs of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority 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.

Noise Mitigation

Detailed permission only

5. No development shall take place before a scheme, based on the findings in "Acoustic Design Statement, Land North of Pound Farm", Report reference JAJ11562-REPT-01-R2, dated 5/2/21 by RPS, to protect future occupiers of the dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out as approved prior to the occupation of any residential dwelling and the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenities of future residents.

6. During the construction phases of the development hereby approved no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs. There shall be no work at any time on Sundays and Bank holidays.

Reason: In order to protect the residential amenities of existing neighbouring and future occupiers of the development.

Reserved matters submission of details - outline

OUTLINE ONLY

7. Before the development hereby permitted is commenced for phases 2 and 3, approval of the details of the layout, scale and external appearance of the development and the landscaping of the site in relation to those phases (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

Reserved matters time limit

OUTLINE ONLY

8. Application for approval of the reserved matters for phases 2 and 3 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.

9. Before the detailed scheme hereby approved for phase 1 is first occupied, an application for reserved matters for all subsequent phases, shall be submitted for determination by the local planning authority within the time frame set out in condition 6 (standard outline time limit).

Reason: To support the Governments objective of significantly boosting housing supply by encouraging delivery of emerging local plan allocation HT2, both in a timely fashion and in a manner which will benefit the environmental and social setting of phase 1 hereby approved.

Cycle Parking

10. Prior to the first occupation of each phase of the development hereby approved details of siting, number and design of secured/covered cycle parking spaces shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

EV charging points.

11. Prior to occupation, each new dwelling, or accompanying garage, shall incorporate an Electric Vehicle (EV) ready domestic charging point. Visitor or unallocated parking spaces shall be allocated an EV charging point, on the basis of 1 charge point per 10 allocated spaces.

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.

Contaminated land

12. No development approved by this permission shall be commenced until a Remediation Method Statement report in respect of gas protection measures detailed in "Geo Environmental Ground Investigation Report" Report reference C2799/P11 Rev B dated 4/2/21 by HSP Consulting Engineers Ltd has been submitted to and approved by the Local Planning Authority.

(a) 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 (a) 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.
- (b) Any contamination 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

Drainage

- 13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy prepared by SDP Consulting Engineers Job No E08.010 dated November 2021, sixth issue, and the following mitigation measures:
 - 1. Implementing a drainage strategy based on infiltration and provide appropriate SuDS measures to include permeable surfacing, underground tank, swales and infiltration pond.
 - 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.

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.

- 14. No development shall take place for that phase of development until the final design of the drainage scheme for that phases completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Surface Water Drainage Strategy prepared by SDP Consulting Engineers Job No E08.010 dated November 2021, sixth issue. The scheme shall 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 and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year +40% allowance for climate change event.
 - 2. Detailed engineered drawings of all aspects of the proposed drainage scheme including the new roundabout.
 - 3. Demonstrate appropriate SuDS management and treatment (including the access road and roundabout) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
 - 4. Silt traps for protection for any residual tanked elements.
 - 5. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed location and depth of infiltration features, including permeable paving. Where

infiltration is not feasible for the permeable paving it should connect back into the wider site system. All calculations should be based upon updated infiltration tests.

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

15. Upon completion of the drainage works for the site in accordance with the timing/phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a complete set of as built drawings for site drainage.
2. A management and maintenance plan for the SuDS features and drainage network.
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.

16. Prior to the construction above damp-proof course in any particular phase of development, a scheme for on-site foul water drainage works relating to that phase, including connection point and discharge rate for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

Highways

17. Prior to occupation of any dwellings within the development hereby permitted the proposed roundabout access works shall be provided as identified on the 'in principle' roundabout access arrangement drawing number ITL9262-GA-024 revision L, and shall include proposed additional bus stops that are to be placed along the development's frontage along London Road as part of the application. These will need to be connected to the development's footways and provided with easy access kerbs, real time screens and shelter as appropriate. The exact location of the bus stops and accommodating works such as additional footways, crossing points and markings will need to be agreed in conjunction with appropriate parties. These facilities shall meet appropriate accessibility standards and be constructed in accordance with Roads in Hertfordshire Highway Design Guide or any guidance that supersedes this.

These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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 public highway.

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for new Developments (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport, in accordance with Policies 5 and 22 of the Hertfordshire's Local Transport Plan.

18. Prior to the side roads (offsets from the principal access road) being first brought into use, vehicle visibility splays to both directions shall be provided and permanently maintained as defined in visibility splay drawing (Drawing Number ITL9262-GA-019 revision H), there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway level.

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 4.

19. Prior to use the gradient of the principal access road shall be constructed no steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

20. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

The provision of a 3.0 metre wide footway/cycleway as identified on site access plan - ITL9262-GA-024 revision L that includes a link to the development along the frontage of the site complete with raised platform across the eastern arm of the roundabout that links the nearest bus stop with the development, all details shall be submitted and approved in writing by the Highway Authority.

These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

21. No development shall commence until a Construction Traffic/Environmental 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 Traffic/Environmental Management Plan shall include:

- a. Construction vehicle numbers, type and routing;
- b. Access arrangements to the site;
- c. Measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- d. Screening and hoarding details to protect neighbouring residents;

- e. Traffic management requirements, including the location of traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- f. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- g. Siting and details of wheel washing facilities;
- h. Cleaning of site entrances, site tracks and adjacent public highway, including end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- i. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- j. Provision of sufficient on-site parking prior to commencement of construction activities;
- k. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- l. 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 and to ensure the correct phasing of development in the interests of minimising disruption to nearby residents during construction, minimising any environmental impacts, in the interests of amenity.

Trees and landscaping

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

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

- 23. Any tree lopped, topped, felled, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the LPA agrees in writing to dispense with this requirement.

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

- 24. Prior to the commencement of any landscaping works with any particular phase, an ecological management plan which details the how ecological units will be delivered within that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - a) aims and objectives of management;

- b) existing and proposed features to be managed, including specific reference to improvements to retained hedgerows;
- c) species composition of habitats to be enhanced and created;
- d) a programme for implementation;
- e) the body or organisation responsible for implementation of the Plan; and
- f) monitoring and remedial measures of the Plan.

The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site.

25. Before commencement of any works on the site, trees to be retained shall be protected in accordance with all of the measures set out in the submitted 'Arboricultural Impact Assessment & Method Statement' by Anna French Associates, Document Number 139-DOC-002, dated 3 June 2019, revision B. In addition, no building materials shall be stacked or mixed within 10 metres of a tree to be retained. No fires shall be lit where flames could extend within 5 metres of the foliage, and no notices shall be attached to trees.

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

Permitted development rights

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended the garages approved as part of this permission shall be retained for the parking of vehicles and will not be converted to any other use without first obtaining a specific grant of planning permission from the Local Planning Authority.

Reason: To ensure the retention of adequate parking provision within the site in the interests of highway safety and to retain control over development that would normally be permitted development in the interests of the character and amenities of the area.

Archaeology

27. **A** No development shall 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 as suggested by the archaeological evaluation
 - 2. The programme for 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 of the site investigation

B The demolition/development shall take place/commence 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/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 (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permission.

Lighting

28. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity.

Energy and Sustainability

29. The development hereby approved shall be constructed in accordance with the submitted Energy Statement by Abbey Consultants February 2021 ref: PA-ES-OH-PF-20-04, unless agreed otherwise in writing by the Local Planning Authority, and the identified measures shall be maintained and retained thereafter.

Reason: In order to provide a sustainable form of development, to reduce the carbon footprint of the development and in order to minimise the impact on Climate Change.

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.

Informatives

To avoid killing or injuring hedgehogs it is best practice for any longer, ruderal vegetation to be cleared by hand. To avoid creating refugia that may be utilised by hedgehogs, materials should be carefully stored in site on raised pallets and away from the boundary habitats. Piles of materials that could act as refuse for wildlife should be removed as soon

as possible. If left over a period of time, they should be checked for the presence of wildlife prior to moving. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape – this is particularly important if holes fill with water. 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.

All works, including vehicle movements, materials and waste should be kept strictly within the application site and under no circumstances should there be any detrimental physical impact to the adjacent Folly Alder Swamp Local Wildlife Site.

Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore, the site layout should take into account and accommodate those assets within either retrospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.

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.

Highway informative

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 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/highways-roads-and-pavements/business-and-developer-information/development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx) or by telephoning 0300 1234047

TRAVEL PLAN INFORMATIVE A Travel Plan (TP) for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administrating and monitoring the objectives of the TP and engaging in any TP Review. Indexation of this figure will be based on the Retail Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development->


management/highways-development-management.aspx#travelplans Our Travel Plan
team can provide further advice at travelplan@hertfordshire.gov.uk.

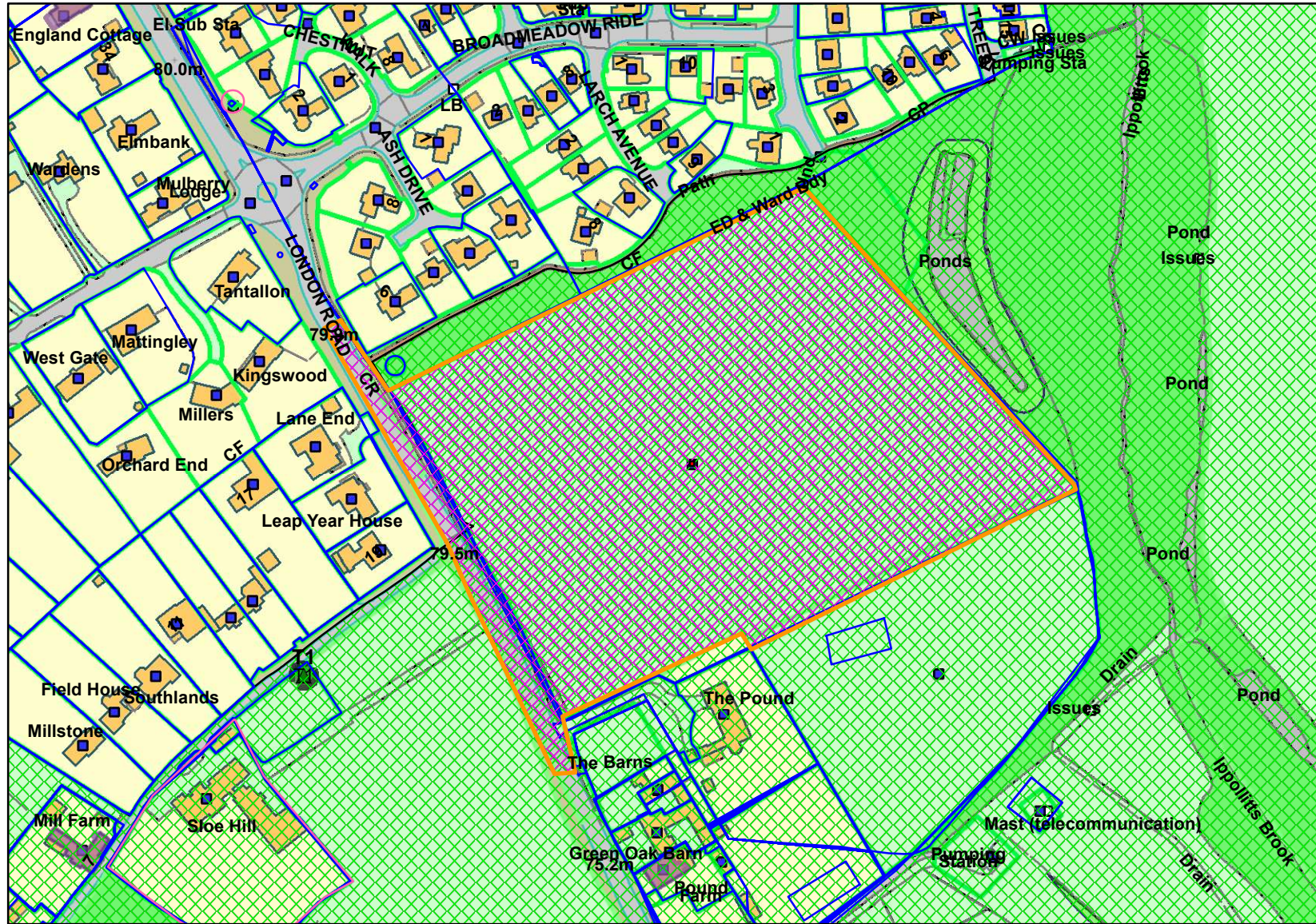
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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

21/00434/HYA Land North of Pound Farm, London Road, St Ippolyts, Hertfordshire, SG4 7NE

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistd.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
Prgrnbt.shp
-  Health & Safety Consultation Zone
Prjnzons.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnris.shp
-  Indicative Flood Plain
Prifpn.shp



Scale 1:2,500

Date: 04/04/2022

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<u>Location:</u>	Land East of Picknage Road and Adjacent To 36 Picknage Road Barley Hertfordshire
<u>Applicant:</u>	Marriott Land, Brian Homent And James Squier
<u>Proposal:</u>	Permission in Principle: Erection of 9 dwellings replacement local community shop (Class F2 (a)) of 265sqm and associated access, parking, drainage and biodiversity/landscaping area.
<u>Ref. No:</u>	21/02973/PIP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 05.12.2021

Plan numbers

- DR-A-0001 PO3 – location plan;
- DR-A-0002 PO7 – illustrative masterplan.

Supporting documents

- Planning Statement;
- Transport Technical note;
- Letter from Barley shop owner;
- Unilateral Undertaking.

Reason for referral to the Planning Control Committee

The site area is 0.98 ha, so the application has to be presented to the Planning Control Committee in accordance with the scheme of delegation as set out in the Council's constitution. However, this application has been appealed as 'non determination within the statutory 8 week determination period' and an appeal has been lodged with the Planning Inspectorate. Therefore, the committee must now indicate how they would have determined the application in the event that NDC was still the determining Authority.

1.0 Policies

1.1 The relevant policies in this instance are:

1.2 Saved Local Plan 1996:

- 6 – Rural Areas beyond the Green Belt;
- 55 – Car Parking Standards;
- 57 – Residential Guidelines and Standards.

1.3 Submission / emerging Local Plan 2011 – 2030

Strategic Policies:

- SP1 – Sustainable development in North Hertfordshire;
- SP2 – Settlement Hierarchy and Spatial Distribution;
- SP4 – Town Centres, Local Centres and Community Shops;
- SP5 – Countryside and Green Belt;
- SP9 – Design and Sustainability;
- SP12 – Green Infrastructure, landscape and biodiversity;
- SP13 – Historic Environment

Development Management Policies:

- CGB1 – Rural Areas beyond the Green Belt;
- CGB2b – Community facilities, services and affordable housing in the Rural Area beyond the Green Belt;
- T2 – Parking;
- D1 – Sustainable design;
- D3 – Protecting living conditions;
- HC1 – Community facilities;
- NE1 – Landscape;
- HE1 – Designated heritage assets.

1.4 National Planning policy Framework:

- Section 2 – Achieving sustainable development;
- Section 5 – Delivering a sufficient supply of homes;
- Section 6 – Building a strong, competitive economy;
- Section 12 – Achieving well designed places;
- Section 16 – Conserving and enhancing the historic environment.

2.0 Site History

- 2.1 A pre-application submission, 21/01462/PRE, was submitted for this proposal with a different layout for the houses. This response concluded:

If this proposal were to proceed to the application stage, I do not consider that it would be regarded favourably due to the size of the shop, the number of houses, the lack of justification and clarity on the re-use of the existing shop and the adverse harm such a proposal will have in the landscape.

3.0 Representations

- 3.1 **NHC Waster Services** – comment made regarding bin access and requirements.
- 3.2 **NHC Environmental Health Noise** – no objection subject to the provision of EV charging points being provided.
- 3.3 **NHC Environmental Protection** – no objection subject to a land contamination condition.

3.4 **HCC LLFA** – as the application is minor we will not be providing comments at this stage and we recommend that new development is designed in accordance with our policies.

3.5 **HCC Highways** – no objection subject to conditions and informatives.

3.6 **Barley Parish Council** – objects (in summary):

- The applicant is applying for a PIP consent which is supposed to be reserved for minor housing led development only. In this case however, is the applicant applying for 9 market residential units with a shop being offered as planning gain or is it for the development of a new shop which requires substantial enabling development of 9 residential units to justify its delivery? The distinction is important. The applicant has distributed literature to most of the residents of Barley seeking their support for the proposal which states “Your chance to support the relocation and improvement of Barley Stores and Post Office”. This is a clear statement that the proposal is about the proposed relocation of the shop – Barley Stores and Post Office – and only incidentally the provision of 9 residential units. On this basis a PIP application is not the right application and it should fail automatically.
- The site identified for development in this application falls outside the defined village boundary for Barley of not only the current NHDC Local Plan No 2 with Alterations but also of the Emerging Local Plan. Policy SP2 of the Emerging Local Plan directs that development within Cat A villages, of which Barley is one, will be allowed but only within the defined settlement boundaries.
- NHDC’s housing provision has been the subject of several recent planning appeals and in all instances the inspectors have been satisfied with the provision and not considered it to be failing such that exceptions should be made to policy.
- The planning policies of the Emerging Local Plan all direct that development in Cat A villages should be restricted to within the defined settlement boundaries. This site was not selected as a suitable site for development in the ‘call for sites’ due to development on this site not protecting or enhancing the landscape and harm on the edge of village character. There are no exceptional circumstances to justify development on this site;
- The whole of the frontage to and part of the site lies within the Barley Conservation Area and the proposal would cause significant harm to the Conservation Area where development proposals should maintain or enhance the character of the Area which this proposal would clearly fail to do.

3.7 The application has been advertised with a site notice and neighbour notification letters. At the time of writing there have been 36 comments made on the application, 18 in support and 19 in objection. Key points raised include:

Support:

- We are strongly against the building outside of the village envelope but we see no logic in keeping this gap given development to the north and south and believe this land should be within the village.
- I reluctantly support this application because of the inclusion of a shop given the owner of the current one feels it is too small. But the houses need to be limited to 9 and smaller units need to be provided to make them affordable.
- Double yellow lines need to be provided along Picknage Road to stop people parking along here.
- I only support this application to retain our shop and to keep it viable.

- Many people rely on the Barley shop and post office and parking is non-existent and difficult.
- As a non-villager I do not consider that I can comment on the aspect of development outside the village.
- A bigger shop with lower prices and longer opening hours is more appealing.
- Having more parking for the shop is a good idea as parking on Church Lane is problematic.

Objection:

- We live next to the shop and the parking along the road does not make the road dangerous, you just need to drive carefully.
- The amount of traffic a shop of this size will cause congestion in the road and area in a narrow part of the road.
- The shop and bins will make more vermin appear in the area.
- Picknag Road suffers from flooding and this development will make this worse.
- Building here will result in more housing to the rear of this area in the future.
- Why are people who live in Royston and Shaftenhoe commenting when they do not live here?
- This is alongside our garden and we will be disturbed from noise, cars, bleeping lorries, lights, doors slamming, engines running and litter.
- The existing shop has a coffee machine, will this one also have hot food and become a takeaway?
- Concern that if the car park gets full that cars will block our drive or park on the grass verge in front of our house.
- The new shop needs to go in the old barn, where it will not disturb anyone.
- Whilst the new shop would provide a better facility for the village, the village already has this facility and it is not proposing a new benefit.
- The transport technical note cannot be correct as it is saying that 9 houses will only generate three new vehicle trips in the morning and evening peak hours and this does not seem correct.
- The Cumberton Bottom valley is the finest landscape view in the village and this public view would be large obliterated.
- The shop should be at the other end of the site away from the neighbours.
- Object to any development on this land. Other options on how to extend the existing shop should be considered before building on this land.
- Church End and Picknag Road is a dangerous junction and extra traffic here will result in accidents.
- Building here will harm the landscape and the countryside and is contrary to tackling climate change.
- This development will alter and harm the setting and edge of the village of Barley.
- A footpath from the shop to the county boarded should be done to encourage walking and cycling.
- The village shop is just what it is supposed to be. Not a mini supermarket. The range of goods now is sufficient for local needs.
- There are issues of water supply and flooding in the village and no developer ever sorts these out sufficiently.
- New houses should be of a size and external materials and design to match the village and not oversized faux barn conversions with token areas of flint wall.
- This proposal will not stop parking problems in Barley.
- This will have impact and harm on protected wildlife.
- An ecological report should be provided.

- This proposal feels as though the village is being blackmailed into an ‘accept this or risk losing the shop altogether’ proposal.
- The shop is just a carrot to push through housing out of the village area.
- The houses are on elevated land and will be very visible in local views.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises approximately three quarters of a field which lies to the east side of Picknage Road . The land rises to the south and whilst there are some trees along the southern part of the western boundary, the land here is open with good views out the rolling countryside extending to the east. Under the provisions of both the saved and emerging Local Plan 1996 the front part of the site is within the Conservation Area whilst the whole site is outside of the selected village area.

4.2 **Proposal**

4.2.1 This is a ‘Planning in Principle’ application for a detached shop building, with 23 parking spaces, 9 houses, each with a private rear garden and on plot parking with garages also being provided for 6 of the dwellings, three visitor parking spaces and a proposed ‘bio-diversity’ pond area. A proposed layout plan only has been provided, with no further details such as elevation details or floor plans.

4.2.2 A Unilateral Undertaking has been submitted with the application which sets out that only four of the houses can be occupied prior to the completion of the build of the shop. This is with Legal Services for review and an update will be provided at the Committee meeting.

4.2.3 A Planning Statement, statement from the Shop Owner and a Transport Technical note have all been submitted in support of the proposal. Key points from these include

Planning Statement

- The village shop is considered a very important and valuable asset in the village, Indeed it was identified as the most important village amenity/facility in the 2015 Village Plan.
- The existing shop is however constrained both in terms of its physical space and lack of parking. This affects the current operation of the business, and unless circumstances change risks its longer term viability.
- It also has consequences in terms of highway safety and congestion on Church End due to customers and unloading delivery vehicles parking on the public highway near to the school and adjacent care home.
- The loss of the shop would clearly have a negative impact on the sustainability of the village, and therefore the shopkeeper is working with the Applicants to provide a long term solution to the problem. The proposed replacement shop within this application is therefore an integral part of the proposal, and a Unilateral Undertaking is submitted with the application demonstrating the commitment to its delivery.
- The shop would be located to the north of the development. The shop is shown with an internal floor area of 265 square metres, and at this scale would be of sufficient size to meet the needs of the area. It is located at the northern end of the site, and the

- therefore lowest part of the site so as to limit any visual impact from the wider area. It is also located closest to the rights of way that connect the two sides of the village.
- The illustrative masterplan shows that there would be two pairs of semi-detached dwellings and 5 detached dwellings. One of the detached dwellings, located furthest south, is indicated to be a bungalow.
 - In terms of any adverse impacts of granting permission, the site is not developed and falls outside of the defined settlement boundary in the Development Plan. However, the extent to which development would have an adverse impact on the character of the village as a consequence is limited as Picknage Road does not form an edge to the village. Development already exists to the east of the Road to the immediate north of the site, and therefore development would not breach any physical or visually defined boundary. It would merely represent an extension of the existing built form on the eastern side of the Road.
 - It is acknowledged there is the potential for some less than substantial harm to the Conservation Area arising from development adjacent to Picknage Road. However, this harm is considered very limited. Firstly, the narrow strip of verge that falls within the Conservation Area within the site makes a negligible contribution to the character and appearance of the Conservation Area.
 - The delivery of nine dwellings (scale and mix to be agreed) will contribute towards meeting housing need and provide social benefits for those families wanting to live in the village.
 - A specific benefit from this application relates to the provision of the replacement local shop to be secured via a unilateral undertaking submitted with this application. The delivery of the shop derives support from the emerging local Plan and NPPF.
 - The land at Picknage Corner to the south of the site was considered but would create unacceptable highway safety issues arising from access and pedestrian movements
 - Policy CGB2 of the emerging Local Plan sets out that community facilities and services adjoining Category A villages will be granted permission where it meets a proven rural need, as identified through a parish survey or other relevant study, and there is no reasonable alternative within the defined boundary of the settlement.
 - There is therefore a proven and evidenced rural need for a shop in Barley, but the existing facility is not capable of adequately meeting that need within its current premises. The operator of the existing Barley Stores has provided a statement in support which is submitted with this application.
 - In its current location, where there is no opportunity to expand, the existing shop cannot meet the needs of the village and will inevitably face a difficult future to remain open. Its closure would have negative consequences for the local community in terms of less opportunity for social interaction, less opportunity to support a healthy lifestyle amongst residents given the need to travel by car, and a greater need to travel by less sustainable modes of travel
 - The subtext of Policy CGB2 (paragraph 6.11) states that in some cases, it may be necessary to allow some enabling development. The market housing would be enabling development and the pre-application response requested clarification as to why nine dwellings are required. An Indicative Build Cost Plan is submitted with the application that demonstrates the cost of constructing the shop would be circa £1.5m. This excludes the cost of purchasing the land. It would not be feasible to fund the delivery of the shop from the proceeds of the sale of the existing shop building. It is only feasible with some enabling development in the form of 9 market houses, which provide sufficient return to incentivise the applicants and landowners to deliver the replacement shop for the community.
 - The relocation of the existing shop will also derive benefits for the character of the Conservation Area by removing parking and deliveries from Church End. The existing

situation creates a particular safety problem when deliveries are taking place, and is a source of congestion and annoyance to local residents

Letter from the shop owner

- Moving to new purposed built larger premises will allow the shop to meet the needs of the residents today and in the future.
- I have managed the shop for the last 20 years and in this time there has been several transformations including modern shelves, fridges, increasing the services we offer, scouring locally made produce.
- The biggest complaint is the lack of parking.
- The current site has no room / option for expansion.
- Covid has exposed the limitations of the current shop. Very narrow aisles, extremely hard to social distance, no suitable back doors so deliveries have to be from the front resulting in the need to shut the shop.
- Moving to the new shop would give the opportunity to offer the village and surrounding area a bigger modern shop with a increased in services, expand the range of goods and extended opening hours and dedicated customer parking.

4.3 Key Issues

Principle

- 4.3.1 Planning Practice Guidance (PPG) explains that permission in principle is an alternative way of obtaining planning permission for housing led development as part of a two-stage procedure. Permission in principle, at the initial stage, is limited to the consideration of location, land use and the amount of development which, in the event of an approval, would leave the remaining matters to be considered in a technical details application. Recent advice on the gov.uk website has updated that non-residential development may also be given a permission in principle providing housing occupies the majority of the floorspace of the overall scheme and that non-housing development is compatible with the proposed residential development, and may include a small proportion of retail, office space or community uses.
- 4.3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals for permission in principle, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3.3 The main issues for consideration in this recommendation are, therefore, whether the proposal, in respect to land use and amount of development, would be in a suitable location, having regard to local and national planning policies as well as whether the submission of a Permission in Principle (PiP) application is the correct application type.
- 4.3.4 Dealing with the latter issue first, I note the concern raised by Barley Parish Council (set out above). The application is being presented as a new village shop with 9 dwellings needed as enabling development. It is noted that in the Planning Statement it is set out that the costs of the development to demonstrate this are submitted, however, this has not been submitted for consideration. On the basis of the submitted information, this proposal has to be considered to be a 'shop led' development with the dwellings only being part of the development as they are to enable the funding of a new shop. Whilst the housing does occupy more of the site than the shop area, given the housing is 'enabling development' and is not the main focus of the proposal which

is the shop element, in my view, this proposal should have been submitted as a full planning application where all matters can be considered at this point in time.

4.3.5 Giving consideration to the proposal, the site lies within the Rural Area beyond the Green Belt outside of the village boundary area for Barley. Barley is considered to be a Category A sustainable village location, in accordance with the provisions of emerging Policy SP2, where there is no objection in principle to development within the village boundary area. However, as this site is outside of the village boundary area saved Policy 6 and emerging Policy CGB1 are applicable. These two policies have strict criteria which do allow for some development in the rural area. This criteria is:

- development strictly needed for agriculture or forestry or any proven need for local community services provided that the need cannot be met in a town, excluded village or selected village;
- the proposal positively improves the rural environment; or
- it would meet an identified rural housing need;
- it is a single dwelling on a small plot located within a built core;
- it involves the change to the rural economy with the re-use of an existing building.

4.3.6 The proposal does not comply with any of this criteria and the application can be considered to acknowledge that it fails to comply, as an argument to justify the proposal has been put forward. In summary this is:

- 1 – the existing shop is too small and causes parking congestion along Church Lane;
- 2 – the 9 houses are needed as enabling development to justify the cost of the new shop (as stated above this financial justification has not been submitted);
- 3 – the new houses will make a contribution to the Council's housing supply figures.

4.3.7 Emerging Policy CGB2 supports the provision of a community facility in locations such as Barley. This policy aims to provide for community facility or services where they do not exist subject to five criteria. Criteria (a) requires the proposal to meet a local need as identified through a parish survey whilst criteria (d) requires for there not be substantial impact on openness (see below for this analysis).

4.3.8 A successful shop already exists in Barley offering a range of services, which according to their website is:

“Barley stores stock every day essentials including newspapers, freshly baked bread, fruit and veg, cards, stationary, eggs from Bridgefood Farm, milk and a selection of store cupboard items.

The shops support many local businesses, include Woods Bakery bread and rolls, Braughing sausages and a range of Priors Hall products including sausages, ham, burgers, Quality and Excellent pies, Bury Lane cakes, Pinkster and Jake's gin and Jen & Alice Robertson's local handmade cards. A dry clearing service operations from the store with collection on a Friday”.

4.3.9 Policy CGB2b can allow for development as an exception in the rural area beyond the Green Belt in situations where no such facilities exists. The current shop owners desire to have a larger store to offer a wider range of products and longer opening hours is not a reason to allow this proposal and as a result this application is considered to be contrary to policy CGB2b. I note that covid social distancing

restrictions imposed limitations, but given that all social distancing measures have now ended, no material weight can be given to this argument.

- 4.3.10 The application sets out that the nine new dwellings are needed as enabling development to finance the build cost of the shop. As there is no policy support for a new shop in the location there is no need for any enabling housing and the application fails for this reason.
- 4.3.11 Finally, the application sets out the Council is behind in its delivery of housing land supply and the Authority accepts that it cannot currently demonstrate a 5-year supply of housing land. Paragraph 48 of the NPPF advises that an emerging plan can be afforded weight according to:
- a) the stage of preparation of the emerging plan;
 - b) the extent to which there are unresolved objections to relevant policies; and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.3.12 The emerging Local Plan is well advanced as all round of Examination and public consultations have been completed and the Inspector's final report is expected to be issued imminently. No issues have been raised regarding the relevant policies and as a result significant weight can be afforded to the emerging Local Plan policies.
- 4.3.13 This site is not an allocated housing site, and as set out above under the comments from Barely Parish Council, it was a site that was put forward under the 'call for sites' and due to the limitations of the site, was discounted. However, due to the on going delay in the delivery of the Local Plan, the Council's five year housing land supply has deteriorated to less than 1.5 years and given the stance of the 'tilted balance' as advised by paragraph 11 of the NPPF, if this proposal were for housing only, given the site is adjacent to a Category A settlement, in my view, I consider this would be difficult to resist.

Landscape issues and the Conservation Area

- 4.3.14 The front of the site is within the Conservation Area of Barley. Areas of open space within the Conservation Area is a key attribute of it. The application puts forward that due to the existing houses on Picknage Road to the north, this site would be the continuation of development. However, this edge of village location, opposite a large open space within the Conservation Area, has the function of softening or dispersing the village edge in this location by the function of the land being open. In my view the enclosing of this land would have harm on the setting of the Conservation Area. It is noted, that with the exception of the access, the rest of the development is rear of the Conservation Area, and, taking the requirement of paragraph 193 of the NPPF into account, whilst there is harm, in my view, this would be less than substantial harm on the setting of the Conservation Area and is not sufficient to warrant a reason for refusal.
- 4.3.15 Policy CGB2b requires for the works not to have a substantial adverse impact on openness. The application sets out that the shop is sited at the northern end of the site as this is the lower land level, so the shop is set 'down' to reduce visual impact, whilst the houses extending to the south will incline up in the landscape to its natural high point. I note that plot 9 is stated to be bungalow to reduce visual impact but there

will be clear long range views from the Chishill Road which, given the houses are in an isolated 'spit' extending southwards with the open land on either side, in my view, this form of development would appear contrary and harmful to and within the local landscape in this important open edge of village context. I note that the car parking layout would allow for views out past the shop frontage, but this further results in separating the houses from the shop part of the proposal. In my view the impact on the landscape from the development would be moderate and can be regarded as an objection to the proposal and the non compliance of emerging Policy CGB2b (d).

Layout and Amenity issues

- 4.3.16 Due to a PiP application being able to take land use into account, concern has to be expressed regarding the impact a shop in this location would have on the residential amenities of the adjacent neighbour number 36 in particular from the proposed car parking area sited at the end of their rear garden. Such adverse noise impact would include car doors slamming, engines revving, music playing and general noise and disturbance in comparison to the existing situation. Delivery lorries tend to have loud bleeping or 'caution reversing' warnings that would also be an annoyance. The height, possible visual dominance, light spill and opening hours are not a consideration of this application, but the land use layout does allow for the above concerns to be raised resulting in an objection to the proposal based on the potential adverse impact on amenity to number 36. As a result the application is considered to fail to comply with the provisions of emerging Policy D3.
- 4.3.17 Furthermore, I note that the application sets out that the proposal is the continuation of development along the road. The suggested layout does not support this, as the shop layout truncates the site and the proposed housing is separated isolated from the existing development lying to the north.

Parking and bio-diversity

- 4.3.18 These are not matters that can be taken into consideration at this stage. However, I note that one of the arguments in support of this application is to allow parking for the shop. I note that Church Lane does not have yellow lines and therefore the existing shop benefits from customers being able to park along here. Given this is a local village shop, it can be anticipated that parking along here 'turns over' fairly frequently and other drivers will have to take care when driving along here if there are parked cars. Whilst the delivery vehicle may be a local nuisance, this will be intermittent and not for long periods of time, and in my view, the parking and delivery issues raised are no basis of justification for this proposal.

Other matters

- 4.3.19 A Unilateral Undertaken has been submitted with the application which sets out that a maximum of four dwellings can be occupied prior to the completion of the build of the shop. However, the application does not set out:
- what the anticipated time frame is for the shop to be completed and occupied;
 - whilst the Planning Statement infers that the existing shop would be re-located, there is nothing in the application definitely securing this and the developer could market the shop to a national chain or rival operator;
 - if the existing shop is re-located what would happen to the existing premises.

4.4 **Conclusion**

- 4.4.1 The application is recommended for refusal as the proposed development of a new shop and 9 dwellings is on land outside of the settlement boundary, in the rural area beyond the Green Belt where planning policies seek to restrain development unless it meets strict criteria, which this application does not meet. Furthermore, as the village of Barley has a successful village shop, there is no policy support for the development of a new shop in this location as there is no unmet community need. The noise and disturbance of customers and deliveries coming and going from the proposed location of shop next to number 36 would have unacceptable adverse harm on the residential amenities of this house. The application sets out that the nine dwellings are required as enabling development to finance the new shop, for which there is no policy support. The application is therefore considered to fail to comply with the provisions of saved Policy 6 and emerging Policies CGB1, CGB2b and D3. As a result, in accordance with paragraph 11d)ii. of the NPPF the application is being recommended for refusal as the adverse impacts of the development significantly and demonstrably outweigh the benefits.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 None applicable.

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 if North Herts Council were still the determining Authority that planning permission be REFUSED for the following reason:

















Due to there being no unmet need for a shop facility in Barley, there is no policy support for the proposed shop and 9 enabling dwellings on land outside of the village boundary. The proposed development would have adverse harm on the context of the open landscape and edge of village setting in this location as well as unacceptable impact on the residential amenities of the adjoining neighbour number 36. As a result, the application is considered to fail to comply with the provisions of saved Policy 6 of the Local Plan 1996 and emerging Policies CGB1, CGB2b and D3 of the Submission Local Plan 2011 - 2031.

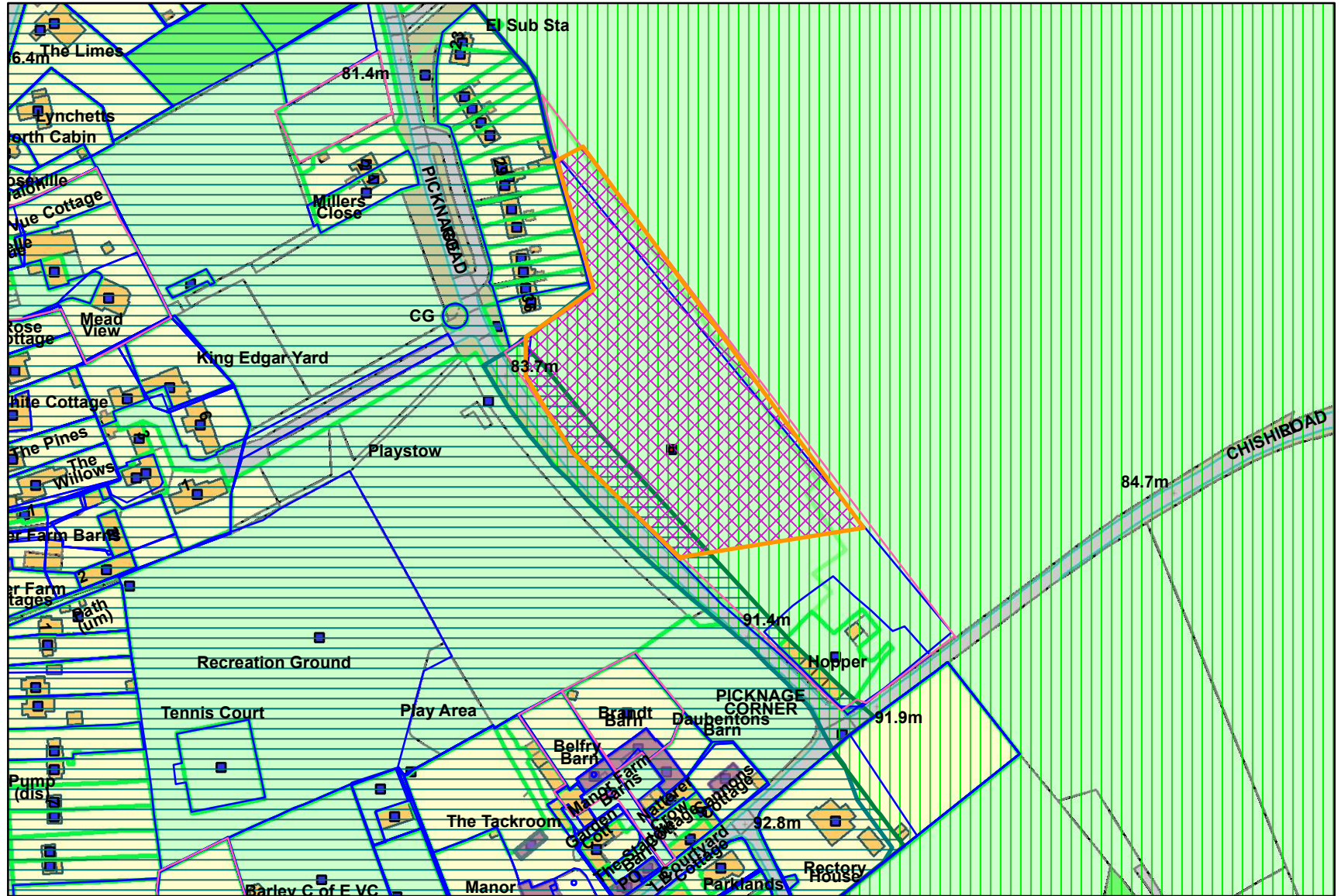
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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

21/02973/PIP Land East of Picknage Road and Adjacent to 36 Picknage Road, Barley, 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
Prlistbd.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconrea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbt.shp
-  Health & Safety Consultation Zone
Prhjmzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnris.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:2,500
Date: 06/04/2022

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<u>Location:</u>	Former Westons Cars Site and Land Adjoining 114-142 Cambridge Road, Hitchin Herts SG4 0JJ
<u>Applicant:</u>	n/a
<u>Proposal:</u>	Erection of three, 3-storey blocks to provide 24 apartments (7 x 1-bed and 17 x 2-bed) and a terrace of 4 x 3 bedroom houses including associated car parking and vehicular and pedestrian access, cycle and refuse storage, landscaping and open space following demolition of the existing buildings (as amended by plans received 3/11/21).
<u>Ref. No:</u>	21/01834/FP
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period: 10/09/2021

Extension of statutory period: 25/04/2022

Reason for referral to Committee: The application has been called in to Committee by Councillor Dennis-Harburg in the wider public interest and the issues raised including housing need and affordable housing

1.0 **Policies**

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

Policy 8: Development 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

1.2 **National Planning Policy Framework (Revised July 2021).**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

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: Conserving and enhancing the natural environment

1.3 **Proposed Submission North Hertfordshire Local Plan 2011-2031 (Incorporating the Proposed Main Modifications November 2018 and May 2021)**

Strategic Policies

SP1: Sustainable development in North Herts

SP2: Settlement hierarchy

SP6: Sustainable transport

SP7: Infrastructure requirements and developer contributions

SP8: Housing

SP9: Sustainable Design

SP10: Healthy communities

SP11: Natural resources and sustainability

SP12: Green Infrastructure, landscape and biodiversity

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

NE1: Landscape

NE5: New and improved public open space and biodiversity

NE7: Reducing flood risk

NE8: Sustainable Drainage systems

NE9: Water quality and environment

1.4 **Other Policy documents**

- NHDC SPD: Vehicle Parking at New Development September 2011
- Hertfordshire Local Transport Plan (LTP4) 2018 – 2031
- Hitchin Urban Transport Plan 2011

2.0 **Site History**

19/00350/PRE - demolition of existing buildings followed by new residential development, landscaping and car parking.

3.0 **Representations**

3.1 Councillor Dennis-Harburg: called application in to Planning Committee objection and comments made - poor housing mix, no affordable housing proposed, overdevelopment of site, loss of privacy, loss of wildlife and biodiversity, inappropriate density, insufficient parking spaces, no EV charging point shown, increased congestion on existing roads, access to the site should be split to include Cambridge Road, additional pollution, adequate bike storage should be provided, direct pedestrian access through site should be provided, construction activities should be controlled, the site may contain hazardous substances, existing parking and associated safety hazards for pedestrians on Hampden Road, it is unclear whether there is sufficient sewer capacity.

3.2 Neighbours: Local Residents: 31 representations received with some support for redevelopment of site but a number of specific objections are raised -

- Inadequate car parking
- continued displacement of associated development parking onto existing roads
- 2-3 and 4 bed houses needed
- social housing needed
- overlooking and loss of privacy
- existing trees should be protected
- additional traffic and congestion on busy roads
- loss of green space
- construction periods should be restricted
- additional landscaping necessary
- loss of light
- adverse impact on existing infrastructure including footpaths and schools
- absence of green infrastructure
- low carbon and renewable technologies lacking
- loss of commercial use of site
- site would be better used for community use

- noise and damage from demolition
 - asbestos concerns from former use
 - impact on existing boundary walls unknown
 - inappropriately located bin stores to block D
 - access gate inappropriately located causing noise and disturbance (Block D)
 - link between site to Hampden Road and Cambridge Road inappropriate
 - footpath improvements needed and restrictive bollards to grass verge
 - poor visibility due to parking of cars near to access
 - light pollution from car headlights
 - balconies inappropriate
 - inadequate car parking for development
 - impact on existing electrical sub station
 - overdevelopment of the site
 - inadequate vehicular visibility
 - increased pollution
 - better access needed to and from railway station and local school
 - inappropriate density
 - absence of affordable housing not justified
 - inappropriate housing mix
 - inadequate access for emergency and utility vehicles
 - existing street drainage will be affected
 - inappropriate designed buildings
 - site not suitable for housing
 - buildings should be no more than two stories high
 - traffic safety and calming measure necessary
 - inadequate gardens
 - inadequate engagement by developer
- 3.3 Press Notice: 24.06.2021 (Expired 17.07.2021)
Site notices – 24.06.2021 (Expired 17.07.2021) 15.11.2021 (Expired 8.12.2021)
- 3.4 Lead Local Flood Authority: objects to the proposal but discussions ongoing
- 3.5 Environment Agency: considers that planning permission could be granted subject to conditions relating land contamination, surface water disposal and to control piling, foundation and other bore holes.
- 3.6 Hertfordshire Highways: Does not object to the development subject to a planning conditions and informatives and a Section 106 sustainable transport contribution.
- 3.7 Environmental Health (Land contamination): Recommends a condition requiring a Remediation Method Statement to deal with any land contamination.
- 3.8 Environmental Health (Noise/Residential Amenity): no specific details submitted in terms of the standard required. It is necessary to submit detailed façade calculations. This can be secured by a condition.
- 3.9 Environmental Health (Air Quality): no objection subject to electrical charging points being provided as part of the development
- 3.10 County Archaeology: The site is largely occupied by a modern building, therefore in this instance we consider that the development is unlikely to have a significant impact

on heritage assets of archaeological interest, and we have no comment to make upon the proposal

- 3.11 Community Development Officer: no response received
- 3.12 Anglian Water/Affinity Water: No objection but conditions relating to asset impact and surface water disposal are recommended.
- 3.13 UK Power Networks: no response received
- 3.14 Hertfordshire County Council (Planning Obligations Manager): Request financial contributions towards Primary and Secondary Education, Youth facilities and Library facilities and fire hydrant provision.
- 3.15 Economic Development: no response received
- 3.16 Transport Policy Officer: Considers that the transport assessment recognises the impact of the development and the need to mitigate the transport implications of the development. Recommends the developer commits to encouraging cycling, walking and use of public transport and Residential Travel Planning measures.
- 3.17 Housing Development Liaison officer: Sets out the Council's normal affordable housing policy criteria. Advises that the Council will normally insist on on-site delivery. In exceptional circumstances the Council will consider off-site delivery and as a last resort a commuted sum but in both circumstances an uplift in the affordable housing provision will be required in accordance with the Planning Obligations SPD.
- 3.18 Growth and Infrastructure Unit: Confirms that financial contributions would be sought for primary education, secondary education and library services.
- 3.19 Hertfordshire County Council (Passenger Unit): no response received
- 3.20 Hertfordshire County Council (Minerals and Waste): no response received
- 3.21 Herts Fire and Rescue: This will require the provision and installation of a fire hydrant, via condition, at no cost to the county, or F&RS. This is to ensure there are adequate water supplies for use in the event of an emergency, and that all proposed blocks are covered
- 3.22 Police Architectural Liaison Officer: no response received
- 3.23 Planning Policy Officer: the proposal for residential development at the location is considered suitable in principle.
- 3.24 Transport Policy Officer: no response received
- 3.25 National Grid: The location used to confirm that there are no National Grid assets affected at the location.
- 3.26 Waste Services: no response received

3.27 Greenspace & Parks (NHDC): The nearest play area to the development would be at Walsworth Common – there is no play area in Purwell Meadows as this is a LNR. We do have a play area at Purwell but this is adjacent Purwell Ninesprings adjacent the football pitches. At Walsworth Common there is a need to replace some of the items of equipment within the sand pit which is part of the play area. Much of this equipment is in need of replacement in the near future. £15k would provide two or three items which would significantly improve the play value of this area.

3.28 Hitchin Forum

- The Financial Viability Assessment's conclusion that the development cannot support any affordable housing unreliable and unconvincing
- We welcome the development of this brownfield site, which has been derelict and unused for the last 4 years.
- We query the construction of more 1 and 2 bed flats in this area of Hitchin and suggest that there is greater need for 2 and 3 bed houses.
- The Design and Access Statement document states that the flats will be spacious. However, scaling off the floor plans shows the 1 bed flats to be between 43 and 50 square metres gross, and the 2 bed flats to be between 63 and 71 square metres gross. The government recommended minimum gross floor areas are 50 and 70 respectively, indicating that the flats are not only not spacious, but some are actually undersized.
- The drawings show that windows have been located or angled to avoid overlooking existing adjacent properties. However, as a result there are some large blank walls and some overlooking will still occur (noting that because these are 2 and 3 storey flats, rather than houses, living rooms - not just bedrooms - occur at upper floor levels). Overlooking will also occur from the balconies of 3-storey Blocks B, C and D. Retention of existing hedges and planting of more trees may give improved screening.
- We cannot see any statement regarding proposed insulation and energy saving measures for the flats. These should be in line with the Council's stated policies, including for the Climate Change Emergency.
- We note that the Geo-Environmental investigation was not able to uncover the obsolete forecourt fuel tanks or examine within the buildings, so there is some uncertainty about ground conditions and possible contamination under these areas.
- The scheme includes 46 parking places, and we query if this is adequate for 31 flats. We note that Hampden Road is already heavily affected by parking and understand that the recent flats to the West of the site already have insufficient parking.
- We are concerned that the extra traffic generated by this development will exacerbate an already heavily trafficked road system, especially in Hampden Road, the sole vehicular entry/exit to the site, and its exit onto Purwell Lane. This will cause worse congestion, noise, fumes and difficulties for pedestrians.
- We note there is no affordable housing, or contribution to infrastructure, associated with the development.

4.0 **Planning Considerations**

Site and Surroundings

4.1 The existing site is a vacant car showroom and MOT site known as Westons and comprises a mixture of traditional two storey brick and industrial style buildings, extensive hard surfacing and car parking. The site is approx. 0.45 hectares in area and it is located to the east of Hitchin Town Centre on the southern side of Cambridge Road (A505). The immediate area is predominantly residential in character although

immediately west of the application site fronting Cambridge Road is a local shopping parade containing a mixture of local shops and services. It is understood that the application site and premises have been vacant for approximately 5 years.

- 4.2 Further south west of the shopping parade at the junctions of Cambridge and William Roads with and Hampden Road is the recently re-developed residential site previously occupied by the college. This contains 85 residential units comprising 3 and 4 storey flatted blocks, townhouses and associated access and car parking.

Proposal

- 4.3 Planning permission is sought for the erection of three, 3-storey blocks to provide 24 apartments (7 x 1-bed and 17 x 2-bed) and a terrace of 4 x 3 bedroom houses including associated car parking and vehicular and pedestrian access, cycle and refuse storage, landscaping and open space following demolition of the existing buildings (as amended by plans received 3/11/21).
- 4.4 The development will be laid out as follows -
- The four terraced houses (formerly Block A) located fronting Hampden Road
 - Block B will be located directly behind the parking area for the terraced houses adjacent to 81 Allwoods Place
 - Block C is positioned behind one half of the Cambridge Road shopping parade and
 - Block D is located fronting the Cambridge Road.
- 4.5 With the exception of two dropped kerbs serving double car parking spaces located adjacent to Block D and the terrace (Block A), vehicular access is solely provided via Hampden Road via a hardsurfaced road which runs parallel to the side boundaries of 11 Hampden Road and 148 Cambridge Road. Car parking is provided in three linked open air car parks and two double bayed car parking areas adjacent two of the blocks.
- 4.6 The design and layout evolved following the development of the collage site, pre-application discussions and during the processing of the application in a response to third party consultation responses. The primary changes made to the originally submitted scheme relate to (i) housing mix (ii) the deletion of Block A in lieu of four terraced houses (iii) revisions to window locations and finishes to Block C.
- 4.7 The application is supported by the following technical reports and documentation:
- Architecture and Design Statement
 - Ecology Report
 - FRA and Drainage Report
 - Transport Statement
 - Landscape Design
 - Ground Investigation Report
 - Noise Assessment
 - Energy and Sustainability Report
 - Financial Viability Assessment

Key Issues

- 4.8 The key issues for consideration of this application relate to (i) character and appearance, (ii) the impact on the living conditions of existing and proposed

residents, (iii) impact on highway safety and parking, (iv) sustainable development, (v) flooding and drainage, (vi) affordable housing (vii) ecology and biodiversity (viii) energy and sustainability (ix) planning obligations (x) other material considerations (xi) the planning balance

4.9 Principle of development

- 4.10 The principle use of the site is a former car sales and MOT centre, located outside of Hitchin's Employment Areas. Under emerging Policy ETC2 the Council will only permit the loss of existing employment uses on unallocated sites where it can be demonstrated that the land is not required to meet future employment needs. The Car Sales fall under the category of Sui Generis Use Class and MOT centres are marginal Sui Generis and B2 use so therefore it is likely that ETC2 does not apply as Sui Generis is considered employment generating rather than employment. However, the site meets the criteria for ETC2 in any case as the premises have been vacant for over four years and therefore, there has been no demand to continue using the site for this use class. The change of use to residential is considered appropriate given that the site is located in a residential part of Hitchin.
- 4.11 Saved Policy 8 provides broad in principle support for development in Hitchin (and other towns) to meet the majority of development need of the District subject to the compliance with other relevant policies. Saved Policy 26 seeks to permit housing development if the proposal is in an acceptable location within the environment and character of the existing area.
- 4.12 The site is within the urban area of Hitchin and housing development in the form of flats or houses lie adjacent to the site in Hampden Road, Cambridge Road and Willian Road. The site is within a sustainable location being 600m from Hitchin railway station and bus interchange and approximately 1 mile from Hitchin Town Centre. Immediately outside the site in Willian Road and Cambridge Road there are bus stops serving the Purwell estate as well as Hitchin and Letchworth. The site is immediately adjacent to the Walsworth Neighbourhood Centre which includes a number of shops and commercial premises. Within a few minutes walk is Highover Primary school, St. Faiths Church, Walsworth Common and directly opposite the site Purwell Common.
- 4.13 Given the relatively recently redeveloped residential site which comprised a high density scheme together, its proximity to local services and the prevailing residential development of the surroundings, it is considered that residential redevelopment of this site is appropriate in land use terms.
- 4.14 Moreover, the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is particularly relevant to this application. The Council's housing policies are out of date and of limited relevance. Given the advanced stage of the emerging Local Plan (ELP), significant weight can be given to emerging policies. It is already established that the application site is in a sustainable location as mentioned above. The District can presently only demonstrate a 1.47 years supply of deliverable housing sites. In this case, where housing policies are out of date the NPPF states in paragraph 11 that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole'. An assessment of the significance of the impact of the development and all other detailed matters is set out below.

4.15 Character and Appearance

The existing site comprises four linked utilitarian designed buildings with large hardstanding/car parking areas to the west (behind the existing shopping parade) and to the south (fronting Hampden Road). It is an unremarkable site in many ways with buildings and spaces that do not contribute to the existing form, character or appearance of development in the immediate locality. There is little in the way of notable landscaping features on the site with the exception of a hedge fronting the Hampden Road boundary. Overall, the loss of the existing buildings is not considered significant or harmful.

4.16 The scale of the immediately adjacent buildings varies from two storey 1930s style housing to the east of the site and three storey buildings – 1930s and the more modern 2017/18 development on the former college site - to the north and west of the application site.

4.17 The application proposes a predominantly high-density mixed contemporary and traditionally designed residential scheme with the four detached blocks separated by car parking and landscaped areas and cycle and bin storage structures across the site. All the proposed residential units will meet the National Space Standards for internal space.

4.18 The terraced housing (formerly Block A) fronting Hampden Road, comprises four linked two storey units finished in a mixture of brick and weather boarding with tiled roofs. Private garden spaces for these are provided and will include a shed for cycle and general storage purposes. Two designated car parking spaces are provided for each property in addition to two shared visitors spaces. Landscaping and will be provided to the front and side of the terrace. These properties will continue the linear form and scale of development that is characteristic of Hampden Road.

4.19 Directly behind the terraced housing is Block B (units 5 to 13). This comprises a single rectangular three storey building which is located adjacent to a three-storey terraced housing in Allwoods Place (81 being the nearest property). This will be a flat roof and parapet detailed building finished in a yellow stock brick with a timber entrance feature. It will include some balconies to the upper floors of both the front and rear elevations. This is considered to reflect the scale of the existing adjacent properties in Allwoods Place and will complement the contemporary design and appearance of the newer built local character.

4.20 Off set within the existing car park behind the shopping parade will be Block C (units 14 to 19). This proposes a three-storey building flat roof building (with parapet detailing) with a smaller footprint than Block B. Again, a yellow stock facing brick is proposed with a timber entrance and corner features. All primary windows have been located to the two ends of the building primarily for privacy reasons with only bathroom and stairwell windows facing north and south. This provides a contemporary design solution for the mixed traditional and newer contemporary buildings immediately north and east of the building. It is also of a scale that reflects these adjacent buildings.

4.21 Finally Block D is the new a most prominent building located adjacent to the existing neighbourhood centre. The design of this building reflects the 1930s architectural style along this part of Cambridge Road with a taller and wider brick facing section matching the scale of the shopping parade and the section nearest to 148 Cambridge Road stepped down with a rendered facing wall providing a visual link to these 1930s properties. Other design features referencing existing local character include 'Crittall'

style windows and traditional hipped roofs. The building is located parallel to the immediately adjacent buildings and provides a landscaped area fronting the street with two car parking spaces and a small turning area from Cambridge Road. This element of the development has been involved particularly careful and sympathetic design with the removal of the large area of hardstanding fronting the existing building and the introduction of a landscaped and open frontage which seeks to reinforce the existing linear built form in this part of Cambridge Road.

- 4.22 The majority of the surface parking area is provided between the buildings in three areas. These hard-surfaced areas are linked by a variety of landscaped areas including area adjacent existing site boundaries and at junction points. The primary open and landscaped area for the apartments will be located behind Block D (approximately 200 square metres in area) all of which will provide space to soften the built form of the development and help integrate the development into the two streets which they will form a part of. The associated sheds, bin and cycle storage buildings are all of domestic design and scale ensuring that they will not look out of place within the site.
- 4.23 The internal layout of the site seeks to provide a balance between the necessary parking and access roads and landscaping that is necessary to soften the impact of the built development and provide some useable outdoor space for residents. It is noted that the use of a shared surface arrangement minimises the amount of hard-surfacing required. An open and generally well landscaped layout is maintained along the Hampden Road boundary. The gaps between buildings allows for views into from Cambridge Road, Allwoods Place and Hampden Road. Within the site, the roads and landscaped areas provide adequate space between the buildings such that the development will not appear cramped or overdeveloped.
- 4.24 In assessing the impact of the development on local character it is useful to have regard to Section 12 of the NPPF (design) and in particular the requirement for planning decisions to promote or reinforce local distinctiveness. In this case the local character is a mixture of both contemporary and 1930s influenced architecture in the form of two and three storey buildings. The site itself further increases the variety and scale of development within the area thereby reflecting and contrasting the local distinctiveness of the area is on a wide spectrum rather than based on narrow and clearly defined parameters of scale and design
- 4.25 Cambridge Road is heavily trafficked road with the local centre adding also attracting traffic and creating associated noise. The two frontage buildings will provide practical noise barriers from this noise to the two apartment blocks proposed at the centre of the site and the wider area generally.
- 4.26 In summary, it is considered that the development overall will improve the character and quality of the area and the way it functions in accordance with national and local development plan policies. It is considered that the design and layout successfully achieves the balance of making effective use of a previously developed site that is not of high environmental value whilst creating an attractive and accessible development that reflects existing local character. Given the assessment above, it is concluded that the proposed development overall will reinforce local distinctiveness and would not harm the character and appearance of the area.
- 4.27 **Impact on living conditions of existing residents**

- 4.28 Following the initial consultation exercise, the application has been revised to take account of comments made by third parties. These changes included -
- Block C plans showing the bed windows moved and the ensuite / lobby obscured
 - Block A apartment unit deleted and four family terraced houses proposed
- 4.29 Some existing residents consider that the development is out scale and that there are too many residential units proposed. The issue of scale and density of development above has been carefully considered. Concern was raised with the agents in relation to the footprint of Block A (now removed) and its proximity to the rear elevations of Nos 82 – 85 Allwoods Place. Officers further considered that whilst two storey scale is acceptable a small terrace of houses would be more in keeping with the character of this part of Hampden Road. Through positive discussions with the applicant, Block A has been removed and replaced with four terraced family homes. This ensures additional landscaping around the buildings and a high-quality collection of family homes, a positive on the streetscene and additional tree planting.
- 4.30 It is considered that, whilst there will be a change in the scale, form and appearance of the development and a re-distribution of buildings across the site including the introduction of buildings on areas of the site where currently there is none, the separation distances between existing and proposed buildings are not unlike those on redevelopment sites (such as the adjoining former college site). In terms of general outlook, with the exception of the properties at 83 Allwoods Place which directly faces the side of unit 1 of the proposed terraced housing, the proposals are not to be significantly changed to be considered overbearing or unneighbourly. In relation to the aforementioned property in Allwoods Place, the harm is confirmed to the ground floor windows primarily and this is therefore considered to be less than substantial. Paragraph 196 of the NPPF confirm that in cases where there is a less than substantial harm, the harm should be weighed against the public benefits of the proposal.
- 4.31 In relation to privacy and following responses from neighbours, the applicant made a number of improvements and changes to Block C. Specifically, this has been revised to remove habitable room windows to the southern elevation with only obscure glazed windows to non-habitable rooms now proposed along this elevation. Non habitable room windows are proposed to the upper floors and these will serve communal spaces (lobby and stairwell) and therefore these windows can be reasonably conditioned to be obscure glazed to protect neighbouring amenity. This removes the potential for overlooking into the private gardens to properties in Allwoods Place. In relation to the terrace (formerly Block A), gable windows are proposed to the two end gables and as these serve the stairwell, these windows could be reasonably conditioned to be obscure glazed to protect the privacy of adjoining properties. The other two blocks are located and designed such that they do not give rise to any overlooking to existing properties.
- 4.32 In relation to light and sunlight, each of the proposed blocks include space and gaps to minimise the change experienced by existing residents. Along the north eastern boundary of the site adjacent 11 Hampden Road the proposed access road to the development (from Hampden Road) and some narrow landscaping areas provide this separation (approximately 8 metres in width). To the northern end of the site, a two-space car parking area and associated landscaped buffer is provided (between 6 and 7.5 metres in width). Between the existing property at 81 Allwoods Place and Block B there will be a gap of 4.5 metres. Daylight is not considered to be adversely affected to this existing property although given the location of Block B to the east of

the property some morning sunlight is likely to be affected although this is not considered to be significant.

- 4.33 Existing residents to 82, 83 and 84 Allwoods Place are likely to experience some albeit limited loss of morning sunlight due to the proximity of the terraced house at plot 1. However, this is not considered to be significant or substantially harmful and will need to be weighed in the planning balance.
- 4.34 In relation to noise and disturbance, the main potential source of this is likely to be from the vehicular access to the development adjacent 11 Hampden Road. However, this access is existing and appears to have been the primary point to enter the site when it was used for vehicle associated uses. This noise and disturbance is likely to have been exacerbated by the associated car parking areas also located in this southern part of the site. It is apparent that there will be some change in the days, periods and intensity of the use of the access although it is unlikely that this overall would be any worse than that which occurs in connection with the existing lawful vehicle related use of the site. On balance, the proposed continued use of the access is not considered to raise any additional harmful impacts.
- 4.35 The current vehicle related lawful use of the site comprises a collection of poorly designed utilitarian buildings which are considered to have a neutral, if not negative impact on the visual amenity of the locality and their removal would, in some measure, improve existing resident's views of the site from surrounding properties and the wider public realm. The new buildings although of a greater scale than existing would be a more appropriate use of the land and through the positioning of a number of detached buildings and careful design, it offers a good overall solution for the site.
- 4.36 The concerns of residents and other interested parties are acknowledged and these matters are considered and addressed in various sections of this report. Overall, it is considered that the development would have some minor harmful impacts on the residential amenity of existing residents although this would be less than substantial.
- 4.37 **Living conditions for new residents**
- 4.38 The application includes a noise assessment which has assessed the potential noise impacts attributable to the existing ambient environment. Unattended noise measurements were undertaken to obtain sound levels representative of the existing environment. A computer noise model was developed for calculation of the noise levels across the Proposed Development and assessment in accordance with the relevant British Standard and the World Health Organisation Guidelines for Community Noise. The assessment indicated that a typical facade design, with typical insulated double glazing and attenuated ventilation, will achieve the required noise levels at all proposed buildings. The requirements for glazing and ventilation remain below the value typically afforded by closed windows, as specified within British Standard. Night-time maximum noise levels are considered to achieve the WHO guideline noise level for the onset of sleep disturbance. The Council's Environmental Health Officer has assessed the noise report and confirmed that noise is not a limiting factor to prevent development in this location. In terms of noise mitigation measures, standard glazing will be adequate together with "attenuated ventilation". As detailed in submitted supporting noise report, it would be appropriate for the applicant to submit detailed facade calculations following confirmation of the detailed design. Subject to conditions there are no adverse impacts likely from a noise perspective.

- 4.39 The development provides specific private amenity spaces for the occupiers of the four terraced units. These will measure between 41 and 55 sqm for each dwelling and will generally be commensurate with the sizes of gardens permitted at the adjacent site at Allwoods Place. A communal amenity space of approximately 200 sqm is provided for the three other Blocks. The site is adjacent to Purwell Meadows and a few minutes walk from Walsworth Common. It is considered that the provision of on-site amenity space together with the close proximity to large areas of open space with play equipment provides sufficient outdoor amenity space for proposed residents. It is recommended however that permitted development rights for extensions and outbuildings is withdrawn to ensure amenity space is retained for the terraced houses.
- 4.40 The layout of the development is such that it allows pedestrian flows through the site to the shops on Cambridge Road, Purwell Meadows, Hampden Road and the station. It is a permeable and pedestrian friendly layout with well landscaped spaces and shared surface widths of 6m allowing generous room for vehicles to manoeuvre through the site with a respectable margin for pedestrian movement.
- 4.41 The new residential blocks and housing are sited so that they overlook the access roads, car parking areas and communal spaces and are considered to provide good levels of surveillance creating a safe environment and reducing the potential for crime. The outlook for many of the new residents is over an open and landscaped area which is of such a size and orientation that it will benefit from good levels of natural sunlight and daylight. Overall, the living conditions of proposed residents are considered to be acceptable.
- 4.42 **Impact on highway safety and parking**
- 4.43 The application is supported by a Traffic and Transport Assessment which sets out the highway and associated impacts. The Highway Authority have provided a comprehensive response to consultation on the proposals and have given detailed consideration to all aspects of the development. It should be noted that concerns raised by third parties relate also to the existing highway and parking issues experienced by local residents. The matters under consideration are limited to the impact the proposed development will have of the highway network. Issues and concerns relating to existing problems is a separate matter for the Highways Authority to consider through other legal mechanisms. Detailed comments from the Highway Authority are set out below.
- 4.44 Access
The development has two points of access, the secondary access is offset from Cambridge Road that is designated as a main distributor road, with the main access being from the reconfigured existing access from Hampden Road that is designated as a local access road both roads are subject to a speed limit restricted to 30 mph.
- 4.45 The design would have to be submitted to a scale of 1:200 to the highway authority and subjected to a Technical Audit with the ultimate design being technically approved prior to commencement of the s278 works on site. The width of the main access road has been shown at 5.50 metres wide on the submitted drawings which would conform to the minimum width of an access road that would accommodate the waste collection vehicles in current use servicing the development. This width would support two-way traffic taking into account the passing of parked cars by waste collection vehicles for the scale of the development due to likely indiscriminate parking on the access road. The submitted road layout is not to an adoptable standard. The site internal layout will

need to comply with 'Roads in Hertfordshire - Highway Design Guide' if the roads within the estate were to be adopted under a Section 38 Agreement. The accesses have an acceptable level of vehicle to vehicle inter-visibility from the junctions.

4.46 Highway Safety

Vehicle to vehicle inter-visibility along the highway from the New Development
The vehicle to vehicle inter-visibility from the accesses from the new development is shown on the submitted drawings to accord with Manual for Streets. In view of the geometry of the horizontal alignment of the road layout and estimated approaching speed of traffic visibility splays of 2.4 metres by 43 metres are considered acceptable to the reconfigured accesses.

Forward visibility around the radius corners within the development access roads conform to the sight stopping distance (SSD) criteria of Manual for Streets.

4.47 Manoeuvrability within the road layout

To confirm that the geometry of the horizontal alignment of the road layout has sufficient capacity to accommodate two-way traffic for vehicles likely to serve the development a swept path analysis which has been tested as shown on the swept path analysis drawing number 19075-01-001 revision G that the layout would accommodate the manoeuvrability of waste collection vehicles at the reconfigured existing junction and along the new internal road layout without encroaching over footways and private amenity areas, the method of refuse collection must be confirmed as acceptable by North Herts waste collection agency. The details of the above vehicle tracking would accommodate fire and rescue vehicles shown on drawing number 19075-01-008 revision C which would also accommodate delivery and other emergency vehicles at the end of the cul-de-sacs, along the access road and the turning areas.

4.48 Technical design of the road layout

The gradient of the accesses have been recommended to be a minimum 1:20 (5%) for the first 12 metres. This gradient is to avoid grounding of vehicles using the reconfigured accesses to the new development offset from the adjacent highway. Hertfordshire County Council as Highway Authority would consider that if the details were submitted showing the development layout with an acceptable level of vehicle to vehicle inter visibility on the road layout was provided and detailed to scale (1:200) on the site layout drawings of the proposal to accord with the above comments this may be considered for compliance with highway safety. However, prior to commencement on site preliminary design details of the reconfigured accesses should be provided to establish the technical design is to highway standards. An engineering drawing should be prepared drawn to a suitable scale of 1:200 to demonstrate the extent of re-profiling of the carriageway where it joins the existing roads, showing the access width, carriageway crossfalls and a scheme for the on-site and regulated discharge of surface water run-off drainage from the proposal.

Three copies of the preliminary design should then be submitted for approval to the highway authority where a in due course when progressing the s278 agreement a technical design check would also be carried out. A topographical survey of the existing ground levels has been carried out to ensure that the vertical alignment is possible from the adjacent highway.

4.49 Parking provision

Parking provision will comprise of a total of 44 off street car parking spaces. These have been sited to comply with the walking distance found within Roads in Hertfordshire "Highway Design Guide" which is 20 metres. (Section 4 – Design

Standards and Advice Chapter 9 – Vehicle Parking Facilities). A careful balance must be struck between the desire of residents to park as near to their house as possible and maintain the overall setting. If residents consider that the parking spaces are too far away from their dwellings they will park their vehicles on the access roads which may cause an obstruction and prevent emergency vehicles reaching their destination and service vehicles such as WCVs from collecting waste. It is inevitable that residents that do not have individual driveways will not park in the prescribed areas and will park outside their homes.

4.50 Cycling and walking

62 cycle parking spaces are provided of which 31 are covered and 31 are visitor spaces. The proposed cycle parking provision should conform to the North Herts District Council cycle parking standards. Pedestrians have access to an extensive network of footways within the vicinity of the site extending to the town centre. The town centre and local facilities have a realistic access from the development by cycling albeit that there is no dedicated cycle lanes.

4.51 Construction traffic

Concerns over the impact that the volume of construction traffic travelling to the site by HCC has resulted in a Construction Traffic Management Plan recommended. The proposal would need substantial construction traffic to serve the construction phase of the development for deliveries and site staff, as the manoeuvring of delivery vehicles would be concentrated to two accesses along Cambridge Road and Hampden Road a Construction Traffic Management Plan has been recommended to manage construction vehicles throughout the construction phase and ensure the surrounding town centre network manages delivery traffic and is within operational capacity.

4.52 Transport Impact

Traffic data has been obtained by using an assessment of the TRICS database to calculate the trips rates for the development. The difference in Trip rates have been reduced as a result of the new development. Considering that traffic flows are fundamental to the assessment of traffic impact HCC is satisfied that the data produced provides an overall picture of the existing traffic movements and the future traffic generated from the new development.

4.53 Traffic generation

Traffic generation has been derived from the volume of predicted traffic generated compared with the likely trip rates obtained from comparable residential site within the national TRICS software, (Trip Rate Information Computer System) trip generation database with equal multi modal splits with a reasonable level of public transport accessibility. The new development has been assessed and has been accepted of being comparable and realistic.

4.54 Given the proposal involves the provision of 28 dwellings considering the TRICS software, the total peak generation of traffic would be around a total of 20 vehicles departing from the development in the morning peak travelling period (8:0 am to 9:0 am) this was compared with 0.726 trips taken per household taken from the TRICS 7.6.2 2019 TRICS Data base) in the peak travelling period and 18 vehicles arriving at the development in the evening peak travelling period (5:0 pm to 6:0 pm) this was compared with 0.675 trips taken per household taking into account that the main access of the development is located adjacent to a local access road the new traffic generation of vehicles is considered as a reduction and have less impact on the local

highway network. The above data has been considered by HCC as being acceptable in traffic generation terms.

4.55 Section 106 (transport)

Financial contributions of £46,679.00 for the sustainable transport contribution towards Hitchin railway station Eastern access project for the sustainable transport contribution in accordance with HCC Planning Obligations Guidance as of 2021.

Overall, there are no highway reasons to withhold the grant of planning permission subject to conditions and the S106 contribution.

4.56 **Flooding and drainage**

4.57 The applicant provided a Flood Risk Assessment and Drainage report as part of the supporting application documents package. This set out how flooding and drainage issues will be delivered as part of the development. Anglian Water has confirmed that they have no objection to the proposal subject to surface water details being agreed prior to commencement. However, the Lead Local Flood Authority have maintained an objection to the proposal until site specific pre and post hydraulic modelling of the development site and its associated catchment is provided. It has been confirmed that the need for additional clarification is based on the 'new' information presented within the revised Flood Risk Assessment which has raised new concerns. Based on the LLFA review of the additional information currently they are not satisfied that this overcomes previous points of objection and raises new concerns in relation to the assessment and management of surface water flood risk and surface water drainage. Discussions and additional information have been provided to the LLFA. Subject to this satisfying their concerns about flood and drainage issues on the site and the inclusion of any recommended conditions, Members agreement is sought for officers to conclude this matter with the imposition of appropriately worded conditions similar to those that were imposed on the Allwoods Place development.

4.58 **Affordable housing**

4.59 Under existing saved and emerging local plan policy, the proposed development would be required to provide an element of affordable housing. The applicant has provided a Financial Viability Report as part of the application with a view to explaining why it is financially inappropriate to deliver affordable housing in this instance.

4.60 This Viability Report has been independently assessed on behalf of the Council by consultants. They have confirmed that the overall approach to assessing the viability of the proposed development appears to be appropriate. They consider the majority of the submitted assumptions to be within the range that would be expected. However, there were a number of assumptions within the FVA report and appraisal which were queried or where a difference of opinion existed. These can be summarised as follows:

- Benchmark Land Value - the assumptions used to reach the submitted BLV appear overly positive given the nature of these long vacant premises and also considering the amount originally paid for the site. We have sensitivity tested the influence of taking a different view on BLV, which we consider warrants some adjustment.
- Construction costs - An upper quartile build rate has been assumed. It was not considered unreasonable that an above average rate should be assumed, given the fairly positive view taken of sales values. However, it was noted that the upper quartile

build rate used is significantly above the median rate and this makes a significant difference to the build costs and viability outcomes (particularly given that a further 30% is added to the base build rate due to linked assumptions on external works, fees and contingency). Therefore, alternative sensitivity test using alternative rates was undertaken. We also recommend the Council verifies the remediation cost of £165,000 with the applicant – this has not been explained.

- Sales, marketing and legal costs - Overall, it is considered that the total of 3.5% GDV for sales, marketing and legal costs to be excessive and have applied 3% overall in our appraisal.
- Developer's Profit –the Council's consultants have tested the scheme at 17.5% GDV (compared to the submitted 20% GDV, although noting again that the submitted profit scope after the presented deficit was lower at c. 11.8% GDV so this test position also aims to explore a different mix of assumptions that could potentially better represent the viability outlook for a scheme that we assume will be progressed if permitted)

4.61 The Council's consultants have tested various build cost scenarios. Looking at the most likely scenario it was assumed that a rent of £7/ft² average for the showroom/workshop and a yield of 8%, which we still consider results in a fairly positive BLV assumption for a site which we understand has been out of use for some time, appears unlikely to continue in its former use, would have to compete with a range of properties (which are better located or purpose-built) and may need works to be undertaken to bring the site back into economic use.

4.62 It is the Council's consultant's view that the scheme viability is significantly more positive than the submitted position of a c. -£800,000 deficit, and it is considered that the scheme will be likely to prove capable of delivering a reasonable level of profit. Having said this, in our view the viability is marginal as assessed at this time which (as ME say) is largely due to the high value of the site in its existing use, with a fairly high build cost also being assumed to support the submitted values. The consultants agree that a policy compliant provision of affordable housing would not be supported by the scheme based on the available information, however they are unable to agree that a nil contribution is appropriate.

4.63 In the opinion of the Council's consultant, the available surplus is up to £268,000 but in any event not less than £142,000, drawn from the above. The inclusion of ground rental income would add a further £195,000 to the development value, resulting in a further surplus for affordable housing. It should be clarified that this review is based on current day costs and values assumptions as described above, based on the current scheme as submitted. The Council's consultants had taken into account a figure of £124,000 as Section 106 costs. These costs have now more than doubled as a result of negotiations and in particular due to revised financial requests from the County Council as education authority. On top of this it is highly likely that build costs will increase as a result of recent high increase in energy prices and the consequent cost of materials rising. Any marginal profit has therefore been potentially eroded. The scheme has also been revised to include houses which are likely to be freehold and will not generate any ground rent. Indeed, the tenures across the whole scheme are unclear at this stage and therefore the ground rental figure cannot be relied upon. All of these factors point to the scheme being very much in the balance from a viability point of view.

- 4.64 No viability appraisal or review can accurately reflect costs and values until a scheme is built and sold - this is the nature of the viability review process. In this sense, the applicant and their agents are in a similar position to us in estimating positions – it is not an exact science by any means, and opinions will usually vary.
- 4.65 As set out in the PPG, a balanced assessment of viability should consider the returns against risk for the developer and also the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission and the delivery of housing which is a key Government objective. As a result of this and recognising that affordable housing delivery is a key priority of the Council the applicant has agreed, notwithstanding the tight margins of this scheme, to an off-site affordable housing contribution equivalent to three on site affordable units (based on HCA subsidy figures for this financial year). This final figure will need to be calculated but will be close to £100,000 which when received can be spent on other affordable housing schemes across the District.
- 4.66 In conclusion on this issue, both existing (Policy 29A) and emerging local plan policies (Policy SP7) allow for economic viability to be taken into account when determining the provision of key infrastructure such as affordable housing. In this case it has been demonstrated that the delivery of this scheme would be likely to be unviable with any affordable housing on site but an off-site contribution of circa £100,000 has been agreed by the applicant. Members are advised that if this offer is rejected and permission is refused, a possible outcome would be for the applicant to win the appeal and convince an Inspector that even this contribution would not be viable and an Inspector could in these circumstances allow the appeal without any affordable housing contribution at all. There is always a balance in negotiation and given the clear and independently verified evidence of the viability of this scheme I feel an acceptable compromise has been reached in this instance.
- 4.67 **Ecology and biodiversity**
- 4.68 A Preliminary Ecological Assessment (PEA) has been submitted as part of the application. This has confirmed that the application site has negligible to low potential to support roosting bats and of low suitability for foraging and commuting bats and offers suitable nesting bird habitat. Mitigation measures are identified for these and other notable species (hedgehogs), which are of potential to be present but are not afforded the same level of protection.
- 4.69 The endoscope inspection recorded no evidence of bat roosting. Buildings 1,2 and 4 are considered to have negligible suitability to support roosting bats. Buildings 3 and 5 are assessed as having low suitability to support roosting bats. It is recommended that buildings 3 and 5 are demolished using soft demolition techniques pending relevant Health and Safety measures given the presence of asbestos. If bats are discovered during demolition, then work will cease and ACD contacted in the first instance until an appropriate Natural England licence is obtained.
- 4.70 If Buildings 3 and 5 and the hedgerow are to be cleared during the nesting bird season (March to August), a nesting bird check is to be undertaken immediately prior to demolition/removal.
- 4.71 There are no designated sites within or adjacent to the Application Site, the nearest designation is Purwell Meadows LNR and LWS and it is not anticipated to be impacted by the proposals.

- 4.72 Provided that the mitigation measures recommended within this report are adhered to the development will accord to current legislation for protected and notable species. Furthermore, provided that the enhancement measures within this report are undertaken, the development has the potential to provide a net gain in biodiversity and accord to the NPPF.
- 4.73 A biodiversity net gain has been achieved through the creation of new habitats on-site. This includes extensive landscaping including wildlife suitable trees and shrubs and hedgerows, and two green roofs. A gain in habitat units of 0.58 and a 11.55% gain in hedgerow units has been achieved. These results are dependent upon the successful implementation of our recommendations within the Calculator and this report. Providing the biodiversity net gains are secured in perpetuity through a suitable management and monitoring plan, the proposed development at Former Weston's Car Site, Cambridge Road, Hitchin, would be in accordance with Section 15 paragraph 174d of the NPPF.
- 4.74 **Energy and sustainability**
- 4.75 The application is supported by an outline Energy and Sustainability Statement. This sets out the strategy to minimise carbon emission and energy during the occupation of the development. This will comprise a (i) fabric first, (ii) energy recovery and (energy efficient services together with (iii) renewable and low carbon technology approach. The fabric first method proposes to minimise heat losses through construction methods. The energy recovery method seeks heating from the most efficient means, passive ventilation, optimal heating controls, maximum insulation and LED lighting. The renewable and low carbon method will seek to utilise the most appropriate technologies for heating purposes. Sustainable drainage systems, the use of green roofs and efficient water technologies are also proposed. Overall, this outline strategy is considered acceptable. A condition requiring specific details of the measures to be adopted for the development is both necessary and reasonable to deliver a sustainable development on the site.
- 4.76 **Planning obligation (S106)**
Draft Heads of Terms have been agreed with the applicant's agent and these comprise of the following –
- Affordable Housing – Off site commuted sum of approx. £100,000 (final amount to be updated at the Committee)
 - Primary Education (HCC) - Contribution of £90,893.00 (before indexation) towards the new 2FE primary school at the Highover Farm, Hitchin development (Strategic Housing Site HT1)
 - Secondary Education (HCC) - Contribution of £94,795.00 (before indexation) towards the expansion of The Priory School, Hitchin or a secondary school in Letchworth Garden City
 - Library Services (HCC) - Contribution of £2004.00 (before indexation) towards increasing the capacity of Hitchin Library
 - Youth Services (HCC) - Contribution of £1,395.00 (before indexation) towards increasing the capacity of Hitchin Young People's Centre or its future re-provision.

- Sustainable Transport Contributions / works (HCC) – Contribution towards the provision of the Hitchin Station Eastern access project of £46,679.00 (before indexing)
- Traffic Regulation Order (HCC) - Financial contribution of £4,000 towards the establishment of a Traffic Regulation Order in Hampden Road
- Play Sports Contribution (NHDC) - Contribution of £15,000.00 (before indexing) towards the replacement / enhancement of play equipment at the Walsworth Common play area
- NHDC Planning Obligations SPD Waste Collection & Recycling (NHDC) - Contribution based on NHDC Planning Obligations SPD (figures are before indexing):
- District Contributions:
 - £71 per house
 - £26 per flat with shared or no amenity space
- Open space/ landscape management and maintenance arrangements - Private management company to secure the provision and long-term maintenance of the open space/landscape area and any SuDs infrastructure
- Fire Hydrants (HCC) - Provision within the site in accordance with standard wording

4.77 **Other material considerations**

4.78 In response to third party objections and comments, the revised scheme now includes some family housing which satisfies housing mix policies in the emerging local plan. Concerns about hazardous substances on the site that might affect health during the construction phase is noted. This is a matter in part will be dealt with by the proposed land contamination conditions although this is primarily a matter for the Health and Safety Executive. The applicant's attention is drawn to this in the suggested informative note to be attached to the permission. Other concerns about the impact on existing boundary walls is also a matter for the applicant to address under other legislation - Party Wall Act.

4.79 **The Planning Balance**

The Local Planning Authority is not able to demonstrate a five-year housing land supply (as of 1st April 2021 this figure is 1.47 years supply). The delivery of housing in a sustainable location carries substantial weight in the planning balance.

4.80 Whilst some harm has been identified in relation to residential amenity to existing adjacent properties, this is considered to be low and less than substantial.

4.81 The proposal has been the subject of a number of improvement and changes to address some of the issues raised by third party consultees. The scheme will deliver economic and social benefits through the provision of additional housing and employment during construction as well as continued and improved use of local services and facilities. It is in a sustainable location with a variety of access and transport modes available linking it to local services. In terms of the environmental perspective, there is the potential to enhance the biodiversity of the site through a detailed landscape scheme and ecological mitigation measures. The development will

also incorporate sustainable technologies and be constructed to a high energy and water efficiency standard.

4.82 In this instance, the public benefit of the delivery of the proposed housing in a sustainable location outweighs the limited harm identified.

4.83 The proposed development is considered to comply with both the adopted and emerging local plan and the policies set out in the National Planning Policy Framework as a whole. Given that there is no significant harm to residential amenity which provide a clear reason for refusal the tilted balance as set out in paragraph 11 (d) of the Framework applies and accordingly planning permission should be granted.

4.84 **Conclusion**

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

4.85 **Alternative Options**

None applicable

4.86 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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 (i) a S106 agreement (ii) the following conditions and (iii) the resolution of the objection raised by the LLFA:

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. 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 and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

5. The side gable stairwell windows to plots 1 and 4 shall be obscure glazed and retained in perpetuity.

Reason: To protect the residential amenity of existing adjacent residents

6. The first and second floor stairwell and lobby windows to Block C shall be obscure glazed and retained in perpetuity.

Reason: to protect the residential amenity of existing adjacent residents.

7. Prior to the relevant phase of the development all Landscaping details shall be submitted to and approved in writing by the Local Planning Authority and should include a native species hedge to the Hampden Road frontage and have regard for the biodiversity appraisal recommendations. The development shall be carried out in accordance with the approved plans.

Reason: In the interests of visual amenity

8. Ecology mitigation measures as set out in the Preliminary Ecological Appraisal shall be provided as part of the development.

Reason: In the interests of biodiversity

9. Prior to the commencement of the development, a pre-construction energy and sustainability statement to be submitted to and approved in writing by the LPA. All measures set out shall be implemented in accordance with the approved plans.

Reason: To ensure that the development is energy efficient and minimises energy use.

10. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided at 5.5 metres wide and thereafter and shall be retained at

the position shown on the approved drawing number INLA190115 SL.01 revision B. 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.

11. Prior to the first occupation of the development hereby permitted the secondary access offset from Cambridge Road shall be reconfigured and thereafter shall be retained at the position shown on the approved drawing number INLA190115 SL.01 revision B any disused service access roads shall be closed and the surfacing shall be removed and reinstated to verge, the highway works in this location shall include an additional bus stop that is required to be placed along the south eastern side of the carriageway of Cambridge Road (north of Block D) as part of the application. The bus stop will need to be connected to the development's footways and provided with a hardstand, easy access kerbs and shelter as appropriate. The exact location of the bus stop and accommodating works such as additional footpath connection and road markings will need to be agreed in conjunction with appropriate parties these facilities shall meet accessibility standards and be constructed as in accordance with Roads in Hertfordshire Highway Design Guide. These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure satisfactory development to a suitable and safe standard in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments.(section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan.

12. The gradient of the vehicular accesses shall not exceed 1:20 for the first 12 metres 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).

13. No development shall commence until a Construction Traffic 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 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).

14. Before the development hereby permitted is commenced, details of the installation of a fire hydrant shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure there are adequate water supplies for use in the event of an emergency, and that all proposed blocks are covered.

15. Prior to occupation, the 24 designated parking spaces, shall each incorporate an Electric Vehicle (EV) ready domestic charging point. Additionally, visitor parking spaces shall also be required to incorporate an Electric Vehicle (EV) ready domestic charging point on a ratio of one per 10 visitor spaces.

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.

16. Prior to the first occupation of the dwellings, the applicant shall submit details of noise mitigation measures (glazing and ventilation) based on "The former Weston Cars Site, Cambridge Road, Environmental Noise Assessment", Report Reference E3037 Version 1.0, dated 26/5/21, by Entran Ltd for approval. Following approval, the measures shall be implemented on site and maintained thereafter.

Reason: To protect the residential amenity of future residents.

17. During the construction phase no construction 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.

- 18.
- (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report

pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (b), 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.

19. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

20. No development approved by this permission shall take place until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters.

21. Prior to their installation, details of any external lighting to the parking areas, walkways and access roads throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential 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.

Informative/s:

Environmental Health informatives:

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

Highway Informatives:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". 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/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

















Environment Agency advice :

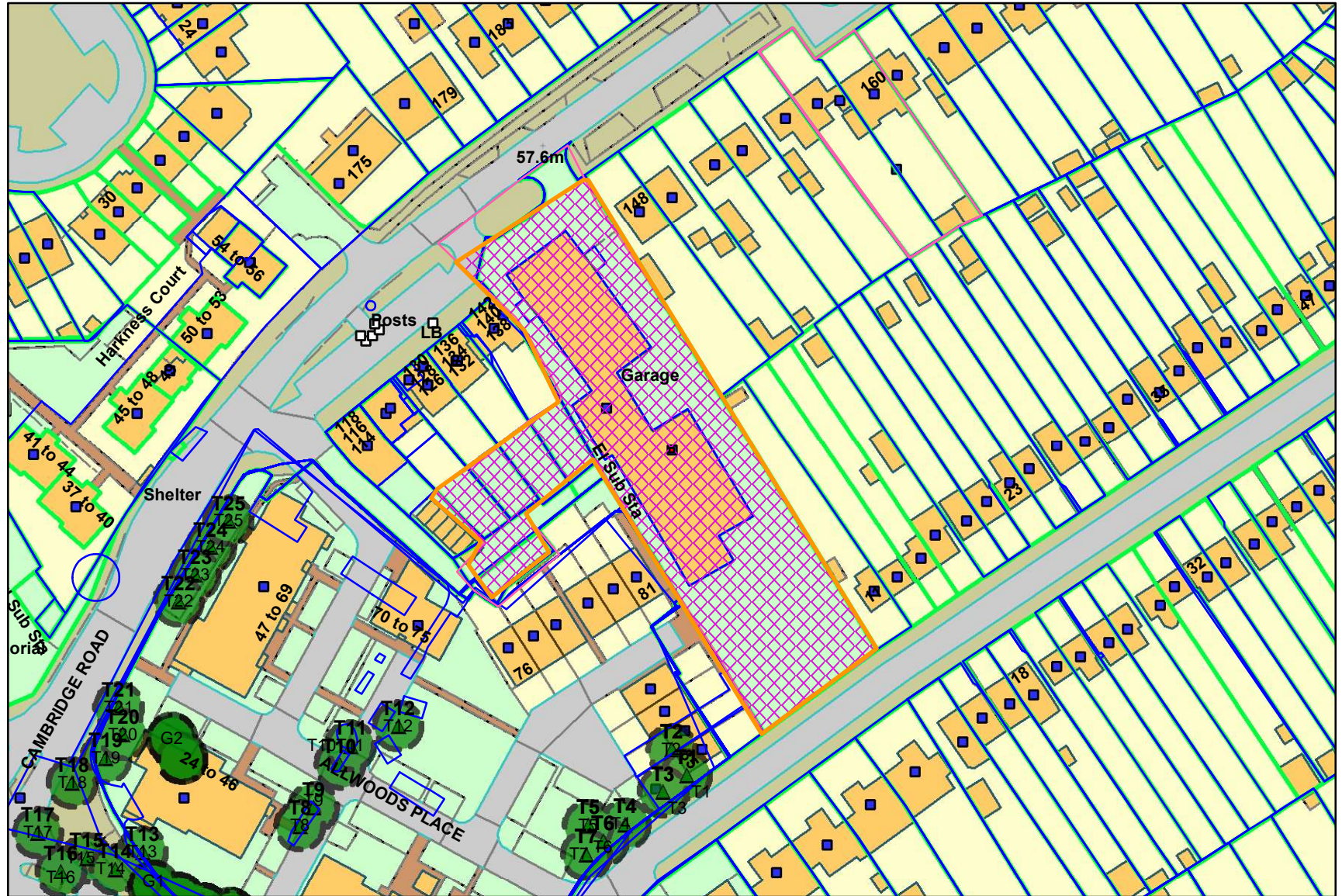
The applicants attention is drawn to the Environment Agency advice set out in the consultation response letter dated 13th July 2021.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

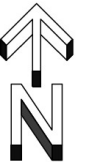
21/01834/FP Former Westons Car Site and Land Adjoining 114-142 Cambridge Road, Hitchin, Herts, SG4 0JJ

-  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
Prconrea.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



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Date: 06/04/2022

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<u>Location:</u>	131 Icknield Way Letchworth Garden City Hertfordshire SG6 4AD
<u>Applicant:</u>	Mrs Diane Joseph
<u>Proposal:</u>	Single storey rear extension
<u>Ref. No:</u>	22/00484/FPH
<u>Officer:</u>	Vicki Wood

Date of expiry of statutory period : 14.04.2022

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

LD503-E01 LD503-E02 LD503-E03 LD503-E04 LD503-P01A LD503-P02B
LD503-P03D LD503-P04A

1.0 **Policies**

2.0 **Site History**

None relevant.

3.0 **Representations**

3.1 **Neighbouring Notifications:**

None received to date.

3.2 **Parish Council / Statutory Consultees:**

LGCHF – Frist Stage Approval granted 4 February 2022.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The property is a detached bungalow on the south east side of Icknield Way in Letchworth.

4.2 **Proposal**

4.2.1 Single storey rear extension.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows

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

Design and Appearance:

- 4.3.2 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). In this regard, Policy 28 and 57 of the Current Local Plan and Policy D2 of the Emerging Local Plan is consistent with the NPPF.
- 4.3.3 The application seeks to construct a single storey rear extension to provide for additional living space and allow for an open plan kitchen, dining and lounge area.
- 4.3.4 The extension would have a depth of 4.7m which would be in line with the existing elevation to the south west and maintaining the existing 0.95m distance to the boundary with the neighbouring property 129 Icknield Way. The extension would have a width of 3.8m which would then step in by 1.0m to meet with the existing rear elevation wall. In terms of height, to eaves this would measure 2.2m and to ridge 4.7m. Openings would consist of a window and separate door with slot rooflight over leading into the garden with additional alterations including the formation of a window opening to the south west elevation towards 129 Icknield Way which would be to a bedroom and a further window opening to the north east elevation towards 133 Icknield Way which would be to the kitchen. These alterations would also see the existing rear lounge window replaced with French doors to the re-configured internal space, again leading into the garden.
- 4.3.5 The proposed design, seeks to reflect the existing build which in turn complements the dwelling. In view of this, I am satisfied that the proposed extension is sympathetic to the existing house in height, form, proportions, window details and materials.

Impact on Neighbouring Properties:

- 4.3.6 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.7 Given the existing boundary fencing to a height of 1.8m to the south east boundary and the mixed fencing and mature hedge planting also to a height of 1.8m, as well as the orientation of the dwelling, I do not consider there to be any detrimental impact on the amenity or wellbeing of the occupant(s) of neighbouring properties as a result of the proposed development.

Highways and Parking:

- 4.3.8 The proposed development does not include an increase in the number of bedrooms, therefore there would be no car parking issues arising from the proposed development.

Environmental Implications:

4.3.9 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Site Assessment:

4.3.10 The application has been assessed using photographs taken at the site visit alongside other available information taken from previous relevant planning history and Google Maps.

4.4 Conclusion

4.4.1 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.

4.5 Alternative Options

4.5.1 None applicable.

4.6 Pre-Commencement Conditions

4.6.1 None applicable.

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.

Proactive Statement:

















Planning permission has been granted for this proposal. Discussion with the

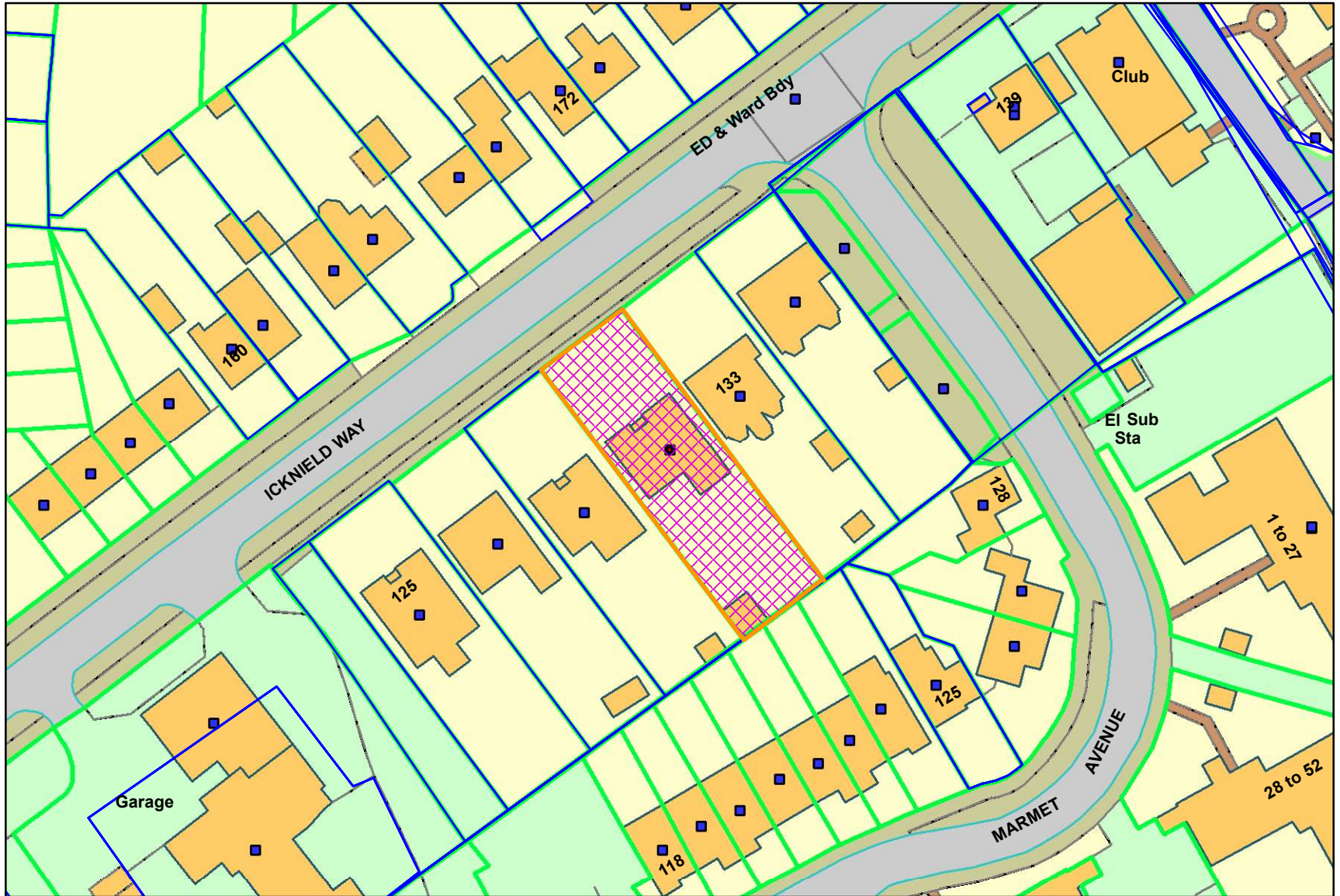
applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/00484/FPH 131 Ickniel Way, Letchworth Garden City, Hertfordshire, SG6 4AD

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Prapps99.shp
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ORACLE
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-  Parish Boundary
Prparish.shp
-  Conservation Area
Prcrea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnblt.shp
-  Health & Safety Consultation Zone
Prjnzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



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PLANNING CONTROL COMMITTEE

DATE: 20 April 2022

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Bly Developments Ltd	Erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access	Nup End Farm House Nup End Old Knebworth SG3 6QJ	20/02109/FP	Appeal Allowed on 18 March 2022	Committee	The Inspector stated that the proposed development can be considered to be physically and visually related to Old Knebworth, to comprise limited infilling in a village. Therefore, the construction of the proposed development in this location should not be considered to constitute inappropriate development in the Green Belt as it would comply with the exception at paragraph 149 e) of the Framework. Consequently, the Inspector concluded that the proposed development complies with the Green Belt aims of saved with Policy 2 (Green Belt) of the North Hertfordshire District Council Local Plan No. 2 with alterations 1996 and emerging Local Plan Policy SP5 (Countryside and Green Belt) and the requirements of the Framework. The Inspector also concluded that the site would represent a sustainable location for housing.
Mr B Mellor	Change of use of redundant agricultural building to one 3-bed residential unit with all	The Carriers Green End Sandon	20/01729/FP	Appeal Dismissed on	Delegated	The Inspector concluded that the proposal would conflict with Policies HE1 (Designated heritage assets),

	associated building works.	SG9 0RQ		22 March 2022		<p>SP1 (Sustainable development in North Hertfordshire), SP9 (Design and sustainability) and D1 (Sustainable design) of the Emerging Local Plan which encourage development to respect its surroundings and respond positively to local context, amongst other things. Policy HE1 seeks to conserve and preserve the significance of heritage assets and their setting. Policy SP5 (Countryside and Green Belt) states a general policy of restraint will be operated in Rural Areas beyond the Green Belt by the application of those detailed policies, amongst other things.</p> <p>The Inspector also stated that provision of a family sized house in such an area with no nearby facilities or services would conflict with the aims of Policies SP1 and SP6 (Sustainable transport) and the Framework, which seek to direct new housing to existing settlements and encourage sustainable modes of transport, amongst other things.</p>
Mr & Mrs N Conley	Change of use of amenity land to private residential garden including the erection of 2m high boundary wall.	8 Masfield Way Royston Hertfordshire SG8 5UU	21/02083/FP	Appeal Dismissed on 06 April 2022	Delegated	The Inspector concluded that the proposal would cause harm to the character and appearance of the area. It would conflict with Policy 57 (Residential Guidelines and

						<p>standards) of the North Hertfordshire District Council Local Plan No. 2 with alterations 1996. Amongst other things, this requires that such proposals must relate to that site's physical shape and existing features, the character of the surroundings and that the design of development should enhance the character of the area. This policy is still consistent with the National Planning Policy Framework's objective of achieving well-designed places and the proposal would also conflict with the design and character objectives of national planning policy.</p>
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PLANNING CONTROL COMMITTEE**DATE: 20 April 2022****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Marriott Land, Brian Homent And James Squier	17 March 2022	Permission in Principle: Erection of 9 dwellings replacement local community shop (Class F2 (a)) of 265sqm and associated access, parking, drainage and biodiversity/landscaping area.	Land East Of Picknage Road And Adjacent To 36 Picknage Road Barley	21/02973/PIP	Written Representations
Mr Okkes Ulgur	24 March 2022	Insertion of rooflights to existing front roofslope and flat roof dormer to existing rear roofslope to facilitate conversion of loftspace into habitable accommodation, insertion of first floor front elevation window and insertion of first floor window and bi-fold door to existing rear elevation	31 Trevor Road Hitchin SG4 9TA	21/02134/FPH	Written Representations

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Appeal Decision

Site visit made on 30 November 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/X1925/W/21/3274409

Nup End Farm House, Nup End, Old Knebworth SG3 6QJ

- 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 Mr W Bly of Bly Developments Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 20/2109/FP, dated 18 September 2020, was refused by notice dated 22 January 2021.
 - The development proposed is the erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access at Nup End Farm House, Nup End, Old Knebworth SG3 6QJ in accordance with application Ref: 20/2109/FP, dated 18 September 2020 and the plans submitted with it and subject to conditions in the attached schedule.

Preliminary Matters

2. For clarity, I have taken the name of the appellant from the appeal form as it is more precise.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework). The main parties have had an opportunity to comment on the significance of the changes.
4. The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (the emerging LP). Given the stage of preparation and the degree of consistency with the Framework, I attach significant weight to the emerging policies. Notwithstanding this, the starting point for determining this appeal remains the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (Saved DLP).
5. Saved DLP Policy 2 is broadly consistent with the Framework. However, saved DLP Policy 3 does not accurately reflect current national Green Belt policy and is consequently not consistent with the Framework. Therefore, I have not referred to saved DLP Policy 3 in the determination of this appeal and have instead used the wording from the Framework. Additionally, the Council has referred to emerging LP Policy D1 in its reason for refusal, but I do not consider this policy to be relevant to this appeal as it relates to sustainable design.

Main Issues

6. The main issues are:
 - i. whether the proposed development is inappropriate development in the Green Belt; and
 - ii. whether the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities.

Reasons

Inappropriate development in the Green Belt

7. Paragraph 149 of the Framework provides that the construction of new buildings should be regarded as inappropriate subject to exceptions. One exception to this is Paragraph 149 e) limited infilling in villages, which the appellant has referenced in his submission. The terms "limited" and "infilling" are not defined in the Framework. Additionally, in respect of limited infilling in villages as an exception, the definition of "village" is a matter of judgement as it is not defined within the Framework either.
8. My attention has also been drawn by the appellant to a judgment¹ (the judgment), which I have noted. I consider this to be relevant in the determination of this appeal, and form a material consideration, which I give significant weight. The judgment found, amongst other things, that the Inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village. Furthermore, it advised the physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development.
9. Additionally, the appellant has drawn my attention to a number of planning applications and a plethora of appeal decisions², which I have noted. Particular attention has been drawn by the appellant to the planning applications for a detached dwelling (20/02474/FP) and the conversion of a water tower (20/02911/FP). I consider both of these approved planning applications to form material considerations, in the determination of this appeal, as they are in the vicinity of the site. However, the site off Slip Lane is of particular relevance, as it was considered to form part of Old Knebworth and is in proximity of the proposed development.
10. Both parties acknowledge that the site is not located within a settlement boundary, and I note the dispute between the parties on whether the appeal site is located within Old Knebworth. The main area of Old Knebworth is located in a north-easterly direction of the site. The site is located within a number of properties, comprising residential and commercial uses. Whilst there are parcels of open land between the site and the main part of the village, the extent of the gaps in the built environment are not excessive.
11. Furthermore, parcels of open land are evident in other parts of Old Knebworth, and Park Lane has a continuous 30mph speed limit for the section of road that

¹ Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195 (09 February 2015)

² APP/X1925/W/21/3273701; APP/B1930/W/203265925; APP/B1930/W/203265926; APP/M1520/W/20/3246788; APP/A0665/W/3247387; APP/P2365/W/19/3235741; APP/P3040/W/19/3224712; APP/B5480/W/18/3200843; APP/P1940/W/17/3187494

runs past the site, continuing to, and then through the main area of Old Knebworth. There is little doubt to the existence of Nup End. However, due to a distinct lack of transition in the built environment, the site has a very close relationship with Old Knebworth as a settlement, forming part of its character as a village location. Additionally, as the site forms part of the Old Knebworth Conservation Area (the OKCA), this reinforces the synergy between the site and Old Knebworth, albeit not visually.

12. Whilst noting the concerns raised by CPRE Hertfordshire, I consider that having regard to the position and nature of the site, the proposed development can be considered to be physically and visually related to Old Knebworth, to comprise limited infilling in a village. Therefore, the construction of the proposed development in this location should not be considered to constitute inappropriate development in the Green Belt as it would comply with the exception at paragraph 149 e) of the Framework. Consequently, I conclude that the proposed development complies with the Green Belt aims of saved DLP Policy 2, emerging LP Policy SP5 and the requirements of the Framework.
13. As I have not found that Green Belt harm would arise in this case, it is not necessary to consider the effect of the proposed development on Green Belt openness. Additionally, the demonstration of very special circumstances is not required to make the proposed development acceptable.

Suitable location for housing

14. I do not consider the site to be isolated in the context of paragraph 80 of the Framework, given its proximity to other properties. Although, it would appear highly likely that future occupiers would be more reliant on the use of a private motor vehicle. I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that development in one village may support services in a village nearby. I also accept that the proposed development is unlikely to generate significant vehicle movements. Additionally, some services are present in the main area of Old Knebworth a short distance away, easily accessible through walking or cycling. A section of Park Lane forms part of the Great North Way (Route 12) cycleway (the GNW), which then travels along Old Knebworth Lane towards Stevenage. The GNW also travels along Slip Lane, leading to Rabley Heath and Codicote.
15. My attention has been drawn towards a local bus service (No's 44 and 45), where a bus stop is located a short distance from the site. I am informed that this service provides access to Luton and Stevenage, where a larger range of shops and services could be accessed. I have not been informed of any reliability issues of these bus services and therefore consider the site to have an alternative mode of transport to the private car. Although, I accept that the rural nature of the service is likely to result in some imitations. Nonetheless, I am satisfied that a variety of transport modes would be available to future occupiers to service their day-to-day requirements.
16. I find that the proposed development would accord with the overall sustainable development strategy aims of emerging LP Policy SP1. As Old Knebworth is listed as a Category B village and the proposed development amounts to limited infilling, the scheme accords with the settlement hierarchy aims of emerging LP Policy SP2. Furthermore, due to the above findings, the location of the proposed development accords with the sustainable transport aims of emerging LP Policy SP6 and the requirements of the Framework, particularly

paragraphs 79 and 105. Consequently, I conclude that the site would represent a sustainable location for housing.

Other Matters

17. There is agreement between the parties that the development is not considered to result in any harm to the significance of the heritage assets³. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
18. I have also had regard to Section 72 (1) of the Act, which sets out that in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. In both instances, I agree with the Council's observations and in the absence of substantive evidence to the contrary, I find that the proposed development would conserve the heritage assets in a manner appropriate to their significance, in line with the Framework.
19. Additionally, I have had regard to the concerns of local residents and Codicote Parish Council, including reference to living conditions (particularly overlooking and loss of privacy), character and appearance, waste and water drainage (utilities) and highways safety, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

20. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the Planning Practice Guidance.
21. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary. Materials and landscaping conditions are necessary in the interests of the character and appearance of the appeal site and surrounding area.
22. Pre-commencement conditions relating to the access / carriageway, Construction Traffic Management Plan are all reasonable and necessary in the interest of highway safety. A pre-commencement condition for a Construction Method Statement is reasonable and necessary in the interest of highway safety and the living conditions of neighbouring occupiers.
A pre-commencement condition is reasonable and necessary in relation to contamination and the interests of future occupiers.
23. A pre-occupation condition is reasonable and necessary for the installation of an electric vehicle charging point at all dwellings to ensure that alternative

³ The OKCA / Nup End Farm House, which is Grade II listed.

methods of travel are available to future occupants of the proposed development. A pre-occupation condition is reasonable and necessary surrounding the first 10 metres of the access for highway safety. Finally, a pre-occupation condition is reasonable and necessary surrounding the installation of obscure glazing in some of the proposed windows, to ensure that the living conditions of neighbouring occupiers are not harmed.

24. I have not included a condition to withdraw permitted development rights on the proposed development. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Permitted development is development for which the principle has already been granted by secondary legislation, and there are no restrictions for domestic extensions or development within the curtilage of a dwelling located within a Green Belt. In this instance, it would not be reasonable or necessary to impose such a condition restricting the future exercise of permitted development rights.

Planning Balance and Conclusion

25. The Framework does not change the statutory status of the development plan as the starting point for decision making and planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
26. I have concluded that the proposed development does not amount to inappropriate development in the Green Belt. There is also an absence of other harm arising from the scheme, including the location of the site with regards to its sustainability. Also, I have not found conflict with the requirements of the Framework. Therefore, I am also satisfied that subject to the imposition of appropriate conditions, there would be no harm with respect to any other matters.
27. The provision of what is likely to be family homes would generate additional social benefits. In addition, there would be economic benefits for the locality, both during the construction phase and resultant occupation of the dwellings. Furthermore, the proposed development would make a modest, but important contribution to the Council's 5-year housing land supply, where a supply of 1.47 years can only be demonstrated. Overall, I consider that there would be no adverse effects resulting from the proposed development that would significantly or demonstrably outweigh my findings on the main issues.
28. For the above reasons, I conclude the appeal should be allowed.

W Johnson

INSPECTOR

SCHEDULE OF CONDITIONS

Time limit

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

Approved drawings

2) The development hereby permitted shall be carried out in accordance with the following approved plans: BLYDNR-1-5-001A; BLYDNR-1-1-002A; BLYDNR-1-1-003B; BLYDNR-1-2-001A; BLYDNR-1-2-002A; BLYDNR-1-2-003A; BLYDNR-1-3-001A; BLYDNR-1-3-002A and BLYDNR-1-3-003A.

Pre-commencement

3) Prior to commencement of the approved development, details and / or samples of materials to be used on all external elevations of the development hereby permitted shall first be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) Prior to commencement of the approved development, the following landscape details shall first be submitted and approved in writing by the local planning authority:

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

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.

5) Prior to commencement of the approved development, detailed engineering drawings of all highway works must first be submitted to and approved in writing by the Highway Authority. Development shall be carried out in accordance with the approved details / samples.

6) Prior to commencement of the approved development, a Construction Traffic Management Plan must first be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The Construction Traffic Management Plan shall include construction vehicle numbers / routing. Thereafter, the construction of the proposed development shall only be carried out in accordance with the approved Plan.

7) Prior to the commencement of the approved development, a Construction Method Statement shall first be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:

a) Phasing plan for the work involving the new access.

- b) Operation times for construction vehicles.
- c) Construction and storage compounds (including areas designated for car parking).
- d) Siting and details of wheel washing facilities.
- e) Cable trenches.
- f) Foundation works.
- g) Substation/control building.
- h) Cleaning of site entrance and the adjacent public highways.
- i) Disposal of surplus materials.

8) Prior to the commencement of the approved development, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall be submitted to, and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

Pre-occupation

9) Prior to first use and occupation, each of the 3 proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point, which shall be maintained and retained for the life of the development.

10) Prior to first use and occupation, the development hereby permitted, proposed access must be re-constructed for the first 10 metres from the existing carriageway, where the gradient shall not be steeper than 1 in 20.

11) Prior to first use and occupation, the first-floor windows on the side elevations of the proposed dwellings on Plot B and Plot C shall be obscure glazed. Details of the type of obscured glazing shall first be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall then be retained and maintained for the life of the development.

****End of Schedule****

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Appeal Decision

Site visit made on 17 February 2022

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/X1925/W/21/3273490

The Carriers, Green End, Sandon, Buntingford, Hertfordshire SG9 0RQ

Grid Ref Easting: 533022, Grid Ref Northing: 233495

- 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 Mr Barry Mellor against the decision of North Hertfordshire District Council.
 - The application Ref 20/01729/FP, dated 3 August 2020, was refused by notice dated 27 October 2020.
 - The development proposed is 'change of use of redundant agricultural building to one 3-bed residential unit with all associated building works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development proposed for the banner heading above from the appeal form and the Council's decision notice, as this more clearly describes the whole of the development proposed compared to the description provided in the application form.
3. The Council's officer report advises that its adopted plan is out of date and the decision notice refers to the emerging North Hertfordshire Local Plan 2011-2031 (ELP). No information has been provided to explain the progress or current position of the ELP, but both of the main parties agree that it is at an advanced stage and as such, significant weight should be afforded to its policies.
4. There is a dispute between the parties as to whether the appeal building is located within the garden of The Carriers and whether it constitutes a redundant agricultural building. No certificates of lawfulness have been presented to confirm the lawfulness of any uses of land. The appeal building and the appeal site are of substantial size and did not appear to be used for purposes incidental to the enjoyment of the adjacent dwelling at The Carriers at the time of my visit, and nor did they appear to form part of its residential garden.
5. The appellant has referred to the appeal building as being erected with the benefit of a 1998 planning permission to replace several agricultural buildings and used for the keeping of livestock until 2001, following which it was used for the storage of agricultural equipment. I saw it appeared to be in use for the storage of what appeared to be agricultural equipment and in generally good

condition for such purposes. I have therefore assessed the appeal based on the description of development provided in the appeal form.

Main Issues

6. The main issues are: i) the effect of the proposed development on the character and appearance of the area, with particular regard to the setting of the Grade II listed building known as The Carriers; and ii) the sustainability of the proposed development, with particular regard to its location.

Reasons

Character and Appearance

7. The Carriers and the appeal site are located within the 'Rural Area beyond the Green Belt', as defined in the ELP, and form part of a collection of what appeared to be residential and agricultural buildings in the countryside settlement of Green End, south of the village of Sandon. The appeal site and its surroundings are rural in character and secluded from local services; bounded by open fields, with views of spacious properties.
8. The Carriers is a two storey Grade II listed building dating from the early nineteenth century, with a white stucco finish and hipped slate roof and a single storey rear extension clad in white weatherboarded timber. It is a large, handsome building in a spacious rural location, accompanied by a substantial modern annexe building to the front of the main dwelling.
9. The appeal site is an area of land to the rear of The Carriers and is accessible by an unmade track, referred to as 'Drovers Path' by the main parties, which runs adjacent to the southern boundary of The Carriers' garden. The appeal building is a substantial building too, with single and two storey elements, and is located within a large parcel of land which is separate from the garden of The Carriers by way of its boundary fencing and unkempt state and layout. The appeal site and the field within which it is located form part of the close surroundings of The Carriers and make a positive contribution to the rustic character and appearance of the area. The appeal site and the appeal building therefore form part of the setting of the listed building and the undeveloped nature of the appeal site makes a positive contribution to that setting.
10. A detailed assessment of the setting of the listed building and its significance has been carried out within the appellant's Heritage Statement¹ (HS). I concur with the HS that the principal (west) elevation is of high significance for the building's special architectural merit, while the side and rear elevations are of moderate and low significance respectively. The entrance to The Carriers and the rural nature of its setting are of high significance, but I do not agree with the HS's conclusion that the appeal building detracts from the significance of the listed building. Although the appeal building appears unmaintained, it has the presence of a functional rural building, typical for the area, rather than that of an uncharacteristic feature within the listed building's setting.
11. The appeal building is of a traditional agricultural style. Although it appears to be in the process of falling into a poor condition, it has a neutral impact upon the setting and significance of the listed building. The proposed development would necessitate very few external alterations to the appeal building, save for

¹ Heritage Statement by Elizabeth Mayle BA(Hons) MA IHBC dated July 2020

- the installation of new windows and doors, which would maintain the appeal building's neutral effect on the setting of the listed building.
12. Drovers Path leads to the appeal site from the unadopted highway which serves The Carriers and provides access to nearby agricultural fields. As a narrow, unmade track between a brook/ditch and the boundary of secluded properties leading to fields, it is a typical rural feature seen in views and experienced alongside the front and south side elevations of the listed building. As part of the listed building's setting, the undeveloped nature of Drovers Path makes a positive contribution to that setting of moderate to high significance.
 13. A short part of the western end of Drovers Path would be hard surfaced in concrete and finished with flint stones, and a new access point would be made to it from land currently forming the southeastern corner of The Carriers' garden. A GroundTrax CellPave driveway would lead across the open land to the rear of The Carriers to a parking area beyond the appeal building. The extent of the proposed access comprised of GroundTrax CellPave would be sympathetic to its secluded location and accompanied by planting, including the part which would be located within The Carriers' existing garden.
 14. Notwithstanding the general use of concrete for many farm tracks and entrances throughout the countryside, the concrete surfacing of the western end of Drovers Path would have a harmful effect on the rustic character and appearance of the area. This would be evident in views of The Carriers from its entrance and along Drovers Path and would harm how the listed building is experienced in its rural surroundings.
 15. A very small part of the concreted surface of Drovers Path would be finished with flint stones to match the existing driveway of The Carriers, but I disagree with the findings of the HS that this would be sufficient to ensure the setting of the listed building would not be harmed. The wider extent of the concreted access along Drovers Path and what would be a harsh, formal relationship with its surroundings, including the adjacent brook/ditch which may need associated bank repair or raising, would be a marked negative change to the existing pleasant rural characteristics of the narrow, unmade track.
 16. Planting is proposed around and along the boundaries of the appeal site. Although this would form an appropriate boundary between the access and The Carriers, it would not enhance its setting or mitigate the harm referred to above. The formalised planting proposed around the appeal building in particular would appear constrained and at odds with this countryside location.
 17. The proposal would therefore harm the rural character and appearance of the area on account of the proposed hard surfacing of part of Drovers Path, which would also harm the setting of the listed building at The Carriers. The level of harm which would be caused to the significance of the listed building would be 'less than substantial' as referred to by the Framework. The Framework advises that where less than substantial harm would be caused to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.
 18. I have been referred to a number of economic, environmental and social benefits which are claimed to be likely to result from the proposal, but few of these comprise meaningful public benefits. There would be an increase in demand for services in nearby villages and there would be some public benefit

from the provision of a family sized house. Safety improvements to a nearby culvert do not appear to be dependent on the proposal being granted. These would all be modest public benefits, even in the absence of a five-year housing land supply, which I shall address below, and would not outweigh the harm I have identified. There would be no enhancement of the setting of the listed building or the appeal site's surroundings and any proposed planting would fail to benefit the public in a meaningful way.

19. The proposal would conflict with Policies HE1, SP1, SP9 and D1 of the ELP, which encourage development to respect its surroundings and respond positively to local context, amongst other things. Policy HE1 seeks to conserve and preserve the significance of heritage assets and their setting. Policy SP5 states a general policy of restraint will be operated in Rural Areas beyond the Green Belt by the application of those detailed policies, amongst other things.

Sustainability

20. The appeal site is located in an area which is remote from services and facilities, and it is likely that future occupants of the proposed dwelling would be heavily reliant on private motor vehicle transport. The Framework supports sustainable patterns of development and Policy SP1 seeks to maintain the role of key settlements as the main focus for housing. Policy SP6 of the ELP encourages development which will enable sustainable journeys to be made to key services and facilities. The proposal would fail to respect these aims, but the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and there are other policies which would offer support for the proposal.
21. Policy CGB1 of the ELP supports development which relates to exiting rural buildings and Policy CGB4 supports the reuse of existing buildings which do not require major extension or reconstruction where the resultant building would not have a materially greater impact on the general policy aims of the Rural Area beyond the Green Belt, amongst other things. Paragraph 79 of the Framework promotes sustainable development in rural areas and states that where there are groups of smaller settlements, development in one village may support services in a nearby village.
22. There are some local facilities and services within Sandon, which are beyond what could reasonably be considered walking distance along country lanes without footpaths. The proposed dwelling would be isolated from those facilities and services and Paragraph 80 of the Framework advises that the development of isolated homes in the countryside should be avoided unless it would reuse redundant or disused buildings and enhance its immediate setting. This does not confirm the development of isolated homes is acceptable, but aside from whether the appeal building is redundant or disused, I have found the proposal would not enhance its immediate setting on account of the effect of the proposed access in my reasoning for the first main issue.
23. Although the proposal would receive support from Policies CGB1 and CGB4, these encourage the reuse of rural buildings in general, rather than offering any specific support for the provision of housing in the Rural Area beyond the Green Belt. The provision of a family sized house in such an area with no nearby facilities or services would conflict with the aims of Policies SP1 and SP6 and the Framework, which seek to direct new housing to existing settlements and encourage sustainable modes of transport, amongst other things.

Other Matters

24. The Council is unable to demonstrate a five year housing land supply, as required by the Framework. In cases such as this, the most important policies are deemed to be out of date and Paragraph 11(d)i states planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance, such as designated heritage assets, provides a clear reason for refusing the proposed development. I have identified less than substantial harm which would be caused to the significance of a listed building which would not be outweighed by public benefits.
25. Policies within the Framework encourage the conservation of heritage assets and their protection from harm, except where there is clear and convincing justification for that harm. I have not found any such justification and the application of those policies provides a clear reason for refusing the proposal. The presumption in favour of sustainable development where the most important development plan policies are deemed to be out-of-date, as referred to by Paragraph 11 of the Framework does not therefore apply in this instance.
26. I have also been referred to Paragraph 120(d) of the Framework which sets out, in the context of making effective use of land, that planning decisions should promote and support development of under-utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Although the appeal building may be redundant to the appellant's agricultural needs, I am not convinced that the land and building are under-utilised compared to how they have been used historically. Their claimed use for agricultural purposes would exclude them from comprising previously developed land, and in my opinion the support for a single dwelling offered by the Framework in this regard does not outweigh the harm I have identified.
27. The Council has claimed the proposal would fail to accord with Policy TP1 of the ELP, which appears to be a reference to Policy T1. This seeks to ensure development would not lead to unacceptable highway impacts, amongst other things. The Highway Authority did not raise an objection to the proposal and the Council has not demonstrated the proposal would create any such unacceptable impacts. I note concerns from interested parties relating to the shared use of Drovers Path by pedestrians; however, I am satisfied that there would be no unreasonable harm to highway safety resulting from shared use of the small portion of Drovers Path by vehicles associated with the proposed development in addition to agricultural vehicles and pedestrians accessing the fields beyond. Such vehicles would travel at low speeds and there would be good visibility for all users. I do not therefore find any conflict with Policy T1.

Conclusion

28. For the reasons given above I conclude that the proposal would fail to accord with the ELP and the Framework and there are no other material considerations that indicate planning permission should be granted. The appeal should therefore be dismissed.

L Douglas

INSPECTOR

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Appeal Decision

Site visit made on 25 February 2022

by Richard Aston DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2022

Appeal Ref: APP/X1925/W/21/3283346

8 Masefield Way, Royston SG8 5UU

- 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 Mr and Mrs Nick Conley against the decision of North Hertfordshire District Council.
 - The application Ref 21/02083/FP, dated 7 July 2021, was refused by notice dated 8 September 2021.
 - The development proposed is change of use of amenity land to private residential garden including the erection of a 2m high boundary wall.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered to that on the application form. I have used the description given on the appeal form and decision notice in the heading above because this more accurately describes the development applied for.
3. I have been referred to Policy NE1 of the Council's emerging local plan, but that plan is yet to be adopted and the Council have not provided any further update. It therefore carries little weight for my determination of this particular appeal. I visited the site in advance of the 24 March 2022 deadline for Final Comments to be made. No such comments have been received from either party and I did not consider it necessary to make a further visit.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The relevant area of land is a small, roughly square parcel of amenity land to the side of the host property, a detached dwelling located in a street and estate of similar properties. It contains soft landscaping that forms part of structural soft landscaping that separates Masefield with Thomas Way. In combination with a larger area of amenity land opposite, my observations were it was intended as an integral landscape feature in the layout and design of the estate, and it positively contributes to the appearance of the streetscene.

6. Brick walls enclosing the boundaries of properties are characteristic of the wider estate, but such brick walling would appear overly dominant in this prominent location. The combination of the siting, extent and increase in the height of the wall would unacceptably undermine the intended amenity function of the land and would harmfully diminish the positive contribution it currently makes. Its effects would not be mitigated by the retention of a tokenistic area of planting. In such a residential development where care and attention was clearly taken in creating a legible and visually attractive residential environment, the proposal would harmfully erode the character of the area and the appearance of the street scene.
7. In reaching this view I acknowledge the appellant's contention that the proposal would offer a safe, aesthetically pleasing, and practical maintenance free boundary. However, whilst it might well be more efficient for the appellant this would be at the expense of the quality of the wider residential environment. Whilst I have also been referred to considerations of vermin, pests, and rubbish I did not observe a particular problem at my visit, and this could be avoided with appropriate maintenance. There is no substantive evidence before me of any structural damage to the host property or anti-social behaviour.
8. Ownership of the land and whether it should have been originally included as private garden is not determinative as I have found that the land serves a clear purpose as amenity land. Moreover, it is clear from the evidence submitted with the application¹ and my own observations that works have been undertaken to the landscaping, including what appears to be excessive pruning, eroding the much greater positive contribution to the appearance of the street scene the landscaping previously made. With more appropriate maintenance I see no reason why this previous contribution could not be re-established, providing greater security and privacy to the rear garden.
9. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy 57 of the North Hertfordshire District Council Local Plan No. 2 with alterations 1996. Amongst other things, this requires that such proposals must relate to that site's physical shape and existing features, the character of the surroundings and that the design of development should enhance the character of the area. This policy is still consistent with the National Planning Policy Framework's ('the Framework') objective of achieving well-designed places and the proposal would also conflict with the design and character objectives of national planning policy.
10. Overall, the proposal would conflict with the development plan, when read as whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

¹ Site evaluation photographs on Page 2 of Planning Statement.